SUPPLEMENT NO. 8

INSERTION GUIDE

PLEASANTON MUNICIPAL CODE

July 2012

(Covering Ordinances through 2040)

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

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

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

Remove Pages	Insert Pages
Preface	Preface
TEXT	
41—42	41—42
99—100	99—100
103—104	103—104
115	115
121—126	121—122/126
229—232	229—232
247—250	247—249
259—264	259—264
424-1—424-5	424-1—424-6
511—512	511—512
555—562	555—562
629—632	629—632-1
673—676	673—676
739—744	739—744
STATUTORY REFERENCES	
SR-1—SR-6	SR-1—SR-6
TABLES	
PCT-35—PCT-36	PCT-35—PCT-36
ORD-23	ORD-23
INDEX	
IX-5—IX-6	IX-5—IX-6
IX-11—IX-12	IX-11—IX-12
IX-15—IX-16	IX-15—IX-16.1
IX-19—IX-20	IX-19—IX-20

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 8, July 2012, and includes Ordinance 2040, passed June 5, 2012.

Quality Code Publishing
8015 15th Avenue NW
Suite 1
Seattle, Washington 98117
1-800-328-4348
www.qcode.us

The Internet edition of this code can be found at: http://www.qcode.us/codes/pleasanton/

Chapter 2.32

PARKS AND RECREATION COMMISSION*

Sections:

* **Prior history:** Prior code §§ 1-3.23—1-3.30; Ords. 1418, 1507.

2.32.010 Commission created.

There is created a parks and recreation commission. (Ord. 1819 § 1, 2001)

2.32.020 Duties.

A. The parks and recreation commission shall advise the city council in matters related to city parks and recreational services.

B. The duties of the commission shall include the following:

1. Act in an advisory capacity to the city council in all matters pertaining to public parks and recreation, and to cooperate with other governmental agencies and civic groups in the advancement of sound recreation programming and park planning. The commission is jointly charged with the planning commission, to establish harmonious and effective relationships, as both of these bodies have designated functions of an interrelated nature in the area of recreation facilities as they relate to the general plan.

2. Formulate recommended policies regarding recreation services for consideration by the city council.

3. Advise the city council, regarding the development of recreation areas, facilities, programs and services.

4. Make periodic inventories of recreation services that exist or may be needed and interpret the needs of the public to the city council, and all other governmental agencies and civic groups as required.

5. To facilitate in every appropriate manner the establishment and maintenance of formal and informal cooperative relationships with all entities that have resources to promote local recreation services. Such entities may include, but not be exclusive of, public and private businesses and institutions; local, regional, state and national agencies; and private, public or quasi-public foundations, associations and corporations; all of which individually have either in part or total as their function the promotion and/or provision of some phase of recreation.

6. Take an active role as community leaders in soliciting from the general public the desires and wishes of the people, in making the needs for recreation facilities and programs known along with the best possible methods of achieving such.

7. Advise the city council, regarding the emphasis and priorities in the preparation of the annual recreation budget and a long-range capital improvement program. (Ord. 1819 § 1, 2001)

2.32.030 Membership; appointments.

A. The commission shall have five regular commissioners, and one alternate commissioner all of whom shall be residents of the city.

B. The five regular commissioners and the one alternate commissioner shall be selected from the community at large. The regular commissioners and alternate commissioner shall be appointed by the mayor, subject to the ratification by the city council, as provided in the adopted city council resolution establishing procedures for appointments to boards and commissions.

C. Commissioners shall be eligible to participate in all activities of the commission except that the alternate commissioner shall vote only in the event of an absence or conflict of interest of one of the regular commissioners.

D. The alternate commissioner may serve as a voting member on any subcommittee of the commission and may be designated as the commission's representative to other boards and commissions.

E. Commissioners shall be compensated as established by city council resolution. (Ord. 1819 § 1, 2001)

2.32.040 Term of membership.

A. Regular commissioners shall be eligible to serve a maximum of eight years with two four-year terms.

B. Alternate commissioners shall be eligible to serve four-year terms and are not subject to a limit in the number of years served.

C. The term of a commissioner shall be consistent with and subject to city council resolution concerning limiting service on boards and commissions. (Ord. 1819 § 1, 2001)

2.32.050 Maintenance of membership.

A. Persons appointed to the commission shall continue to serve as members of the commission except when:

1. The commissioner's term of office on the commission expires;

2. The commissioner voluntarily resigns from the commission;

3. The commissioner is absent from one-third of the regular meetings within a six-month period as provided in subsection C of this section;

4. The commissioner fails to maintain a primary residence in the city;

5. The commissioner is employed by the city in a capacity related to the duties of the commission.

B. The secretary of the commission shall inform the council when any of the above occurs.

C. The following procedures shall apply to termination of office as a result of absences from commission meetings:

1. At the end of each six-month period, the secretary of the commission shall report the attendance record of each member of the commission to the city manager, who shall transmit the record to the city council.

2. The city manager shall notify, in writing, any commissioner who has been absent from one-third or more of the regular meetings during the course of a six-month period and request that the commissioner submit, in writing, to the city council the reasons for the absences.

3. The city council shall determine if the commissioner's reasons for the absences were justified. If the city council determines that the reasons for the failure of the member to attend the meetings in question were not justified, the city council shall terminate the term of office of the commissioner and declare the office vacant.

4. If the city council declares such office vacant, the city clerk shall notify the commissioner that the commissioner's term has been officially terminated. (Ord. 1819 § 1, 2001)

2.32.060 Commissioner vacancies.

Vacancies on the commission shall be filled as provided in the city council resolution establishing procedures for appointments to city boards and commissions. (Ord. 1819 § 1, 2001)

2.32.070 Organization.

A. Commissioners shall meet in regular session and elect a chairperson and vice chairperson. The election shall be by a majority vote of the commission, to be held in December of each year. The term of service for these offices shall be one year, beginning in January of each year. No commissioner shall serve more than two consecutive full terms as chairperson or vice chairperson of the commission.

B. The commission shall conduct its meetings and business in accordance with the Pleasanton city council's adopted "rules and operating procedures," as said rules and procedures are amended from time to time.

C. The chairperson shall:

1. Preside at all meetings;

2. Appoint commissioners as needed to serve on subcommittees, ad hoc committees, and as representatives on other boards and commissions; and

3. Call special meetings.

D. The vice chairperson shall preside in the absence of the chairperson.

E. The city manager shall appoint a city employee to serve as staff liaison who shall also serve as secretary to the commission. The staff liaison/secretary to the commission shall keep true and accurate accounts of all action of the commission. (Ord. 2038 § 1, 2012; Ord. 1887 § 5, 2003; Ord. 1819 § 1, 2001)

2.32.080 Meetings.

A. Regular meetings shall be held on the second Thursday of each month at a time and place set by the commission. The commission may approve an alternate meeting date.

B. Special meetings may be called by the chairperson or by a majority of the commissioners, the city manager, and/or the city council, provided written notice is given 48 hours in advance of the special meeting to the following: each commissioner, local newspapers of general circulation, and anyone filing written request for notice with the city clerk. Notice of meetings shall comply in all respects with Section 54950 et seq., of the Government Code, known commonly as the Ralph M. Brown Act.

C. All meetings shall be open to the public and shall follow a prepared agenda. Minutes of all meetings shall be kept and filed with the city clerk.

D. Three commissioners need to be present to constitute a quorum and a vote to approve or deny shall only occur upon a majority vote of the commissioners present. (Ord. 1819 § 1, 2001)

Chapter 5.04

GENERAL PROVISIONS

Sections:

5.04.010 Definitions.

For the purposes of this title, certain words and terms used in this title are defined as follows:

A. "Business" means and includes professions, trades and occupations, and all and every kind of calling whether or not carried on for profit.

B. "City" means the city of Pleasanton, a municipal corporation of the state of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

C. "Collector" shall mean the department director responsible for management of the city business license activities or that director's authorized assistants.

D. "Developer/general contractor" shall mean any person who develops residential property or commercial property but shall not mean a general contractor hired by an owner-builder. A general contractor hired by an owner-builder shall mean any person hired by the owner-builder to build, remodel, or alter an owner-occupied residential or commercial property.

E. "Gross receipts" means and includes the total of amounts actually received or receivable from sales and the total amounts actually received or receivable for the performance of any act or service of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares, or merchandise. Included in "gross receipts" shall be all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. As to a developer/general contractor, "gross receipts" means and includes the sales price of real property. As to a general contractor hired by an owner-builder, "gross receipts" means and includes the value of the project. Excluded from "gross receipts" shall be the following:

1. Cash discounts allowed and taken on sales;

2. Credit allowed on property accepted as part of the purchase price and which property may later be sold;

3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

4. Such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit;

5. Amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those for whom collected, provided the agent or trustee has furnished the collector with the names and addresses of the others and the amounts paid to them;

6. That portion of gross receipts of a Pleasanton-based developer/general contractor, general contractor, or subcontractor which represents amounts received for the performance of any act or service outside of the city, provided said contractor shows proof of another jurisdiction's business license for such act or service during the same licensing period;

7. Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business shall not be excluded;

8. As to a real estate agent or broker, the sales price of real estate sold for the account of others except that portion which represents commission or other income to the agent or broker;

9. That portion of the receipts of a real estate business which represents payments to independent agents/brokers, provided the real estate business's owner/broker furnished the collector with the names and addresses of the independent agents/brokers and the amounts paid each. All independent agents/brokers not covered under the owner's license shall be required to be licensed under this title. However, at the owner/broker's option, a single license tax may be paid for each location provided the gross receipts of all brokers/agents at the location are reported and included in the computation of the license tax;

10. Rent received from a total of two residential dwelling units or less, including, but not limited to, houses, duplexes, apartments, motels, rooming houses, hotel rooms, trailer courts or mobilehomes. A "dwelling unit" means a room or suite of two or more rooms designed for or occupied by one or more persons, or a family, for living or sleeping purposes. If, however, there is ownership of more than two units of residential rental property, the owner is subject to the tax on gross receipts of all of the properties without any exclusion thereof;

11. As to a gasoline dealer, a portion of the gasoline dealer's receipts from the sale of motor vehicle fuels equal to the motor vehicle fuel license tax imposed by and previously paid under the provisions of Part 2 of

Division 2 of the Revenue and Taxation Code of the state;

12. As to a retail gasoline dealer, the special motor fuel tax imposed by Section 4041 of Title 26 of the United States Code if paid by the dealer or collected by the dealer from the consumer or purchaser;

13. As to California lottery ticket sales, the portion of the sales price allocated to the state.

F. "Non-revenue producing business" shall mean a business located in the city not intended to generate revenue but to provide support or services to other locations where the operations of the same business are conducted which lead more directly to the production of gross receipts. Examples include corporate headquarters, branch offices, research and development, management, administrative, technical or other types of support/services.

G. "Persons" include all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts business or common law trusts, societies and individuals transacting and carrying on any business in the city, other than as an employee.

H. "Sale" shall include the transfer, in any manner or by any means whatsoever of title to property for a consideration; the serving, supplying, furnishing for a consideration of any property; and a transaction whereby the possession of property is transferred and the seller retains the title as security for the payment of the price shall likewise be deemed a sale. The foregoing definitions shall be deemed to include any transaction which is or which, in effect, results in a sale within the contemplation of law.

I. "Start up company" shall mean a new business operating at a commercial location that has not yet generated sufficient revenue to cover operating expenses.

J. "Sworn statement" shall mean a declaration or certification made under penalty of perjury. (Ord. 2038 § 1, 2012; Ord. 1976 § 1, 2008; Ord. 1773 § 1, 1999; Ord. 1550 § 1, 1992; Ord. 1089 § 2, 1983; prior code § 1-5.15)

5.04.020 Purpose—Revenue and regulatory measure.

This title is enacted primarily to raise revenue for municipal purposes and the city does not review warrant or endorse its licensees as to character or quality of product. This title is also a regulatory measure in that the city will not issue a business license when the proposed business would violate zoning or other applicable city regulations. (Ord. 1083 § 1, 1983; prior code § 1-5.16)

5.04.030 Effect on other ordinances.

A. Persons required to pay a license tax for transacting and carrying on any business under this title shall not be relieved from the payment of any license tax for the privilege of doing such business required under any other ordinance of the city, and shall remain subject to the regulatory provisions of other ordinances.

B. No license issued pursuant to the provisions of this title shall be construed as authorizing the conduct or continuance of any illegal or unlawful business. (Prior code § 1-5.17)

F. The disclosure of general statistics regarding taxes collected on business done in the city;

G. The disclosure of information to the state of California Franchise Tax Board and any other information as legally required by the state. (Ord. 1976 § 4, 2008; Ord. 1550 § 3, 1992; Ord. 1083 § 2, 1983; prior code § 1-5.27)

5.08.060 Failure to file statement or corrected statement.

If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the collector he or she fails to file a corrected statement, or if any person subject to the tax imposed by this title fails to apply for a license, the collector may determine the amount of license tax due from such person by means of such information as he or she may be able to obtain and shall give written notice thereof to such person. (Prior code § 1-5.28)

5.08.070 Appeal.

Any person aggrieved by any decision of the collector with respect to the issuance or refusal to issue such license may appeal to the council by filing a notice of appeal with the clerk of the council within 15 days after receipt of written notice from the collector. The council shall thereupon fix a time and place for hearing such appeal. The clerk of the council shall give notice to such person of the time and of hearing by serving it personally or by depositing it in the United States Post office at Pleasanton, California, postage prepaid, addressed to such person at his or her last known address. The council shall have authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this title. (Prior code § 1-5.29)

5.08.080 Additional power of collector.

In addition to all other power conferred upon the collector, the collector or the collector's assistants shall have the power to extend the time for filing any required sworn statement or application for a period not to exceed 60 days, and in such cases to waive any penalty that would otherwise have accrued. (Ord. 1550 § 3, 1992; prior code § 1-5.30)

5.08.090 License nontransferable—Changed location and ownership.

No license issued pursuant to this title shall be transferable; provided, that where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may upon application therefor and paying a fee as outlined in the city's master fee schedule (on file in the office of the city clerk) have the license amended to authorize the transacting and carrying on of such business under said license at some other location to which the business is or is to be moved; provided further, that transfer, whether by sale or otherwise, to another person under such circumstances that the real or ultimate ownership after the transfer is substantially similar to the ownership existing before the transfer, shall not be prohibited by this section. For the purpose of this section, stockholders, bondholders, partnerships, or other persons holding an interest in a corporation or other entity herein defined to be a person are regarded as having the real or ultimate ownership of such corporation or other entity. (Ord. 1550 § 3, 1992; prior code § 1-5.31)

5.08.100 Duplicate license.

The collector may issue a duplicate license to replace the current year's license previously issued if the licensee files a statement stating that the original license has been lost or destroyed and, at the time of the filing of such statement, the licensee pays a duplicate license fee as provided in the city's current schedule of fees and charges. (Ord. 1976 § 5, 2008; Ord. 1550 § 3, 1992; prior code § 1-5.32)

5.08.110 Posting.

A. Any licensee transacting and carrying on business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where such business is carried on.

B. Any licensee transacting and carrying on business but not operating at a fixed place of business in the city shall keep the license upon his or her person at all times while transacting and carrying on the business for which it is issued.

C. Any licensee transacting and carrying on business, but not operating at a fixed place of business in the city, shall keep the original license upon the licensee's person at all times while transacting and carrying on the business for which the license has been issued. (Ord. 1976 § 6, 2008; prior code § 1-5.33)

Chapter 5.12

LICENSE AND TAX PAYMENT

Sections:

5.12.010 Required.

A. There are imposed upon the businesses speeified in this title license taxes in the amounts prescribed in this title. It is unlawful for any person to transact and earry on any business in the city without first having procured a license from said city so to do and paying the tax hereinafter prescribed or without complying with any and all applicable provisions of this title.

B. This section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirement conflicts with applicable statutes of the United States or of the state. (Ord. 1550 § 4, 1992; prior code § 1-5.18)

5.12.020 Branch establishments.

A separate license must be obtained for each branch establishment or location of the business transacted and carried on and for each separate type of business at the same location, and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license; provided, however, that if a separate business income tax return is filed for a particular business, it shall, for purposes of this section, be conclusively presumed to be a separate business for which a separate license is required. (Prior code § 1-5.19)

5.12.030 Evidence of doing business.

When any person: (A) by the use of signs, circulars, cards, telephone books, internet or newspapers, advertise, hold out or represent that the person is conducting business in the city; (B) holds an active license or permits issued by a governmental agency indicating that the person is conducting business in the city; or (C) makes a sale, takes an order, delivers goods as a private carrier to any destination within the city, renders a commercial service or performs any similar act within the city, such facts shall be considered prima facie evidence that the person is conducting business in the city. This includes, but is not limited to, persons who use a Pleasanton address for licensing by federal, state or other public agencies, even if business is done off-site out of Pleasanton. (Ord. 2038 § 1, 2012; Ord. 1976 § 7, 2008; Ord. 1773 § 1, 1999; Ord. 1550 § 4, 1992; Ord. 1093 § 1, 1983; prior code § 1-5.20)

Title 6

SPECIFIC BUSINESS REGULATIONS

Chapters:

Chapter 6.18

MEDICAL MARIJUANA DISPENSARIES

Sections:

6.18.010 Definitions.

As used in this chapter, the following terms shall be ascribed the following meanings:

A. "Medical marijuana" means marijuana in compliance with California Health and Safety Code Sections 11362.5 et seq.

B. "Medical marijuana dispensary" means any facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to one or more of the following: a qualified patient, a person with an identification card, or a primary caregiver, in accordance with California Health and Safety Code Section 11362.5 et seq., as amended.

A medical marijuana dispensary shall not include the following uses, so long as such uses comply with this code, California Health and Safety Code Section 11362.5 et seq., as amended, and other applicable law:

1. A clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code, as amended;

2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code, as amended;

3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code, as amended;

4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code, as amended;

5. A hospice or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code, as amended.

C. "Person with an identification card" shall have the meaning given that term by California Health and Safety Code Section 11362.7, as amended.

D. "Primary caregiver" shall have the meaning given that term by California Health and Safety Code Section 11362.7, as amended.

E. "Qualified patient" shall have the meaning given that term by California Health and Safety Code Section 11362.7, as amended. (Ord. 1955 § 1, 2007)

6.18.020 Operation of medical marijuana dispensaries prohibited.

No person shall operate or permit to be operated a medical marijuana dispensary in or upon any premises in the city. (Ord. 1955 § 1, 2007)

6.18.030 Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this chapter shall be punished by a fine of not more than $1,000.00 or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person and shall be punished accordingly. (Ord. 1955 § 1, 2007)

Chapter 6.20

HORSERACING LICENSE FEE

Section:

6.20.010 Designated.

The city elects to receive one-third of one percent of the total parimutuel wagers placed within the enclosure of the Alameda County Agricultural Fair Association racing events. (Ord. 1201 § 1, 1985)

Chapter 9.04

NOISE REGULATIONS

Sections:

9.04.010 Declaration of policy.

It is declared to be the policy of the city that the peace, health, safety and welfare of the citizens of the city require protection from excessive, unnecessary and unreasonable noises from any and all sources in the community. It is the intention of the city council to control the adverse effect of such noise sources on the citizens under any condition of use, especially those conditions of use which have the most severe impact upon any person. (Prior code § 4-9.01)

9.04.020 Definitions.

For the purposes of this chapter, certain terms are defined as follows:

A. "Emergencies" mean essential activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm; work by private or public utilities when restoring utility service or such routine testing or standby equipment as may be necessary to assure reliability in the event of emergencies.

B. "Noise level" means the maximum continuous sound level or repetitive peak level produced by a source or group of sources as measured with a precision sound level meter using the "A" weighting scale, and the meter response function set to "slow."

C. "Person" means any individual, or other entity including, but not limited to, a partnership, association or corporation.

D. "Property plane" means a vertical plane including the property line which determines the property boundaries in space.

E. "Sound level" is expressed in decibels (dB), which is a logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard S1.1, "Acoustic Terminology," paragraph Z.9, or successor reference. All references to dB in this chapter utilize the A-level weighting scale, abbreviated dBA, measured as set forth in this section.

F. "Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for Type S2A meters in American National Standards Institute specifications for sound level meters, S1.4-1971, or the most recent revision thereof.

G. "Vehicle" means any device by which any person or property may be propelled, moved or drawn upon a highway or street. (Prior code § 4-9.02)

9.04.030 Noise limits—Residential property.

A. Residential Property. No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on residential property, noise level in excess of 60 dBA at any point outside of the property plane, unless otherwise provided in this chapter.

B. Multifamily Residential Property. No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on multi-family residential property, a noise level in any dwelling unit in excess of 60 dBA except within the dwelling unit in which the noise source or sources originate. For purposes of this section, measurement of the noise level shall be taken at least four feet from any wall, floor or ceiling inside any dwelling unit on the same property with the windows and doors of the dwelling unit closed.

C. Distribution Transformers. The noise levels from distribution transformers on private property shall be measured at a distance of 25 feet or from the nearest

residential structure, whichever is shorter. (Ord. 1880, 2003; prior code § 4-9.03)

9.04.035 Noise limits—Commercial or industrial use adjacent to residential zone.

Any business establishment which is located within 300 feet from any residential zone and which remains open for business at any time between the hours of 10:00 p.m. and 6:00 a.m. shall adhere to the following standards of performance:

A. The noise level produced on the business premises between the hours of 10:00 p.m. and 6:00 a.m. shall not exceed the residential noise standard at the property plane between the residential zoning district and the commercial zoning district.

B. In the case of a business establishment which: (1) serves alcohol, (2) is located within 300 feet from a residential zoning district, and (3) is open for business between the hours of 10:00 p.m. and 6:00 a.m., the business owner and/or agent in charge shall arrange for responsible agents to patrol the parking lot and take reasonable actions neeessary to inhibit loitering, shouting, fighting, revving of vehicle engines, the rapid acceleration of vehicles and other activities which would disturb the peace of a residential neighborhood.

C. No trash shall be dumped outside of the enclosed building area between the hours of 10:00 p.m. and 6:00 a.m. In the alternative, a business which finds it necessary or convenient to dump trash between 10:00 p.m. and 6:00 a.m. may demonstrate pursuant to Section 9.04.110 of this chapter that sound levels from dumping trash are insignificant or have been adequately mitigated. This subsection does not prohibit regularly scheduled pick up of trash by commercial garbage companies.

D. The person in charge of a business premises, whether that person is an owner, employee, agent or contractor, shall be responsible to assure compliance with subsections A through C of this section.

E. The owner of each business subject to this section shall be responsible to inform his or her managers, employees, agents and contractors of the requirements of this section. (Ord. 1341 § 1, 1987)

9.04.040 Noise limits—Commercial property.

No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on commercial property, a noise level in excess of 70 dBA at any point outside of the property plane, unless otherwise provided in this chapter. (Ord. 1880, 2003; prior code § 4-9.04)

9.04.045 Leaf blowers.

A. Weekdays.

1. On Monday through Friday, no person shall operate a motor powered leaf blower between the hours of 10:00 p.m. and 6:00 a.m.

2. On Monday through Friday, between the hours of 6:00 a.m. and 8:00 a.m. no person shall operate a motor powered leaf blower unless the city has determined that the model in use cannot generate greater than 73 dBA at 50 feet. The Echo PB4500 leaf blower has been determined to generate less than 73 dBA at full throttle at 50 feet.

B. Saturday, Sunday and Holidays.

1. On Saturday, Sunday and holidays, no person shall operate a motor powered leaf blower between the hours of 10:00 p.m. to 7:00 a.m.

2. On Saturday, Sunday and holidays, between the hours of 7:00 a.m. to 8:00 a.m. no person shall operate a motor powered leaf blower unless the city has determined that the model in use cannot generate greater than 73 dBA at 50 feet. The Eeho PB4500 leaf blower has been determined to generate less than 73 dBA at full throttle at 50 feet.

C. Business Parks. Notwithstanding any other provision of this section, motor powered leaf blowers may be operated at any time within the area bounded by I-580 on the north, Foothill Road and Hopyard Road on the west, Santa Rita Road on the east, and Stoneridge Drive (between Foothill and Hopyard Road) and Arroyo Mocho boundary on the south and also the two business parks commonly referred to as Koll center and valley business park. However, this subsection shall not be effective for those portions of the areas described above which are within 300 feet of a residenee. (Ord. 1384 § 1, 1988; Ord. 1356 § 1, 1988)

9.04.050 Noise limits—Industrial property.

No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same on industrial property, a noise level in excess of 75 dBA at any point outside of the property plane, unless otherwise provided in this chapter. (Ord. 1880, 2003; prior code § 4-9.05)

9.04.060 Noise limits—Public property.

A. Residential Area. No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on public property in any residential area, a noise level in excess of 60 dBA at a distance of 25 feet or more from the noise source or sources, unless otherwise provided in this chapter.

B. Commercial Area. No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on public property in any commercial area, a noise level in excess of 70 dBA at a distance of 25 feet or more from the noise source or sources, unless otherwise provided in this chapter.

C. Industrial Areas. No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on public property in any industrial area, a noise level in excess of 75 dBA at a distance of 25 feet or more from the noise source or sources, unless otherwise provided in this chapter.

D. Special Events. Any community activity, sporting event, or special event occurring at the Alameda County fairgrounds, upon any public school grounds, or at any city parks or streets is exempt from the provisions of this chapter, provided that the event has been approved by the appropriate fair association official, school official or city department or city council.

E. Warning Devices. Vehicle horns, or other devices primarily intended to create a loud noise for warning purposes, shall be used only when a situation endangering life, health, or property is imminent. (Prior code § 4-9.06)

9.04.070 Daytime exceptions.

Any noise which does not produce a noise level exceeding 70 dBA at a distance of 25 feet under its most noisy condition of use shall be exempt from the provisions of Sections 9.04.030, 9.04.040 and 9.04.060(A) of this chapter between the hours of 8:00 a.m. and 8:00 p.m. daily, except Sundays and holidays, when the exemption herein shall apply between 10:00 a.m. and 6:00 p.m. (Prior code § 4-9.07(a))

9.04.072 Electricity generators, fuel cells, and wind energy facilities.

Electricity generators, fuel cells, and wind energy facilities, including small, medium, and large electricity generators, and small, medium, and large fuel cell facilities, but not including emergency standby electricity generators, fuel cells, and batteries as defined in Chapter 18.08 of this code, shall not exceed a noise level in excess of 45 dBA at any point on any residentially zoned property outside of the property plane where the electricity generator, fuel cell, or wind energy facilities are located. (Ord. 1880, 2003)

9.04.074 Skateboard ramps.

The city council finds and declares as follows:

A. Skateboard ramps (as defined in Title 18 of this code) are a source of noise which must be regulated; and

B. Skateboard ramps, if built to regulations consistent with safety and noise dampening standards, will be permitted; and

C. The community development department shall be authorized to promulgate regulations consistent with purposes of safety and noise considerations of this code, subject to approval by the city council; and

D. If any skateboard ramp complies with the promulgated regulations concerning skateboard ramp construction, skateboard ramps will be permitted to be used during specified hours, except on Sundays when use of skateboard ramps shall be prohibited, and exempt from this chapter, subject to the city's zoning ordinance, Chapter 18.120, "Nonconforming Uses", of this code. (Ord. 2000 § 1, 2009; Ord. 1273 § 1, 1986)

9.04.076 Skateboard ramp—Time of operation.

If skateboard ramps are built to regulations specified in Section 9.04.074(C) of this chapter, skateboard ramps shall be exempt from noise regulation ordinance Sections 9.04.030, 9.04.040 and 9.04.060(A) of this chapter and will be permitted to operate between the hours of 10:00 a.m. and 4:00 p.m. except on Sunday, and between 7:00 p.m. and 8:00 p.m. except on Sunday, when no skateboard ramp shall be used. No skateboard ramp shall be used for skateboarding between the hours of 4:00 p.m. and 7:00 p.m., or between the hours of 8:00 p.m. and 10:00 a.m., and all day on Sunday. (Ord. 1273 § 1, 1986)

9.04.078 Pool equipment.

A. Pool equipment shall be operated in compliance with the noise limits as specified in this chapter based on where the pool equipment is located (i.e., residential property, commercial property, industrial property, etc.).

B. Pool equipment shall be field tested under operating conditions by the administrative authority for noise limit compliance prior to final approval of pool installation. Testing shall be by a sound level meter as defined in this chapter.

C. Where pool equipment noise limit compliance is not achieved, said equipment shall be relocated, otherwise adjusted/altered, or an enclosure for noise attenuation installed to achieve compliance prior to final approval of pool installation by the administrative authority.

D. Noise attenuation enclosures shall be designed and constructed utilizing standards established by

the administrative authority. Such standards shall include, but shall not be limited to, insulation material, requirements for venting and circulation, and accessibility for equipment maintenance. (Ord. 2038 § 1, 2012)

9.04.080 Safety devices.

Aural warning devices which are required by law to protect the health, safety and welfare of the community shall not produce a noise level more than three dBA above the standard or minimum level stipulated by law. (Prior code § 4-9.07(b))

9.04.090 Emergencies.

Emergencies and the testing of associated utility standby equipment are exempt from this chapter. (Prior code § 4-9.07(c))

9.04.100 Construction.

Notwithstanding any other provision of this chapter, between the hours of 8:00 a.m. and 8:00 p.m. daily, except Sunday and holidays, when the exemption shall apply between 10:00 a.m. and 6:00 p.m., construction, alteration or repair activities which are authorized by a valid city permit shall be allowed if they meet at least one of the following noise limitations:

A. No individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to 25 feet from the equipment as possible; or

B. The noise level at any point outside of the property plane of the project shall not exceed 86 dBA. (Prior code § 4-9.07(d))

9.04.110 Exception permit.

If the applicant can show to the city manager or his or her designee that a diligent investigation of available noise abatement techniques indicates that immediate compliance with the requirements of this chapter would be impractical or unreasonable, a permit to allow exemption from the provisions contained in all or a portion of this chapter may be issued, with appropriate conditions to minimize the public detriment caused by such exceptions. Any such permit shall be of as short duration as possible up to six months, but renewable upon a showing of good cause, and shall be conditioned by a schedule for compliance and details of methods therefor in appropriate cases. Any person aggrieved with the decision of the city manager or his or her designee may appeal to the city council. (Prior code § 4-9.08)

Chapter 9.20

GARBAGE

Sections:

9.20.010 Definitions.

As used in this chapter, the following words shall have the meanings given in this section:

A. "Commercial unit" means any occupied premises specifically utilized for the purpose of engaging in commercial activity as defined in Chapter 18.44 of this code.

B. "Industrial unit" means any occupied premises specifically utilized for the purpose of engaging in industrial activity as defined in Chapter 18.48 of this code.

C. "Recyclable waste material" means discarded materials such as, but not limited to, newspapers, mixed paper, cardboard, glass, plastics, metal cans, and metals which are separated from other garbage or refuse for the purpose of recycling.

D. "Recycling" means the process of collecting and turning used products into new products by reprocessing or remanufaeturing them.

E. "Refuse" means all putrescible and nonputrescible, combustible and noncombustible solid wastes, including, but not limited to, animal and vegetable waste resulting from the preparation, cooking and consumption of food, garbage, rubbish, ashes, street cleaning, dead animals, solid market and industrial waste, paper wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

F. "Residential unit" means any occupied premises having bathroom or toilet, and kitchen plumbing facilities, suitable for residential occupancy by a number of persons living together as a single family, including single-family dwellings, and each group of occupied rooms constituting living quarters for a single family in any duplex, triplex, apartment, court or other multiple dwelling structure, by excluding any living or sleeping quarters in hotels, apartments, rooming houses, motels or auto courts where kitchen facilities are not provided. (Ord. 2019 § 1, 2011; prior code § 4-4.04)

9.20.020 General provisions.

Each and every "residential unit," "commercial unit" and "industrial unit," as defined in Section 9.20.010 of this chapter, shall have garbage service by the refuse collector of the city. To provide such service, the city may grant a franchise for the exclusive right to collect, transport and dispose of refuse produced and accumulated within the limits of the city as provided in this chapter. (Prior code § 4-4.05)

9.20.030 Refuse service.

A. The city manager, or the community development director, shall cause all buildings or structures specified in Section 9.20.020 of this chapter within the corporate limits of the city to be visited from time to time, and the sanitary condition of the buildings or structures examined to determine whether the provisions of this chapter are complied with. Upon notification by a duly authorized representative of the city, all persons, including the refuse collector, shall comply with the provisions of this chapter or be deemed guilty of a misdemeanor.

B. In all cases of disputes or complaints concerning reeeptacles for refuse and the place where they are awaiting removal of their contents, the quantities to be removed, the number of times of removal, and the rates charged, the city manager or the community development director, or their duly authorized agent, shall designate the place, quantity, time, manner and rates for such removal, and his or her decision shall be final.

C. It is unlawful for any person to in any manner interfere with the collection, removal or disposal of refuse by the authorized refuse colleetor.

D. No person, firm or corporation shall dump, place or bury in any lot, land, street, alley or other public place, or in any waterway or elsewhere in the corporate limits, any garbage, trash, rubbish, manure or waste matter condemned by the city manager or community development director.

E. No refuse shall be burned within the city limits unless such burning complies with the then existing ordinance of the city which regulates such burning. (Ord. 2000 § 1, 2009; prior code § 4-4.06)

9.20.040 Private permits for garbage removal.

Every owner or person in possession of any building or structure for which garbage removal is required, shall have the right to remove the same, but it is unlawful for any person to regularly remove garbage from more than one residential unit. No person other than the refuse collector of the city shall regularly move any garbage over any of the streets of the city without obtaining a permit to do so. Such permits shall be issued by the city clerk, on application therefor, and on payment of the sum of five dollars covering one calendar year beginning January 1st. Permits issued after January 1st shall be issued for a pro-rata charge for the unexpired part of the year. (Prior code § 4-4.07)

9.20.045 Third party removal prohibited.

It is a violation of this chapter for any person, except the person with the refuse collection contract with the city, to remove refuse or recyclable waste material from any location within the city for a fee or payment. Excepted from this prohibition is: (A) a donation of recyclable waste materials when no fee is paid for removal of such materials; and (B) a contractor which removes refuse or recyclable waste material using the contractor's own employees from a project site where the waste or recyclable waste material was generated by that contractor. (Ord. 2038 § 1, 2012)

9.20.050 Refuse—Preparation.

The city shall require each and every person in possession, charge or control of any residential unit or commercial facility where refuse collection is required, to keep or cause to be kept, all refuse in suitable and sufficient watertight cans or receptacles. These receptacles shall be sufficiently adequate to contain the amount of garbage and waste matter ordinarily accumulating during the intervals between collections. Such cans or receptacles in the case of residential units shall be not more than the standard 30-gallon capacity. All refuse shall be placed in said cans, unless otherwise provided by ordinance, agreement or resolution. Receptacles shall be required to be kept in a sanitary condition by the owner and shall be covered to prevent access of flies to the contents thereof. (Prior code § 4-4.08)

9.20.060 Refuse—Collection.

A. The city may make such regulations concerning the number and manner of collections of refuse as it may deem necessary to carry out the provisions of this chapter, but in no case shall collection services less than once a week be permitted.

B. Time of collection shall be according to a schedule prepared by collector and approved by the city. (Prior code § 4-4.09)

9.20.070 Refuse—Removal.

A. Refuse collected in the city shall be hauled in all-steel-body motor trucks, and taken to the dump in such a manner as not to be offensive or filthy to any person, place, building or highway. The truck bodies shall be constructed of sufficient strength to withstand fire within, without endangering adjacent property. Such bodies shall be washed at least once a week, shall be kept well-painted, and otherwise appear as neat as possible under the circumstances. All refuse in the truck shall be completely covered with suitable covering when hauling refuse between points of collection and place of disposal.

B. The name of the refuse collector, together with his or her address and telephone number, and truck number, shall appear on the side of the trucks in letters not smaller than six inches high. (Prior code § 4-4.10)

9.20.080 Refuse—Disposal.

A. The refuse collector shall dispose of all refuse outside of the city limits by fill and cover method in a place and manner that shall not be a nuisance to the inhabitants nearby, or objectionable in any way to the city council. The place and manner of such disposal must also have the approval of the county health officer and the State Board of Health.

B. Garbage may be fed to chickens and animals on the premises where such garbage is produced, provided that said premises are always kept in a sanitary condition to the satisfaction of the city, and provided further, that the keeping and feeding of such chickens and animals shall at all time conform to the ordinances and regulations governing the same now in force in the city or which may hereafter be enacted.

C. All refuse once collected shall become the property of the refuse collector unless otherwise specifically stated in a written agreement between the refuse collector and the city. (Prior code § 4-4.11)

9.20.085 Ownership of recyclable material and illegal removal.

A. Upon the placement of recyclable materials in a designated recycling collection location for collection by the refuse collector, or in a public or private trash can, the recyclable material shall become the property of the refuse collector.

B. No person, other than the person who generated such recyclable material or the refuse collector,

shall remove recyclable material which has been placed in a designated recycling collection location, or in a public or private trash can. Any and each such removal in violation hereof from any designated recycling collection location, public trash can or private trash can shall constitute a separate and distinct offense. (Ord. 2019 § 1, 2011)

9.20.090 Rates.

A charge shall be collected by the refuse collector pursuant to a rate schedule adopted by resolution of the city council. The rate schedule shall be incorporated in any contract entered pursuant to this chapter. (Prior code § 4-4.12)

9.20.100 Refuse collection contract.

A. For the exclusive privilege of collecting, removing and disposing of all refuse in and from the city, a contract shall be entered into by the city subject to the terms and conditions of this chapter. The city council by resolution shall have the power to provide for the inclusion in such contract of such terms as it may deem neeessary to protect the best interests of the city.

B. In awarding a contract under this chapter, the city council shall consider the type of equipment to be used, the amount of money offered, the responsibility and past experience of the persons making the proposal.

C. An award of such contract shall confer upon the person to whom the contract is awarded, the exclusive right, during the terms of the contract, to collect, transport and dispose of refuse produced or accumulated within the corporate limits of the city, subject only to such exceptions as are specifically set forth in this chapter. All provisions of this chapter applicable to the contractor shall constitute and be a part of any contract awarded under this chapter. It is unlawful for any person other than the person to whom such contract shall be awarded, or to whom such contract may be assigned with the consent of the city council to collect or remove refuse in and from the city, except as provided in this chapter.

D. The person to whom such contract shall be awarded shall file with the city clerk a bond for the faithful performance of the contract in the sum of $5,000.00.

E. The term of such contract shall not be for more than five years, but may provide that the collector shall have an option to extend for an additional five years, upon giving written notice to the city at least 90 days before termination. Further, the agreement may provide that at the end of said option, being 10 years from the date of agreement, both parties, by mutual consent reached at least 90 days prior to termination, may extend the agreement for an additional period not to exceed five years.

F. Such contract shall also require that said contractor procure for the period covered by the proposed contract, full workmen's compensation insurance with an approved insurance carrier. Such contract shall also require that said contractor carry public liability insurance to the amount of $150,000.00 for the death or injury of one person, and $300,000.00 for the death or injury to two or more persons in any one accident, and property damage insurance to the extent of $25,000.00 upon each of the trucks or other vehicles used by the contractor in the carrying out of the work called for in the contract. The insurance to cover both the city, the members of the council and its officers, employees and agencies, and the refuse collector.

G. Such contract shall, in addition to all its other terms and provisions provide that, for the exclusive privilege in said contract granted the contractor, and in addition to any sum of money to be paid by said contractor to the city, the contractor shall agree to accept and dispose of at the dump free of charge any and all refuse which thereby may be delivered in its vehicles from property owned or occupied by the city.

H. The council may, in its discretion, negotiate, award and execute a contract for the exclusive right to collect, remove and dispose of refuse in and from the city.

I. The contract and this chapter shall specifically apply to all facilities and buildings owned or operated by governmental agencies within the city. (Prior code § 4-4.13)

smoking room must not be recirculated to other parts of the building. Pressure in the room must be less than in the surrounding area to make sure smoke does not drift to surrounding spaces.

4. The ventilation system must provide the smoking room with 60 cubic feet per minute (CFM) of supply air per smoker.

5. Nonsmokers should not have to use the smoking room for any purpose. The smoking room must be located in a nonwork area where no one, as part of his or her work responsibilities, is required to enter at any time.

Within 60 days of the effective date of this chapter, every employer having an enclosed place of employment shall adopt, implement, make known and maintain a written smoking policy which shall contain the following requirements:

Smoking shall be prohibited in all enclosed facilities within a place of employment except in freestanding bars and in designated smoking rooms. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

D. "Dining area" means any area containing a counter or tables where meals are served, or area improved with tables, chairs, benches or similar improvements provided for sitting that is controlled by the business where patrons sit after purchasing food or beverage at a restaurant counter.

E. "Employee" means any person who is employed in consideration for direct or indirect monetary wages or profit, and any person who volunteers services for a nonprofit entity or public agency.

F. "Employer" means any person, partnership, corporation or nonprofit entity, including a municipal corporation or other public agency, which employs one or more persons.

G. "Enclosed" means closed in by a roof and walls on all sides with appropriate openings for ingress and egress.

H. "Freestanding bar" means a business which: (1) primarily serves alcoholic beverages; (2) as only incidental to serving such beverages, serves food, has music and/or dancing, provides coin-operated amusement devices, or provides pool tables, darts or other similar activities; (3) prohibits persons under the age of 18 from entering the business; and (4) was operating as a freestanding bar on January 1, 1994. If there are other uses within the same building, the freestanding bar must also meet the following requirements:

1. Have a separate heating, ventilation and air-conditioning system (HVAC) designed such that none of the air from the freestanding bar will be recirculated into other areas of the building.

2. Be completely separated from the remainder of the building by solid partitions or glazing without openings other than doors, and all doors leading to the bar shall be self-closing. The doors shall be provided with a gasket so installed as to provide a seal where the door meets the stop on both sides and across the top.

3. Air from the freestanding bar must be directly exhausted to the outside by an exhaust fan. Air from the freestanding bar must not be recirculated to other parts of the building. Pressure in the room must be less than in the surrounding area to make sure smoke does not drift to surrounding spaces.

4. The ventilation system must provide the area of the freestanding bar with 60 cubic feet per minute (CFM) of supply air per smoker.

I. "Place of employment" means any area under the control of a public or private employer where employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference rooms and classrooms, cafeterias and hallways.

J. "Pool vehicle" means an automobile, truck or van, owned, leased or otherwise controlled by an employer, which is available, by advance request, reservation or otherwise, for the use, in the course of employment, of any employee or employees.

K. "Public place" means any area to which the public is invited or in which the public is permitted, including but not limited to banks, educational facilities, health facilities, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms.

L. "Reasonable distance" shall mean any distance necessary to insure that persons in an area where smoking is prohibited are not exposed to second-hand smoke created by smokers near the area. The determination of the city manager shall be final in any disputes relating to reasonable distance for smoking near places regulated by this chapter.

M. "Restaurant" means any coffee shop, cafeteria, tavern, sandwich stand, soda fountain, private or public school cafeteria, and any other eating establishment, organization, club, boarding house, or guest house, the primary purpose of which gives or offers for sale food to the public, guests, patrons or employees.

N. "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco or smoking products and accessories.

O. "Service line" means any line at which one or more persons are waiting for or receiving service of any kind, whether or not such service includes the exchange of money.

P. "Smoking" means inhaling, exhaling, burning or carrying any lighted pipe, cigar, cigarette, or similar article of any kind.

Q. "Sports arena" means bowling centers, sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks and other similar places where members of the public assemble to engage in physical exercise, participate in athletic competition or witness sports events. (Ord. 2038 § 1, 2012; Ord. 1615 § 1, 1994*; Ord. 1609 § 1, 1993)

* If a business expends more than $500.00 to meet the requirements of Section 9.24.020(H), the business shall have until July 1, 1994 to comply fully with the requirements of Ordinance 1615.

9.24.030 Application of chapter in city-owned facilities.

All city buildings, vehicles, and other facilities shall be subject to this chapter. (Ord. 1609 § 1, 1993)

9.24.040 Prohibition of smoking in public places.

A. Smoking shall be prohibited in all enclosed public places within the city, including the following enclosed and unenclosed spaces:

1. Elevators and restrooms.

2. Buses, taxicabs and other means of public transit, and ticket, boarding and waiting areas of public transit depots.

3. Service lines.

4. Retail stores, except retail tobacco stores.

5. Retail food marketing establishments, including grocery stores and supermarkets.

6. All areas available to and customarily used by the general public in all businesses, nonprofit entities and public agencies patronized by the public, including but not limited to business offices, banks, hotels and motels, except as provided in subsection (A)(14) of this section.

7. Restaurants, including:

a. Bars and banquet rooms in, open to or directly accessible from restaurants; and

b. Outdoor dining areas.

8. Bars.

9. Any building not open to the sky which is used primarily for exhibiting any motion picture, stage drama, lecture, musical recital, or other similar performance, except to the extent that smoking is part of any such production.

10. Sports arenas and convention halls.

11. Stadiums, amphitheaters and similar places of assembly which are open to the sky.

12. Health and residential and day care facilities, including but not limited to nursing homes, adult care facilities, child care facilities including family day care homes, hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices.

13. Polling places.

14. Private hotel and motel rooms rented to guests, except that up to 25 percent of such rooms may be designated for smoking guests, if on a separate floor(s) or if in a separate wing(s).

15. Private residences when used at any time as family day care homes or health care facilities.

16. Enclosed lobbies, hallways and other enclosed common areas in apartment buildings, including condominiums, in retirement facilities, and in other multiple-family residential facilities.

B. Notwithstanding any other provisions of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment.

C. Notwithstanding the effective date of this chapter, any owner, operator, manager or other person who controls any private hotel or motel shall have until July 1, 1994 to comply with subsection (A)(14) of this section. The council may grant an additional 12 months in which to comply for good cause shown. (Ord. 1615 § 1, 1994; Ord. 1609 § 1, 1993)

9.24.050 Regulation of smoking in places of employment.

A. Every employer shall provide a smoke-free work place for all employees.

B. Every employer shall post "No Smoking" or "Smoke Free" signs in accordance with Section 9.24.070 of this chapter.

C. Smoking outside any enclosed place of employment shall occur at a reasonable distance from any place of employment to insure that smoke does not enter any place of employment through doors and windows and affect occupants therein, or those entering or leaving any place of employment.

D. Within 60 days of the effective date of the ordinance codified in this chapter, every employer having an enclosed place of employment shall adopt, im-

plement, make known and maintain a written smoking policy which shall contain the following requirements:

Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

E. Every employer shall communicate this smoking policy to all employees within three weeks of its adoption, and shall communicate the policy to a new employee upon hiring.

F. Every employer shall supply a written copy of the smoking policy upon request to any employee or prospective employee. (Ord. 1615 § 1, 1994; Ord. 1609 § 1, 1993)

9.24.060 Optional smoking areas.

A. Notwithstanding Sections 9.24.040 and 9.24.050 to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

1. Private residences, except when such residence is used at any time as a family day care home or a health care facility.

2. Retail tobacco stores.

3. Outdoor areas a reasonable distance from any area designated nonsmoking in this chapter.

B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment. (Ord. 1615 § 1, 1994; Ord. 1609 § 1, 1993)

9.24.070 Posting of signs.

A. Where signs are required by this section, the owner, operator, manager or other person having control of a building shall conspicuously post in such building "Smoking" and "No Smoking" signs, whichever are appropriate, with letters of not less than one inch in height, or the international "Smoking" or "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette, enclosed in a green circle for "Smoking," or enclosed in a red circle with a red bar across it for "No Smoking"), or the same information in another format approved by the city manager.

B. Every theater owner, manager or operator shall conspicuously post signs in the lobby stating that smoking is prohibited within the theater or auditorium.

C. The owner, operator, manager or other person having control of a restaurant or other public place shall conspicuously post in, or at every entrance of, every restaurant or other public place, including all places described in Section 9.24.040 when in or adjacent to a building, or in outdoor dining areas, "No Smoking" signs and "Smoking" signs, when appropriate.

D. The owner, operator, manager or other person having control of every bar shall conspicuously post at every entrance of every bar, adjacent to any warning sign required under the California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), a "No Smoking" sign.

E. The owner, operator, manager or other person having control of the area shall remove all ash trays in any area designated nonsmoking. (Ord. 2038 § 1, 2012; Ord. 1609 § 1, 1993)

9.24.080 Enforcement.

A. The city manager and any other persons designated by the city manager shall administer and enforce the provisions of this chapter.

B. Any citizen who desires to register a complaint may initiate enforcement of this chapter.

C. A private citizen may bring legal action to enforce this chapter. (Ord. 1609 § 1, 1993)

9.24.090 Nonretaliation.

No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this chapter. (Ord. 1609 § 1, 1993)

9.24.100 Violations and penalties.

A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to this chapter to fail to ensure compliance with its provisions.

B. It is unlawful for any person to smoke in any area designated nonsmoking under the provisions of this chapter.

C. Any person who violates any provision of this chapter shall be guilty of an infraction, punishable by:

1. A fine, not exceeding $100.00, for the first violation;

2. A fine, not exceeding $200.00, for a second violation of this chapter within one year;

3. A fine, not exceeding $500.00, for each additional violation of this chapter within one year. (Ord. 1609 § 1, 1993)

9.24.110 Severability.

If any provision or clause of this chapter or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such validity shall not affect other provisions or clauses or applications thereof which can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses of this chapter are declared to be severable. (Ord. 1609 § 1, 1993)

Chapter 9.28

PROPERTY MAINTENANCE

Sections:

9.28.010 Definitions.

A. "Building" means any structure used or intended for supporting or sheltering any use or occupancy and includes any house, garage, duplex, apartment, condominium, stock cooperative or other residential structure, and includes all retail, commercial and industrial structures.

B. "City manager" means the city manager or the city manager's designees.

C. "Owner" means any person owning property, as shown on the last equalized assessment roll for city taxes, or the lessee, tenant, or other person having control or possession of the property.

D. "Person" means any individual, partnership, corporation, association or other organization, however formed.

E. "Property" means all property within the city and includes any building located on such property.

F. "Unreasonable state of partial construction" means any unfinished building or structure which has been in the course of construction two years or more, and where the appearance or other conditions of said unfinished building or structure substantially detracts from the appearance of the immediate neighborhood or reduces the property value in the immediate neighborhood. (Ord. 1431 § 1, 1989)

9.28.020 Unlawful property nuisances.

It is unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by this code:

A. Broken or discarded furniture, household equipment and furnishings or shopping carts stored on the property so as to be visible from a public street;

B. Overgrown vegetation visible from a public street likely to harbor rats, vermin or other nuisances or which obstructs the view of drivers on public streets or private driveways, or which impedes, obstructs or denies pedestrian or other lawful travel on sidewalks, walkways, or other public rights-of-way;

C. Dead, decayed, diseased or hazardous trees, weeds, or other vegetation constituting unsightly appearance, dangerous to public safety and welfare and visible from a public street;

D. Packing boxes, cardboard boxes, lumber, junk, trash, barrels, drums, salvage materials, or other debris kept on the property for an unreasonable period and visible from a public street;

E. Attractive nuisances dangerous to children and other persons, including abandoned, broken or neglected equipment, machinery, appliances, refrigerators and freezers, hazardous pools, ponds and excavations;

F. Personal property, such as vehicles, boats, trailers or vehicle parts which are abandoned or left in a state of partial repair for an unreasonable period of time in front yards, side yards, driveways, sidewalks or walkways and visible from a public street;

G. Vehicles parked or stored in residential zoning districts on property, other than on driveways or other improved surface designed for parking as reasonably determined by the city, and visible from a public street;

H. Buildings which are abandoned, partially destroyed, left in an unreasonable state of partial construction or have been declared substandard or dangerous by the building official;

I. Unpainted buildings and those having dry rot, warping or termite infestation. Any building on which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation as to render the building unsightly and in a state of disrepair;

J. Buildings with windows containing broken glass or no glass at all, where the window is of a type which normally contains glass, which constitutes a hazard and/or invites trespassers and malicious mischief. Plywood or other material used to cover such window space, if permitted under this code, shall be painted in a color or colors compatible with the remainder of the building;

K. Building exteriors, walls, fences, driveways, sidewalks or walkways which are maintained in such condition as to become defective or unsightly or are materially detrimental to nearby properties and improvements;

L. Construction equipment, farm machinery, or machinery of any type or description parked or stored on the owner's property when it is visible from a public street, except:

1. During excavation, construction or demolition operations covered by an active building permit which are in progress on the subject property or an adjoining property,

2. During active farming operations, or

3. When such machinery in an agricultural or industrial zoning district is appropriately stored;

M. Property which lacks appropriate landscaping, turf or plant material so as to cause excessive dust;

N. The keeping, storing, depositing or accumulation for an unreasonable period of time of dirt, sand, gravel, concrete, and other similar materials, which manner of keeping, storing, depositing or accumulation constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses;

O. Maintenance of property so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment or use of such adjacent properties. (Ord. 2038 § 1, 2012; Ord. 1431 § 1, 1989)

9.28.030 Declaration of public nuisance.

Any property found to be maintained in violation of the foregoing section is declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition or repair pursuant to the procedures set forth in this chapter. The procedures for abatement set forth in this chapter shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law. (Ord. 1431 § 1, 1989)

9.28.040 Notification of nuisance.

Whenever the city manager determines that any property within the city is being maintained contrary to one or more of the provisions of Section 9.28.020, the city manager shall give written notice to the owner of the property stating the section(s) being violated. Such notice shall set forth a reasonable time limit, in no event more than 15 days, for correcting the violation(s) and may also set forth suggested methods of correcting the same. Such notice shall be served upon the owner in accordance with provisions of Section 9.28.060 covering service in person or by mail. (Ord. 1431 § 1, 1989)

9.28.050 Hearing to abate nuisance.

In the event the owner shall fail, neglect, or refuse to comply with the "Notice to Abate," the city manager shall conduct an administrative hearing to ascertain whether the violation constitutes a public nuisance. (Ord. 1431 § 1, 1989)

9.28.060 Notice of hearing.

Notice of the hearing shall be served upon the owner not less than 15 days before the time fixed for hearing. Notice of hearing shall be served in person or by certified mail to the owner's last-known address. Service shall be deemed complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. Notice shall be substantially in the format set forth below:

NOTICE OF ADMINISTRATIVE HEARING
ON ABATEMENT OF NUISANCE

This is a notice of hearing before the city manager (or his or her designees) to ascertain whether certain property situated in the city of Pleasanton, State of California, known and designated as (street address) _____, in said City, and more particularly described as (assessor's parcel number) _____ constitutes a public nuisance subject to abatement by the rehabilitation of such property or by the repair or demolition of buildings situated thereon. If said property, in whole or part, is found to constitute a public nuisance as defined in this code and if the same is not promptly abated by the owner, such nuisance may be abated by municipal authorities, in which case the cost of such rehabilitation, repair or demolition will be assessed upon such property, and such costs, together with interest thereon, will constitute a lien upon such property until paid; in addition, you may be cited for violation of the provisions of the Municipal Code and subject to a fine.

Chapter 15.44

PROTECTION OF SANITARY SEWER SYSTEM FROM FATS, OIL AND GREASE

Sections:

15.44.010 Scope and purpose.

To aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulation of fats, oils and greases into the sanitary sewer system from any industrial or commercial establishments, particularly food preparation and serving facilities. The city of Pleasanton is committed to reduce sanitary sewer overflows that are harmful to the environment and costly to the rate payers in terms of increased maintenance and cleanup. Fats, oils and grease are a major contributor to this problem both locally and throughout California. (Ord. 1984 § 1, 2008)

15.44.020 Definitions.

A. "California Plumbing Code" means the most recent edition of the California Plumbing Code, as amended by the city of Pleasanton's Municipal Code.

B. "Fats, oils and greases" mean organic polar compounds derived from animal and/ or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

C. "Fixture" means a plumbing fixture is a device which is part of a system to deliver and drain away water, but which is also configured to enable a particular use. The most common plumbing fixtures are: water closets (known as toilets), urinals, bathtubs, showers, bidets, sinks (kitchen and utility), drinking fountains, and hose bibs (connections for water hoses). Water closets, urinals, and bidets shall not be connected to sewer lines intended for grease interceptor or grease trap service.

D. "Food service establishments" mean those establishments engaged in preparing, serving, or otherwise making available food for consumption by the public. These establishments include but are not limited to restaurants, commercial kitchens, caterers, grocery stores and markets, hotels, schools, hospitals, prisons, correctional facilities and senior care living facilities. These establishments use one or more of the following preparation activities: cooking by frying, baking, grilling, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbecuing and any other food preparation activity that produces fat, oil or grease food product in or on a receptacle that requires washing.

E. "Grease interceptor" means an interceptor of at least 750 gallons capacity to serve one or more fixtures. A structure or device designed for the purpose of removing and preventing fats, oils and grease from entering the sanitary sewer collection system. These devices are often below-ground units in outside areas and are built as two or three chamber baffled tanks.

F. "Grease trap" means a device designed to retain grease from one to a maximum of four fixtures. A device designed for the purpose of removing and preventing fats, oils and grease from entering the sanitary sewer collection system. Such traps are typically under-the-sink units that are near food preparation areas with a minimum grease containment capacity of 40 pounds and flow rate of 20 gallons per minute (gpm).

G. "Minimum design capability" means the design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the public sanitary sewer. At a minimum, the design capability shall be consistent with the California Plumbing Code.

H. "Operations services director" means the city's operations services director or designee.

I. "User" means any person, including those located outside the jurisdictional limits of the city who contributes, causes or permits the contribution or discharge of wastewater into sewers within the city's boundaries, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater. (Ord. 1984 § 1, 2008)

15.44.030 Food service establishment permit requirement.

All food service establishments are required to obtain a permit in order to discharge wastewater into the city's sanitary sewer collection system. It is unlawful for any person or food service establishment to discharge or cause to be discharged any fat, oil or grease into the sewer system without first obtaining a permit from the

operations services direetor. Permits shall be issued only for a specific use and to a specific operator. Any sale, lease, transfer or assignment of the premises or operation for which the permit was issued shall require a new permit to be issued. Any new or changed conditions of operation shall require a new permit to be issued. As a condition of obtaining a permit, all food service establishments shall have a grease interceptor and/or grease trap installed as specified by the operations services director and subject to the requirements set fortb herein. (Ord. 1984 § 1, 2008)

15.44.040 Grease interceptor requirements.

Grease Interceptor Requirements. All food service establishments are required to install, operate, and maintain an approved type and adequately sized greasc interceptor necessary to maintain compliance with the objectives of this chapter. All grease interceptors must meet the requirements of the California Plumbing Code.

A. New Food Service Establishments. All new establishments are subject to grease interceptor requirements. All such facilitics must obtain prior approval from the operations services director for grease interceptor sizing prior to submitting plans for a building permit.

B. Existing Food Service Establishments. All existing food service establishments determined by the operations services director to have a potential to adversely impact the city's sewer system will be notified of their obligation to install a grease interceptor within the specified period set fortb in the notification letter. In addition, existing establishments with planned modification with a building permit evaluation of $50,000.00 or more will be required to include plans to comply with the grease interceptor requirements. These facilities must obtain approval from the operations services director for grease interceptor sizing prior to submitting plans for a building permit.

C. Shared Grease Interceptors. One or more food service establishments may comply with the requirements of this chapter by use of a shared grease interceptor. Such shared interceptor may be located on an adjacent or adjoining parcel, provided, however, that the food service establishment seeking to establish compliance by means of this section shall demonstrate to the satisfaction of the operations services director that: (1) it has enforceablc rights to utilize the shared interceptor pursuant to an easement; declaration; covenants, conditions, and restrictions; or similar instrument; and (2) the shared interceptor is sized as necessary to accommodate the discharges of all food service establishments enjoying rights to use such interceptor; and (3) there is a mechanism providing for continued maintenance of such shared interceptor.

D. Variance from Grease Interceptor Requirements. Grease interceptors required under this chapter shall be installed unless the operations services director determines that the installation of a grease interceptor would not be feasible and authorizes the installation of an indoor grease trap or other alternative pretreatment technology. Alternative pretreatment technology includes, but is not limited to, devices that are used to trap, separate and hold grease from wastewater and prevent it from being discharged into the sanitary sewer collection system. All alternative pretreatment technology must be appropriately sized and approved by the operations services director.

The food service establishment bears the burden of demonstrating that the installation of a grease interceptor is not feasible. The operations services director may authorize the installation of an indoor grease trap where thc installation of a grease interceptor is not feasible due to spacc constraints or other considerations. If a food service establishment believes the installation of a grease interceptor is infeasible, because of documented space constraints, the request for alternate pretreatment technology shall contain the following information:

1. Location of sewer main and any easements in relation to available exterior space outside the building;

2. Existing building and site plumbing line plan that uses common plumbing for all services at that site;

3. Proposed drawings and plans for alternative pretreatment technology. (Ord. 2038 § 1, 2012; Ord. 1984 § 1, 2008)

15.44.050 Grease interceptor standards.

A. Grease interceptor sizing and installation shall conform to the current edition of the California Plumbing Code.

B. Grease interceptors shall be constructed in accordance with a design approved by the operations services director and shall have a minimum of two compartments with fittings designed for grease retention.

C. Grease interceptors shall be installed at a location where it shall be easily accessible for inspection, eleaning, and removal of intercepted grease. Accept as allowed in Provision C3 of the Alameda County Clean Water Program National Pollutant Discharge Elimination System (NPDES) permit, the grease interceptor may not be installed in any part of the building where food is handled. Location of the grease intercep-

tor must meet the approval of the operations services director.

D. All such grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability. These devices should be inspected at least monthly but in no case shall the User fail to inspect and maintain every 60 days. Food service establishments are required to maintain a grease interceptor and shall:

1. Provide for a minimum hydraulic retention time in accordance with the California Plumbing Code;

2. Remove any accumulated grease cap and sludge pocket as required. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the device.

E. The user shall maintain a written record of all inspection, maintenance, pumping and hauling activities. The user shall submit copies of these documents to the operations services director on or before June 30th and December 31st of each year. The user shall also keep copies of these records for the preceding two years and shall make these records available for on-site inspection by the operations services director during all operating hours.

F. Sanitary wastes from water closets, urinals, and bidets are not allowed to be connected to sewer lines intended for grease interceptor service. (Ord. 1984 § 1, 2008)

15.44.060 Grease trap standards.

A. Upon approval by the operations services director, a grease trap complying with the provisions of this section must be installed in the waste line leading from sinks, drains, and other fixtures or equipment in food service establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment or private sewage disposal.

B. Grease trap sizing and installation shall conform to the California Plumbing Code.

C. Grease traps shall be kept in efficient operating conditions by periodic removal of the accumulated grease. Grease traps should be inspected and maintained in accordance with the manufacturer's recommendations but in no case shall the User fail to inspect and maintain less than bi-weekly. No such collected grease shall be introduced into any drainage piping, water closet, or public or private sewer; it shall be placed in a leak-proof container and then disposed of in the appropriate trash bin.

D. Wastewater in excess of 140 degrees Fahrenheit or 60 degrees Celsius shall not be discharged into a grease trap.

E. No food waste disposal unit or dishwasher shall be connected to or discharge into any grease trap.

F. The user shall maintain a written record of all inspection, maintenance, pumping and hauling activities. The user shall submit copies of these documents to the operations services director on or before June 30th and December 31st of each year. The user shall also keep copies of these records for the preceding two years and shall make these records available for on-site inspection by the operations services director during all operating hours. (Ord. 1984 § 1, 2008)

15.44.070 Enforcement.

A. Authority to Inspect.

1. Request for Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the operations services director has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of this chapter, the operations services director may enter such building or premises at all reasonable times to inspect or perform any duty authorized by this chapter; provided, that: (a) if such building or premises be occupied, he or she shall first present proper credentials and request entry; and (b) if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

2. Selection Processes. Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including, but not limited to, random sampling and/or sampling in areas with evidence of fat, oil or grease discharges or similar factors.

3. Inspection Fees. Food service establishments shall not be charged a fee for routine or area inspections. Unless waived by the operations services director, the food service establishment shall be charged an inspection fee for all other inspections, including follow-up inspections or inspections performed where the city suspects that a violation may exist.

4. Authority to Inspect and Sample. The city shall have the right to establish on any property such devices as are necessary to conduct sampling operations and may take any samples deemed necessary to determine if a violation exists.

B. Concealment. Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of this provision.

C. Civil Actions. In addition to any other remedies provided in this section, any violation of this section may be enforced by civil action brought by the city. In any such action, the city may seek and the court shall grant, as appropriate, any or all of the following remedies:

1. A temporary and/or permanent injunction;

2. Assessment of the violator for the costs of any investigation, inspection or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action;

3. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation; and

4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life. Assessments under this subsection shall be paid to the city to be used exclusively for costs associated with monitoring, implementing, or enforcing the provisions of this chapter.

D. Violations Deemed a Public Nuisance—Abatement—Lien Against Property.

1. Nuisance Declared—Abatement. In addition to the penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated and/or restored by the operations services director, and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the city attorney.

2. Written Notice. Prior to bringing any action to abate the nuisance, the city shall provide written notice to the food service establishment. The notice shall state that if the nuisance is not voluntarily abated within the stated period, the city will abate the nuisance and the expense of abatement shall become a charge and shall be a lien against the property. In the event that the food service establishment does not own the underlying property where the violation exists, the city shall also provide written notice to the owner of the property as shown in the last equalized assessment roll. In the event the nuisance relates to a shared grease interceptor, the city shall provide written notice: (a) to any entity responsible for the maintenance of such shared interceptor; and (b) to the owner of the property on which the food service establishment that has caused the nuisance is located or, in the event it cannot be determined which food service establishment caused the nuisance, to the owners of all properties upon which a food service establishment that uses such shared interceptor is located.

3. Cost Borne by Owner—Lien. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be a lien recorded upon and against the property and such lien shall continue in existence until the same shall be paid. If the lien is not satisfied by the owner of the property within 30 days after the completion by the operations services director of the removal of the nuisance, the city may record a lien against the property to recover the costs of abatement as well as any costs, including attorneys' fees, incurred by the city to secure the lien. The cost of such abatement and restoration in the case of a shared grease interceptor shall be borne jointly and severally by the entity responsible for the maintenance of such shared interceptor and: (a) the owner of the property on which the food service establishment that has caused the nuisance is located; or (b) in the event it cannot be determined which food service establishment caused the nuisance, the owners of all properties upon which a food establishment that uses such shared interceptor is located. The cost thereof shall be a lien recorded upon and against the property on which the food service establishment that has caused the nuisance is located or, in the event it cannot be determined which food service establishment caused the nuisance, the owners of all properties on which a food establishment that uses the shared interceptor is located.

4. Assessment Lien Confirmed by City Council—Notice and Hearing. The operations services director shall keep an account of the costs incurred by the city and shall provide a reporting to the city council for hearing and confirmation. the operations services director shall mail notice to the owner of the property of the time and place for the hearing. The notice shall be in a form substantially as follows:

> NOTICE OF HEARING: ASSESSMENT LIEN TO BE RECORDED AGAINST PROPERTY TO COVER COSTS OF ABATEMENT FOR DISCHARGE TO SANITARY SEWER SYSTEM
>
> This is a notice to advise you that the City Council for the City of Pleasanton will be holding a hearing on _____, 201_ at ___p.m. in the Council Chambers located at 200 Old Bernal, Pleasanton California. The City Council will consider ordering the City Clerk to record a lien against your property to cover the costs of abating a discharge that occurred on your property to the City's sanitary sewer system. Said costs will include attor-

neys' fees and other costs necessary to secure the lien against your property. At the time and place stated above, the City Council shall consider a report by the Operations Services Director. The City Council shall also consider any protests or objections raised by you or any interested person. The Council may make any corrections or modifications in any proposed assessment which it may deem to be excessive or incorrect and then shall confirm the amount of costs by resolution and the amount thereof shall become a lien against the property.

In the event that the costs are not paid within 30 days of confirmation by the City Council, the City Clerk shall be directed to record an assessment lien against the property and ask the tax collector to collect the assessment amount as part of the next regular bill for taxes levied against the property. The assessment shall be subject to the same penalties as are provided for other delinquent taxes or assessments of the City.

E. Administrative Enforcement Powers. In addition to the other enforcement powers and remedies established by this chapter, the operations services director has the authority to utilize the following administrative remedies:

1. Cease and Desist Orders. When the operations serviees director finds that a violation exists or is likely to take place in violation of this chapter, he or she may issue an order to cease and desist such discharge or practice or operation likely to cause such discharge and direct that those persons not complying shall: (a) comply with the requirement; (b) comply with a time schedule for compliance; and/or (c) take appropriate remedial or preventive action to prevent the violation from recurring.

2. Notice to Clean. Whenever the operations services director finds that a violation has occurred, he or she may give notice to clean or correct in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as deseribed in the notice.

F. Violations Constituting Misdemeanors. Unless otherwise specified by ordinance, the violation of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter shall constitute a misdemeanor; except that notwithstanding any other provisions of this chapter, any such violation constituting a misdemeanor under this chapter may, in the discretion of the operations services director, be charged and prosecuted as an infraction or may be issued an administrative citation.

G. Penalty for Violation.

1. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine or imprisonment, or both, not to exceed the limits set forth in California Government Code Section 36901.

2. Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in California Government Code Section 36900. Subsequent violations may be charged as a misdemeanor.

3. Continuing Violation. Unless otherwise provided, a person shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued or permitted by the person and shall be punishable accordingly as herein provided.

H. Authority to Arrest or Issue Citations. The Operations services director shall have and are hereby vested with the authority to arrest or cite any person who violates any section of this code in the manner provided by the California Penal Code for the arrest or release on citation of misdemeanor infractions as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the Penal Code (or as the same may be hereinafter amended).

The operations services director may issue a citation and notice to appear in the manner prescribed by Chapter 5c of Title 3, Part 2 of the Penal Code, including Section 853.6 (or as the same may hereafter be amended). It is the intent of the city council that the immunities prescribed in Section 836.5 of the Penal Code be applicable to public officers or employees or employees acting in the course and scope of employment pursuant to this chapter.

I. Disconnect Water Service. In the event of a violation of any terms of this chapter (including Section 15.44.030 which requires food service establishments to obtain a permit), the operations services director may disconnect water service to the premises for which such violation relates after first notifying in writing the person causing, allowing, or committing such violation. The notice shall specify the violation and the time after which (upon the failure of such person to prevent or rectify the violation) the director will exercise his or her authority to disconnect the food service establishment from the water system. The notice shall be deposited in the United States Post Office in the city of Pleasanton and addressed to the person to whom notice is given and shall be sent at least 10 days prior to service being disconnected. If the operations services director disconnects water service according to this section, the food

service establishment shall be required to pay a reconnect fee (as provided in the master fee schedule) before water service is reestablished.

J. Remedies Not Exclusive. Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 2038 § 1, 2012; Ord. 1984 § 1, 2008)

trict in which the structure is located, by reason of adoption or amendment of this chapter, or by reason of annexation of territory to the city. (Prior code § 2-5.25(d))

18.08.365 Nonconforming use.

"Nonconforming use" means a use of a structure or land which was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located, by reason of adoption or amendment of this chapter, or by reason of annexation of territory to the city. (Prior code § 2-5.25(e))

18.08.370 Nuclear power facility.

"Nuclear power facility" means one or more electrical power generators that convert heat produced in a reactor by the fissioning of nuclear fuel into electricity by using the heat created to drive an engine or turbine. (Ord. 1880, 2003)

18.08.372 Nursery.

"Nursery" means a site or structure where only plants, plant materials, or garden supplies (such as fertilizer, pesticides, herbicides, small garden tools, etc.) are offered for sale; plants are raised or stored; and landscape design services may be offered. (Ord. 1880, 2003; prior code § 2-5.25(f))

18.08.375 Nursery school.

"Nursery school" means a school for five or more preelementary school-age children, or use of a site or portion of a site for a group daycare program (including, but not limited to, a day nursery, play group or after school group) for five or more children when not located in the provider's own home, and a school and/or group daycare program for 13 or more children when located in the provider's own home. (Ord. 1126 § 2, 1984; prior code § 2-5.26(a))

18.08.380 Nursing home.

"Nursing home" means a structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, invalids or aged persons, not including persons suffering from contagious or mental diseases, alcoholism or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals or sanitariums, is not provided. A convalescent home or a rest home shall be deemed a nursing home. (Prior code § 2-5.26(b))

18.08.385 Off-street loading facilities.

"Off-street loading facilities" means a site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas. (Prior code § 2-5.26(c))

18.08.390 Off-street parking facilities.

"Off-street parking facilities" means a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas. (Prior code § 2-5.26(d))

18.08.395 Oriel window.

"Oriel window" means a window which projects from the main line of an enclosing wall of a building and is carried on brackets or corbels. (Prior code § 2-5.26(e))

18.08.400 Outdoor advertising structure.

"Outdoor advertising structure" means a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any advertising sign may be placed. (Prior code § 2-5.27(a))

18.08.405 Patio, covered.

"Covered patio" means an attached or detached structure not exceeding 14 feet in height, and enclosed on not more than three sides, except for posts necessary for roof support. (Prior code § 2-5.27(b))

18.08.410 Personal wireless service.

"Personal wireless service" means commercial mobile services and unlicensed wireless service. For the purpose of this definition, radio towers and television towers are not considered personal wireless services. Common examples of personal wireless services are personal communications service (PCS), cellular radiotelephone service, and paging. (Ord. 1743, 1998)

18.08.415 Personal wireless service facility.

"Personal wireless service facility" means an unstaffed facility, generally consisting of transmitters, antenna structures, and other types of installations which receive and transmit radio frequency signals for the provision of personal wireless services including support structure, ancillary equipment cabinet or structure, and related equipment. (Ord. 1743, 1998)

18.08.420 Personal wireless service facility tower.

"Personal wireless service facility tower" means a monopole, lattice tower, freestanding tower, antennas (including building-mounted antennas) or other structure designed to support antennas. (Ord. 2038 § 1, 2012; Ord. 1743, 1998)

18.08.425 Personal wireless service provider.

"Personal wireless service provider" means any authorized provider of personal wireless services. (Ord. 1743, 1998)

18.08.430 Photovoltaic facility.

"Photovoltaic facility" means one or more electrical power generators that convert sunlight into electricity through the utilization of semiconductor cells. (Ord. 1880, 2003)

18.08.432 Plant shop.

"Plant shop" means a use located wholly within a structure where the principal activity is the retail sale of indoor plants. (Ord. 1880, 2003; prior code § 2-5.27(c))

18.08.435 Portable, temporary electricity generator, fuel cell, or battery facility.

"Portable, temporary electricity generator, fuel cell, or battery facility" means one or more electrical power generators (not including nuclear power generators), fuel cells, and/or batteries on a site which produce electricity via an engine, turbine, fuel cell, or battery, and which are portable, less then 10 kW in combined total size, and which are used only on a temporary and intermittent basis. (Ord. 1880, 2003)

18.08.437 Preexisting.

"Preexisting" means in existence prior to the effective date of Ordinance 520, May 3, 1968. (Ord. 1880, 2003; prior code § 2-5.27(d))

18.08.440 Private school.

"Private school" means a private institution where children attend and receive their primary instruction for any combination of schooling between preschool and grade 12. (Ord. 1743, 1998)

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Dance halls (where no liquor is served)	P	C		C			
Delicatessen stores	P	P	P	P			
Department stores	P	P		P			
Department stores tire, battery and accessory shops	P	P					
Diaper supply services					P		
Drive-in theaters					C		
Drugstores and prescription pharmacies	P	P	P	P			
Dry goods stores	P	P	P	P			
Electrical equipment repair and electricians' shops					C		
Feed and fuel stores					C		
Financial institutions, including banks, savings and loan offices, finance companies, credit unions and related services	P	P	P	P***	P		
*** Conditionally permitted use if the subject location:							
1. Is zoned Central-Commercial (C-C) or is zoned planned unit development (PUD) that references uses of the C-C district; AND							
2. Is located within the Downtown Revitalization District; AND							
3. Has ground floor frontage on Main Street.							
Financial institutions that propose to locate on properties that do not meet all three of the above parameters shall be permitted uses and shall not be subject to the following additional considerations:							
When reviewing an application for a conditional use permit for a financial institution that meets the above three parameters, the planning commission shall discourage more than one financial institution within any block of Main Street (including both sides of the street as defined by address, e.g., 100 block, 200 block, etc.) and encourage retail businesses on corners that add to the vitality and pedestrian interest in downtown.							
Existing financial institutions may remain as nonconforming uses. Notwithstanding Chapter 18.120 of this code, if an existing financial institution has been abandoned, discontinued, or changed to a conforming use for a continuous period of 180 days or more, the nonconforming use shall not be reestablished without securing a conditional use permit. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use.							
Firearm sales	C	C		C			
Firearm sales in which no more than 10 firearms are stored on-site at any one time and the majority of firearms are sold through catalogs, mail order, or at trade shows	C	C		C	C		
Florists	P	P	P	P			
Food lockers	P			C	P		
Food market including supermarkets, convenience markets and specialty stores	P	P	C	C			
Freight forwarding terminals					C		
Full-service, self-service and quick-service stations not less than 60 feet from residentially planned or zoned property, provided all operations except the sale of gasoline and oil shall be conducted within a building enclosed on at least three sides, and provided that the minimum site area shall be 20,000	C	C	C	C	C	C	C

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
square feet. Direct sales to the public shall be limited to petroleum products, automotive accessories, tobacco, soft drinks, candy and gum							
with truck and trailer rental					C	C	
with a convenience market, excluding the sale of alcoholic beverages					C	C	
with a drive-through car wash		C			C	C	
Full service car wash		C			C	C	
Furniture stores	P	P		P	P	P	
Furniture upholstery shops					C	C	
Game arcades as defined by Section 18.08.207 of this title	C	C	C	C			
Garden centers, including plant nurseries	P	C			C	C	
Gift shops	P	P	P	P			
Glass replacement and repair shops					C	P	
Guards' living quarters					C		
Gunsmiths	P	P		P	P		
Gymnasiums and health clubs	P	C	C	C	P		
Gymnasiums and health clubs including massage services of four or more massage technicians at any one time. Massage establishments within gymnasiums and health clubs shall meet the requirements of Chapter 6.24.	C	C	C	C	C		
Gymnasiums and health clubs including massage services of three or fewer massage technicians at any one time. Massage establishments within gymnasiums and health clubs shall meet the requirements of Chapter 6.24.	P	C	C	C	P		
Hardware stores	P	P	P	P	P		
Heating and air conditioning shops					C		
Hobby shops	P	P	P	P			
Hospital equipment, sales and rental	P	P		C	P		
Hotels and motels		C		P		P	
Household repair shops					C		
Ice cream sales	P	P	P	P			
Ice vending stations		C	C	C	C	C	
Interior decorating shops	P	P	P	P			
Janitorial services and supplies	P			C	P		
Jewelry stores	P	P	P	P			
Kennels, and other boarding facilities for small animals not less than 300 feet from an R or O district					C		
Laboratories		P		P	P		
Laundries and dry cleaners where service is provided	P	P	P	P	P		
Laundries, self-service		P	P	P			
Laundry plants				C			

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Leather goods and luggage stores	P	P	P	P			
Linen supply services					P		
Liquor stores	P	P	C	C			
Locksmiths	P	P	P	P			
Lumberyards, not including planing mills or sawmills not less than 300 feet from an R or O district					C		
Machinery sales					P		
Massage establishments where four or more massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24.	C	C		C			
Massage establishments where three or fewer massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24.	P	P		P			
Medical and orthopedic appliance stores	P	P		P			
Meeting halls	P	C		C	C	C	
Microbrewery	P****	P****		P****	P****		
**** Permitted use subject to the following conditions:							
1. The zoning administrator finds that adequate parking is available for said use.							
2. If the zoning administrator determines that the use will be or is creating odor problems, an odor abatement device determined to be appropriate by the zoning administrator shall be installed within the exhaust ventilation system to mitigate brewery odors.							
3. The applicant is in compliance with all applicable requirements of Chapter 9.04 of this code.							
4. If operation of the use results in conflicts pertaining to parking, noise, odors, traffic, or other factors, the zoning administrator may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for the use.							
Miniature golf	P	C					
Mortuaries				C	P		
Motorcycle sales, no service or repair	P			P			P
Motorcycle sales and service					C	C	C
Music stores	P	P	P	P			
Music and dance facilities which cannot meet the criteria for music and dance facilities as written in the use category below	P	C	C	C	C	C	
Music and dance facilities with no more than 20 students in the facility at any one time are permitted uses subject to the following conditions:	P	P	P	P	P	P	
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;							
2. The zoning administrator finds that adequate parking is available for the said use.							
The standard city noise ordinance applies.							
Newsstands	P	P	P	P	P		

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Office buildings		P	C	P			
Office supply and business machines stores	P	P	P	P			
Offices, including, but not limited to, business, professional and administrative offices	P	P	P	P			
Outdoor art and craft shows		TC	TC	TC			
Paint, glass and wallpaper shops	P	P		P	P		
Parcel delivery services including garage facilities for trucks, and repair shops facilities					C		
Parking facilities, including required off-street parking facilities located on a site separated from the uses which the facilities serve and fee parking in accordance with the standards and requirements of Chapter 18.88 of this title				C			
Pest control shops				C	P		
Pet and bird stores	P	P	P	P	P		
Photographic studios	P	P	P	P			
Photographic supply stores	P	P	P	P	P		
Picture framing shops	P	P	P	P			
Plant shops	P	P	P	P			
Plumbing, heating and ventilating equipment showrooms with storage of floor samples only	P	P		P	P		
Plumbing shops					P		
Pool halls	P	C		C			
Post offices	P	P	C	P			
Prefabricated structure sales					C		
Printing, including also lithographing and engraving and other reproduction services				C	P		
Private clubs and lodges				C	C		
Private museums				C	C		
Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare		C	C	C	C	C	
"Radioactive materials uses" as defined in Section 18.08.445 of this title					C		
Radio and television broadcasting studios		P	P	C	P	P	
Record and recording and sound equipment stores	P	P	C	P			

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Recreation and sport facilities, indoor, which cannot meet the recreation and sport facility criteria as written in the use category below	C	C	C	C	C	C	
Recreation and sport facilities, indoor, with more than 20 students in the facility at any one time, or recreation and sports facilities, indoor, including massage services of four or more massage technicians at any one time. Massage establishments within recreation and sports facilities shall meet the requirements of Chapter 6.24.	C	C	C	C	C	C	
Recreation and sport facilities, indoor, with no more than 20 students in the facility at any one time, and with no massage services or with massage services of three or fewer massage technicians at any one time. Massage establishments within recreation and sports facilities shall meet the requirements of Chapter 6.24.	P	P	P	P	P	P	
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;							
2. The zoning administrator finds that adequate parking is available for the said use.							
The standard city noise ordinance applies.							
Recreation and sports facilities, outdoor, including racetracks, golf driving ranges, skateboard parks, riding stables, etc.					C		
Recycling collection facilities, small	C	C	C	C	C	C	
Refrigeration equipment sales					P		
Rental yards, including the rental of hand tools, garden tools, power tools, trucks and trailers and other similar equipment					C		
Residential uses (see subsection B of this section) see also "guards' living quarters," and Chapter 18.108 of this title				P	C	C	
Restaurants and soda fountains not including drive-ins or take-out food establishments	P	P	P	P	C	P	
Restaurants and soda fountains including drive-ins and take-out food establishments	P	C	C	C	C	C	
Saddleries	P	P		P	P		
Schools and colleges including trade, business, music and art schools, but not including general purpose or nursery schools which cannot meet the criteria	P	C	C	C	C	C	

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
for schools and colleges as written in the use category below							
Schools and colleges including trade, business, music and art schools, but not including general purpose or nursery schools, with no more than 20 students in the facility at any one time are permitted uses subject to the following conditions:	P	P	P	P	P	P	P
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;							
2. The zoning administrator finds that adequate parking is available for the said use.							
The standard city noise ordinance applies.							
Scientific instrument shops	P	P		P	P		
Secondhand stores and pawnshops				C			
Self-service car wash				C			
Sheet metal shops				C			
Shoe repair shops	P	P	P	P			
Shoe stores	P	P	P	P			
Shooting galleries, indoor	P			C	P		
Shooting galleries, indoor, with firearm sales	C			C	C		
Sign painting shops	P			C	P		
Skating rinks, indoor	P	P			P	C	
Specialty stores selling those items normally sold in department stores	P	P		P			
Sporting goods stores, no firearm sales	P	P	P	P			
Sporting goods stores with firearm sales	C	C		C			
Sports arenas or stadiums					C	C	
Stamp and coin stores	P	P	P	P			
Stationery stores	P	P	P	P			
Stone and monument yards					P		
Storage buildings for household goods						P	
Storage yards for commercial goods, supplies and equipment including fuel storage, no less than 300 feet from any R or O district					C		
Swimming pool sales, supplies and/or service	P		C	C	P	C	
Tailor or dressmaking shops	P	P	P	P			
Taxicab stands		P	P	P	P	P	P
Taxidermists	P	P		P	P		
Television and radio sales and repair shops	P	P	P	P	P		
Theaters and auditoriums	P	P	C	P		C	
Tire sales and service, not including retreading and recapping or mounting of heavy truck tires		C		C	P		P

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Tires, batteries and accessories	P	P					
Tobacco stores	P	P	P	P			
Tool and cutlery sharpening or grinding				C	P		
Toy stores	P	P	P	P			
Trailers and mobilehome parks in accordance with the regulations prescribed in Chapter 18.108 of this title					C	C	
Truck, trailer and/or RVs, sales and service					C	C	P
Truck scales					P	C	
Trucking terminals, not less than 150 feet from an R or O district					C		
Tutoring which cannot meet the criteria for tutoring as written in the use category below	C	C	C	C	C	C	
Tutoring with no more than 20 students at the facility at any one time are permitted uses subject to the following conditions:	P	P	P	P	P	P	
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;							
2. The zoning administrator finds that adequate parking is available for the said use.							
The standard city noise ordinance applies.							
Variety stores	P	P	P	P			
Vending machine sales and service				C	P		
Veterinarians' offices and out-patient clinics, excluding any overnight boarding of animals, and including incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for soundproof construction prescribed by the chief building official			C				
Veterinarians' offices, out-patient clinics, and small animal hospitals, including short term overnight boarding of animals and incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for sound-proof construction prescribed by the chief building official				C	P		
Veterinarians' offices and small animal hospitals including operations not conducted within an entirely enclosed building, not less than 300 feet from an R or O district					C		

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Warehouses except for the storage of fuel or flammable liquids					C		
Watch and clock repair shops	P	P	P	P			
Waterbed shops including the sale of small incidentals, such as linens, wall hangings, and other similar items	P	P	P	P			
Wholesale establishments					C		
Wholesale establishments without stocks		P		P			

(Ord. 2039 § 2, 2012; Ord. 2017 § 2, 2011; Ord. 2000 § 1, 2009; Ord. 1995 § 2, 2009; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1850 § 1, 2002; Ord. 1821 § 1, 2001; Ord. 1810 § 1, 2000; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1726 § 1, 1997; Ord. 1725 § 1, 1997; Ord. 1668 § 2, 1995; Ord. 1665 § 2, 1995; Ord. 1604 § 1, 1993; Ord. 1603 § 3, 1993; Ord. 1394 § 1, 1989; Ord. 1390 § 1, 1988; Ord. 1379 § 1, 1988; Ord. 1354 § 4, 1988; Ord. 1346 § 2, 1987; Ord. 1340 § 1, 1987; Ord. 1216 § 1, 1985; Ord. 1071 § 2, 1983; prior code § 2-7.08)

18.44.095 Prohibited uses.

The following uses shall not be permitted in the commercial districts:

Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title. (Ord. 1880, 2003)

18.44.100 Underground utilities.

Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the city engineer finds, upon application by the property owner, that compliance is not feasible or economically justifiable, he or she shall permit different service arrangements. The property owner shall comply with the requirements of this section without expense to the city and shall make the necessary arrangements with the public utility involved. (Ord. 2000 § 1, 2009; prior code § 2-7.09)

18.44.110 Off-street parking.

Off-street parking facilities shall be provided for each use in the C districts as prescribed in Chapter 18.88 of this title. (Prior code § 2-7.10)

18.44.120 Off-street loading.

Off-street loading facilities shall be provided for each use in the C districts prescribed in Chapter 18.92 of this title, except in the C-R district where the zoning administrator and/or planning commission shall establish regulations on a case by case basis in accordance with the purposes of Chapter 18.20 of this title. (Ord. 1591 § 2, 1993; prior code § 2-7.11)

18.44.130 Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted in the C districts, except as prescribed in Chapter 18.96 of this title. (Prior code § 2-7.12)

18.44.140 Design review.

All permitted and conditional uses in the C districts shall be subject to design review as prescribed in Chapter 18.20 of this title. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Prior code § 2-7.13)

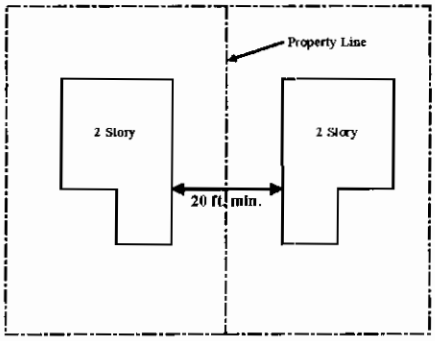
18.84.100 Yards and courts related to height of a structure.

In addition to the yards prescribed in Section 18.84.010 of this chapter, the following regulations shall apply:

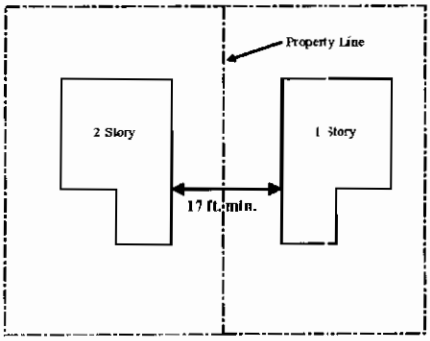
A. In a R-1 district, at the time of initial construction, main structures two stories or greater in height shall be separated by a distance of at least 20 feet; provided, however, portions of two structures, only one of which is two stories or greater in height, shall be separated by at least 17 feet. For structures with upper floors set in or out from lower floors, separation shall be measured separately from each story. Additions to the main structure may be constructed with the same separation as the existing first floor, provided that the addition does not encroach any farther into the separation than the existing main structure. All additions to the main structure which exceed 10 feet in height shall be subject to design review pursuant to Section 18.20.010 of this title. Accessory structures two stories or greater in height shall be separated by a distance of at least 20 feet from any structure two stories or greater in height; accessory structures two stories or greater in height shall be separated by a distance of at least 17 feet from one-story structures. For purposes of this section, separation shall be measured from the wall of one structure to the wall of the other structure excluding architectural projections.

B. In an RM district, no structure shall exceed the height of a sloping plane 15 feet in height at the interior of the minimum required side yard prescribed in Table 18.84.010 of this chapter, and sloping away from the side property line five feet for each additional 15 feet in height.

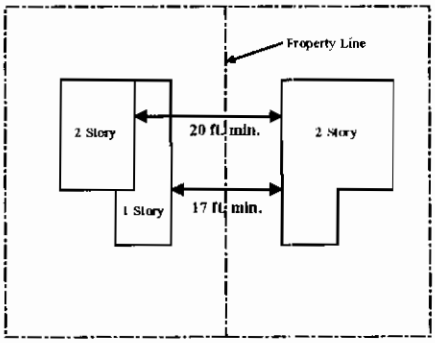
C. In an R district, the distance between a main structure and an accessory structure on the same site shall not be less than six feet, except that accessory structures in the rear yards or in one side yard may be closer than six feet if all the requirements of the building and fire code are met and if such structures are not closer than three feet to any side or rear property line.



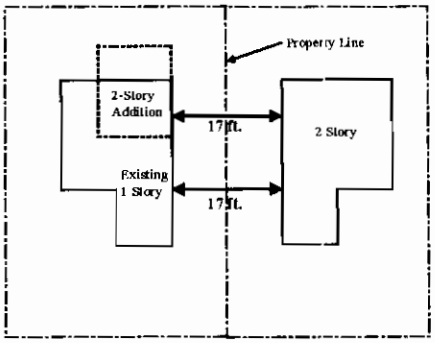
Two-story structure adjacent to a two-story structure



Two-story structure adjacent to a one-story structure



One- and two-story structure adjacent to a two-story structure



An addition can be constructed with the same separation as the existing one-story portion of the home.

Figure 18.84.100

(Ord. 2038 § 1, 2012; Ord. 1249 § 1, 1986; Ord. 1240 § 1, 1986; prior code § 2-5.39)

18.84.110 Traffic sight obstructions.

Except in a C-C district, on a corner lot, no solid fence, wall, hedge, or other obstruction, except the natural grade of a site, within a triangular area formed by the street property lines and a line connecting points on the property lines 25 feet from the street intersection shall exceed a height of 30 inches above established grade or an open fence up to a height of 42 inches above established grade at the edge of the street pavement or traveled way if plans have not been approved, provided that trees pruned up to eight feet above the street grade shall be permitted. (Ord. 1862 § 1, 2002; prior eode § 2-5.40)

18.84.120 Projections into yards.

A. Architectural Projections. Architectural projections, including eaves, awnings, louvers, and similar shading devices; sills, belt courses, cornices, and similar features; and flues and chimneys may project not more than four feet into a required front yard, rear yard, or side yard on the street side of a corner lot, and not more than two feet into any other required yard, provided that the distance between an architectural projection and side or rear property line shall not be less than three feet.

B. Oriel or Bay Windows. Oriel or bay windows may project not more than three feet into a required front yard, rear yard, or side yard on the street side of a corner lot, provided that the aggregate width of oriel or bay windows shall not exceed 50 percent of the length of the wall in which they are located, and the width of any individual oriel or bay window shall not exceed 10 feet.

C. Porches and Steps. Unroofed porches, steps, decks, and terraces may come to a point not closer than 12 feet to a front property line, or may project not more than eight feet into a required front yard or side yard on the street side of a corner lot, or to a point not closer than three feet to an interior side or rear property line, provided that the height, including railings, shall not exceed six feet above the grade of the ground at the property line.

D. Balconies over Six Feet Aboveground. Balconies, decks, terraees, and other similar unroofed structures at a height, including railing, more than six feet above the level at which a yard must be provided, may project not more than eight feet into a required front yard or rear yard and five feet into any other required yard, provided that they shall not reduce any yard to less than five feet except on the street side of a corner lot. Such structures shall be cantilevered or supported only by necessary columns. A balcony or deck projecting from a higher story may extend over a lower balcony or deck.

E. Open Stairways. Open, unenclosed fire escapes and fireproof outside stairways may project into any required yard not more than four feet, provided that no yard shall be reduced to less than three feet.

F. Covered Front Porches And Covered Patios. Covered front porches attacbed to a main structure may come to a point not closer than 12 feet from the front property line, provided that the covered front porch is designed to be an integral part of the home, is open on three sides, has a minimum depth of eight feet, and has a minimum width of 10 feet. Porch eaves shall project no more than an additional 24 inches into the required front and/or side yard setback areas.

Covered patios attached to a main structure and enclosed on more than one side may project not more than eight feet into a required rear yard and five feet into a required side yard within 35 feet of the rear lot line, provided that the required side yard shall not be redueed to less than five feet. Covered patios attached to a main structure and open on three sides may come to within five feet of the rear property line and three feet from the side property lines of the property within any residential zone.

G. Underground Structures. Covered underground structures may project without limit into any required yard, provided that they shall not have a height of more than two and one-half feet and provided that their surfaces are landscaped. (Ord. 1876 § 1, 2003; Ord. 1244 § 1, 1986; prior code § 2-5.41)

18.84.130 Projections over public property.

Projections into public rights-of-way shall be regulated by the building code and by Chapter 18.96 of this title, except that in a C-C district a balcony, oriel window, arcade, or other projection may extend over a sidewalk, provided that the horizontal distance between the curb and the nearest face of the structure shall be at least two feet, the clear

vertical height under the projection shall be at least 12 feet, and the clear horizontal distance between the property line and any supporting structure shall be at least seven feet. At least 85 percent of the area and 85 percent of the length of a vertical plane through a line of supporting columns shall be open and free of obstructions. Space over a public right-of-way permitted by this section may be enclosed and may be occupied by a permitted use or a conditional use and shall be included in computing basic floor area if enclosed. Supports located in a public right-of-way shall be subject to the provisions of Chapter 13.04 of this code. (Prior code § 2-5.42)

18.84.140 Height limits—Measurement.

Except as otherwise noted in this chapter, the height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable, or gambrel roof. The height of an accessory structure shall be measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure. The height of a fence or a wall used as a fence shall be measured from the higher finished grade adjoining the fence or wall. The average height of a wall of a structure shall be deemed the height of the wall. (Ord. 2038 § 1, 2012; prior code § 2-5.43(1))

18.84.150 Height limits—Exceptions.

A. In a C-C, I-G, or Q district, the planning commission may permit structures exceeding the heights prescribed in Table 18.84.010 of this chapter, after finding that the city will be reequipped to provide adequate fire protection and that adjoining properties will not be adversely affected. A decision by the planning commission may be appealed to the city council as prescribed in Section 18.144.020 of this title.

B. Towers, spires, cupolas, chimneys, penthouses, water tanks, fire towers, flagpoles, monuments, scenery lofts, and similar structures; residential radio and television aerials and antennas; receive-only antennas; and necessary mechanical equipment appurtenances covering not more than 10 percent of the ground area covered by the structure may be erected to a height of not more than 65 feet or not more than 25 feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less, with design review approval specified under Chapter 18.20 of this title.

C. The height and location of commercial radio and television aerials, antennas, and transmission towers shall be subject to design review approval specified under Chapter 18.20 of this title, and shall be based on a visual analysis demonstrating that views of the aerial/antenna/tower are minimized or are substantially screened from residential land uses, the I-580 and/or I-680 rights-of-way, or other sensitive land uses such as parks, schools, or major streets, and shall be based on an engineering analysis justifying the height of the proposed aerial/antenna/tower.

Any parabolic dish mounted on the aerial/antenna/tower shall be less than two feet in diameter. The base of the aerial/antenna/tower and any switching facility located at the base that is visible to the public shall be architecturally treated and/or screened from view utilizing on- and/or off-site vegetation or other approved screening mechanism.

D. Wire-carrying power distribution poles and transmission towers and communication poles located in any zoning district shall not be subject to the height limits prescribed in the district regulations. (Ord. 1821 § 1, 2001; Ord. 1743, 1998; Ord. 1600 § 2, 1993; prior code § 2-5.43(2))

18.84.160 Accessory structures—Location and yards.

A. In an R district, Class I and Class II accessory structures may be located in a required rear yard or a required interior side yard within 35 feet of the rear lot line, provided that the distances to lot lines shall not be less than prescribed in Section 18.84.010 of this chapter, except that Class II accessory structures may be constructed to the property line, but not attached to the fence, and provided that in the aggregate no more than 500 square feet or 10 percent of the area of the required rear yard, whichever is greater, shall be covered by structures other than garages or carports in an RM-2,500, RM-2,000 or RM-1,500 district. Accessory structures located in required side or rear yards shall not be closer to a main structure or any other accessory structure than the distance prescribed in Section 18.84.100 of this chapter. The minimum distance between an accessory structure containing a habit-

able room and a side or rear lot line shall be the same as the minimum required side yard for a main structure on the same site.

B. An accessory structure located not closer to a property line than the distance required for a main structure on the same site may adjoin or may be separated from a main structure, provided that if directly opposite walls in either structure have a main entrance to a dwelling unit or a window opening into a habitable room, the space between the structures shall be as prescribed in Section 18.84.100 of this chapter.

C. On a reversed corner lot an accessory structure shall not be located closer to the rear lot line than the required side yard on the adjoining key lot, and not closer to the side property line adjoining the street than the required front yard on the adjoining key lot.

D. No accessory structure shall be located either within a front yard or, unless adequately screened from view from the street as determined by the zoning administrator within the area between the front yard and the front of a structure in an R district.

E. Swimming pools shall comply with the applicable Class II accessory structure regulations of this title and in addition shall be subject to the requirements of Chapter 20.40 of this code.

F. Second units shall comply with the regulations in Chapter 18.106 of this title.

G. Accessory structures exceeding 10 feet in height shall be subject to design review pursuant to Section 18.20.010 of this title.

H. Location Standards for Pools and Spas.

1. Poolwater line shall not encroach into a required front yard or be placed closer than five feet to a rear or interior side property line or 10 feet to a street side property line, except that the poolwater line for cord-connected, aboveground (portable) spas shall not encroach into a required front yard or be placed closer than three feet to a rear or interior side property line or 10 feet to a street side property line.

2. Pool walls placed closer than five feet to a structure shall require investigation and written approval by a licensed civil engineer. A copy of this investigation and approval shall be furnished to the administrative authority prior to issuance of a pool permit.

3. Pool equipment may be located within the boundaries of the site in which the pool is located without regard to setback except that equipment shall not be located within required front yards nor within the required side yard of the street side of a corner lot unless said equipment is located on the interior side of a fence as allowed in conformance with Title 18 of this eode of the city. Where pool equipment is located within a required side yard adjacent to a main structure, a minimum three-foot clearance shall be maintained between said equipment installation and the corresponding side property line. (Ord. 2038 § 1, 2012; Ord. 1812, 2000; Ord. 1656 § 1, 1995; Ord. 1150 § 1, 1984; prior code § 2-5.44)

18.84.170 Usable open space.

A. Each dwelling unit in the RM and C-C districts shall have group or private usable open space as prescribed in the zoning schedule codified in Table 18.84.010 of this chapter, provided that in the RM district each dwelling unit shall have private usable open space of at least the minimum area specified by subsection C of this section. Group and private usable open space may be combined to meet the requirements. Each square foot of private usable open space shall be considered equivalent to two square feet of group usable open space and may be so substituted. All required usable open space shall be planted area, or shall have a dust-free surface, or shall be water surface, provided that not less than 10 percent of the required group usable open space at ground level shall be landscaped with trees and other plant materials suitable for ornamentation. No required usable open space shall be located in a parking area, driveway, service area, or required front yard, or shall have a slope greater than 10 percent.

B. Group usable open space sball have a minimum area of 300 square feet and a rectangle inscribed within it shall have no dimension less than 15 feet. Required usable open space may be located on the roof of an attached garage or carport, but not more than 20 percent of the required space shall be located on the roof of a building containing habitable rooms.

C. Private usable open space located at ground level shall have a minimum area of 150 square feet and a rectangle inscribed within it shall have no dimension less than 10 feet. The minimum area of aboveground-level space shall be 50 square feet and a rectangle inscribed within it shall have no dimension less than five feet. Private usable open space shall be adjacent to, and not more than four feet above or below the floor level of the dwelling unit served. Not more than 50 percent of ground-level space may be covered by an overhang, balcony, or patio roof. Aboveground-level space shall have at least one exterior side open above railing height.

D. Private, ground-level, usable open space on the street side of a structure shall be screened from the street.

E. Usable open space shall be permanently maintained by the owner in orderly condition. (Prior code § 2-5.45)

18.84.180 Screening and landscaping--Materials and maintenance.

Except as otherwise required by the provisions of this chapter, screening shall consist of a solid wall or fence, vine-covered fence, or compact evergreen hedge. Hedge material used as screening shall be not less than three feet in height when planted and shall not be permitted to exceed the specified height by more than one and one-half feet. Where buffers or trees are required, they shall have a mature height of not less than 12 feet and shall be planted not more than 20 feet apart. All screening and landscaping shall be permanently maintained in orderly condition by the owner. Plant materials shall be watered, weeded, pruned and replaced as necessary to screen or ornament the site. A permanent irrigation system shall be provided. (Prior code § 2-5.46(1))

18.84.190 Screening of parking and loading facilities adjoining or opposite R district.

In an R district an open parking facility for more than five cars or a loading area shall be screened from properties in an R district adjoining or directly across a street or alley. In a district other than an R district an open parking facility or a loading area shall be screened from an R district adjoining or directly across a street or alley. Screening shall be six feet in height, except that screening to protect properties across a street may be not less than four feet in height. (Prior code § 2-5.46(2))

18.84.200 Screening of uses adjoining R-1 district.

Where the site of a dwelling other than one-family dwelling or a duplex adjoins an R-1 district, screening six feet in height shall be located adjoining the property line. Where the site of a use other than a dwelling adjoins an R-1 district, screening six feet in height shall be located adjoining the property line, and an area 10 feet in depth adjoining the property line shall be landscaped with plant materials, including a buffer of trees. (Prior code § 2-5.46(3))

18.84.210 Screening of uses adjoining RM districts.

Where the site of a use other than a dwelling adjoins an RM district screening six feet in height shall be located adjoining the property line and an area with plant materials, including a buffer of trees. (Prior code § 2-5.46(4))

18.84.220 Screening of open uses.

A use not conducted within a completely enclosed structure shall have screening of a height specified by the zoning administrator if located in an I-P district or in a C or I district adjoining or opposite across a street or alley from an R district or if located in C-S or I district adjoining or opposite across a street from an O, C-N, C-C, C-R or P district, unless the zoning administrator finds that topographic or other physical conditions or the characteristics of the use

18.110.040 Submittals.

A. For all proposed personal wireless service facilities, the personal wireless service provider shall provide the following to the zoning administrator:

1. A completed city design review application which includes the signature of the personal wireless service provider and the property owner.
2. All applicable fees including deposit fees for peer review.
3. Title reports.
4. Site plan, landscape plan, and elevations drawn to scale. The elevation drawings shall include all buildings on which the personal wireless service facilities are proposed to be located.
5. Cross sections and floor plans, drawn to scale, if an antenna is proposed to be façade- or roof-mounted.
6. Visual impact demonstrations including before and after photo-simulations and elevation drawings showing the height, design, color, and location of the proposed facility as viewed from public places.
7. Proposed means of establishing and maintaining maximum visual screening of unsightly public views of facilities, as needed, which includes submitting sample exterior materials and colors of towers, antennas, accessory structures (such as equipment cabinets and structures), and security fences.
8. The number, type. and dimensions of antennas, equipment cabinets, and related facilities proposed for use by the personal wireless service provider. The size of equipment cabinets and related facilities are not required if the cabinets and related facilities are located completely underground or entirely within a building, not including an equipment cabinet.
9. A report from a structural engineer, licensed by the state, regarding the number and type of antennas that a proposed or existing structure is designed to support.
10. Justification of why the proposed height and visual impact of the personal wireless service facility cannot be reduced on the proposed site.
11. A letter indicating whether, and why, each site identified is essential for completion of the personal wireless service provider's coverage objective.
12. A letter explaining the site selection process including information about three other sites which could service the same or similar coverage area and the reasons for their rejection, provided that three such alternatives exist and are reasonably available for the personal wireless services provider's use in the coverage area.
13. A map, to seale, showing the coverage area of the personal wireless service provider's existing, proposed, and future personal wireless service facilities within the city limits and within one-half mile therefrom.
14. A map, to scale, and a master plan of the personal wireless service provider's facilities in the city and those planned in the future, including information about the location, height, and design of each existing and planned personal wireless service facility within the city limits and within one-half mile therefrom.
15. A statement of intent whether the facility would be collocated.
16. A letter which states the personal wireless service provider's commitment to allow other personal wireless service providers to collocate antennas on their proposed facilities wherever structurally and technically feasible, and to provide at any time additional information, as requested by the zoning administrator, to aid in determining whether or not another personal wireless service provider could collocate on/near their facilities if approved.
17. A letter stating: (a) the power rating for all antennas and backup equipment proposed, (b) that the system, including the antennas, and associated equipment cabinets/structures, conforms to the radio frequency radiation emission standards adopted by the Federal Communications Commission, including operating within its frequency assigned by the Federal Communieations Commission, and (c) that operation of the facilities in addition to ambient radio frequency emission levels will not exceed adopted Federal Communications Commission standards.

18. A letter stating that the proposed personal wireless service facility shall be operated in a manner which complies with the Federal Communications Commission's regulations regarding signal interference.
19. Reference to any easements necessary.
20. All proposed signage, including emergency signage as required by Section 18.110.160(B) of this chapter.

B. Additional information as deemed necessary by the zoning administrator which may include, but is not limited to, the following:

1. Information sufficient to determine that the personal wireless service provider has applied for and received all applicable operating licenses or other approvals required by the Federal Communications Commission and California Public Utilities Commission to provide personal wireless services within the city.
2. The types and range of sizes of antennas and equipment cabinets which could serve as alternatives for use by the personal wireless service provider.
3. A USGS topographic map or survey, to scale, with existing topographic contours showing the proposed antennas, accessory structures, and new roads in an area.
4. Technical data related to the site selection process.
5. A map based on drive tests (or similar engineering data) at the proposed site and its vicinity showing the estimated coverage area for the proposed personal wireless service facility. As used herein, drive tests are field tests to demonstrate the coverage of a proposed antenna in which one person holds a transmitter at the proposed site and another drives away from the site with a receiver to determine the outer perimeter of the radio signals that can be transmitted from the site.
6. A "mock-up" of the proposed personal wireless service facility at the proposed facility location using materials and colors that resemble the proposed facility.
7. A letter stating, wherever technically feasible, how the facilities have been designed to allow collocation of other carriers.
8. A letter stating specifically the reasons for not collocating on any existing personal wireless service facility tower or at any site with existing antennas within the city. The reasons for not collocating may include letters from personal wireless service providers with existing facilities stating reasons for not permitting collocation, or evidence that personal wireless service providers have not responded, or, if the reasons for refusal to collocate are structural, the structural calculations for review by the planning division.
9. Noise impact analysis.
10. A letter to the zoning administrator which describes in detail the maintenance program for the facilities.
11. Written proof of the availability of any required irrigation facilities on-site prior to permit issuance. This may be in the form of a letter from the owner of the land allowing the personal wireless service provider the use of required water facilities for landscaping. (Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.050 Locational standards.

A. A personal wireless service facility shall be a permitted use in any zoning district only if it complies with the locational standards stated in this section and with all regulations provided in this chapter.

B. A personal wireless service facility shall not be located in any residential or agricultural zoning district or in a planned unit development with a residential or agricultural zoning designation unless all of the following criteria are met:

1. The residential zoning district, agricultural zoning district, or planned unit development is developed, has an approved development plan, or is designated as a public and institutional land use in the general plan.
2. The area where the personal wireless service facility is proposed is designated as permanent open space or is designated as a public and institutional land use in the general plan.
3. The personal wireless service facility tower is located a minimum of 300 feet away from the property lines of all of the following:

a. Existing or approved residences in residential or agricultural zoning districts or in planned unit developments with a residential or agricultural zoning designation;

b. Undeveloped residential or agricultural zoning districts or undeveloped planned unit developments with a residential or agricultural zoning designation and without an approved development plan, unless designated as a public and institutional land use in the general plan;

c. Existing or approved public schools, private schools, and childcare centers, not including schools which only provide tutorial services;

d. Neighborhood parks, community parks, or regional parks, as designated in the general plan;

e. Existing or approved senior care/assisted living facilities, including nursing homes.

C. A personal wireless service facility tower shall not be located within 300 feet from the property lines of the uses listed in subsections (B)(3)(a) through (B)(3)(e) of this section.

D. A personal wireless service facility shall not be located within the property lines of the uses listed in subsections (B)(3)(a) through (B)(3)(e) of this section.

E. A personal wireless service facility shall not be located in any district unless the proposed facility is located as far away as is feasible from the property lines of the uses listed above, in subsections (B)(3)(a) through (B)(3)(e) of this section as determined by the zoning administrator, or the facility meets the criteria provided in Section 18.110.060 of this chapter. An alternate site or location shall be considered feasible if it is located further away from the property lines listed in subsections (B)(3)(a) through (B)(3)(e) of this section than the proposed location, the same or a similar lease or purchase agreement is available at this location as is available at the proposed location, and it is structurally and technically feasible that this location can service the same or a similar coverage area as proposed, while remaining in compliance with this chapter.

1. Whether or not a personal wireless service facility can service the same or a similar coverage area at an alternate location than proposed shall be determined by an electrical engineer hired by the personal wireless service provider and licensed by the state.

2. The personal wireless service provider is responsible for proving that the same or a similar lease or purchase agreement is not available at an alternative location than that proposed.

3. This subsection E only applies to the initial placement of personal wireless service facilities. This subsection E does not apply to facilities existing or approved prior to the adoption of the ordinance codified in this chapter.

F. Personal wireless service facilities shall not be permitted on any site in which the zoning of the site is not consistent with the land use designation of the site, as designated in the general plan.

G. Personal wireless service facilities on or above a ridgeline or at a location readily visible from the I-580 and I-680 shall be prohibited unless accompanied by a rigorous demonstration by the personal wireless service provider, and approved by the zoning administrator, that there shall not be any adverse visual impact, that no other sites are reasonably available, and that every effort has been made to incorporate stealth techniques.

H. When feasible and in conformance with other provisions of this chapter, personal wireless service providers shall be encouraged to locate their personal wireless service facilities on publicly owned or controlled property or right-of-way.

I. Amateur radio facilities are prohibited on public property in any zoning district, unless the facility meets the requirements of Section 18.110.010(A)(2) of this chapter. (Ord. 2038 § 1, 2012; Ord. 1743 § 1, 1998)

18.110.060 Collocation.

The zoning administrator may require a personal wireless service provider to collocate its personal wireless service facilities with other existing or proposed facilities if the proposed antennas would be located at least 300 feet away from the property lines listed in subsections 18.110.050(B)(3)(a) through (B)(3)(e) of this chapter; if the proposed antennas would comply with the provisions of this chapter, including Section 18.110.130 of this chapter; if it would be structurally and technically feasible that the collocation site can service the same or a similar coverage area as pro-

posed; and if the zoning administrator determines that the proposed personal wireless service facilities would have less of an adverse visual impact than two or more single noncollocated personal wireless service facilities. (Ord. 1743 § 1, 1998)

18.110.070 Stealth techniques.

A. All personal wireless service facilities shall be located so as to minimize their visibility and, unless determined by the zoning administrator to be hidden from view, designed to ensure that they will not appear as an antenna facility. To minimize visual impacts, all personal wireless service facilities determined by the zoning administrator to be visible to the public or properties in the vicinity shall incorporate appropriate stealth teehniques to camouflage, disguise and/or blend them into the surrounding environment. Personal wireless service facilities shall be in scale and arehitecturally integrated with surrounding building design(s) or natural setting in such a manner as to be visually unobtrusive.

B. Antennas mounted on structures or on architectural details of a building shall be treated to match existing architectural features and colors found on the building. Façade-mounted antennas shall be integrated into the building's architecture through design, color, and texture.

C. Roof-mounted antennas shall be located in an area of the roof where the visual impact is minimized. Roof-mounted and ground-mounted antennas shall not be allowed when they are placed in direct line of sight of significant or sensitive view corridors or where they adversely affect scenic vistas, unless facilities incorporate appropriate, creative stealth techniques to camouflage, disguise, and/or blend them into the surrounding environment, as determined by the zoning administrator.

D. Aboveground and partially buried equipment cabinets shall be located where they will be the least visible from surrounding properties and public places. Aboveground and partially buried equipment cabinets shall require screening from surrounding properties and public view. Any visible portion of an equipment cabinet shall be treated to be architecturally compatible with surrounding structures and/or screened using appropriate techniques to camouflage, disguise, and/or blend it into the environment. If the zoning administrator determines that an equipment cabinet is not or cannot be adequately screened from adjacent properties or from public view or architecturally treated to blend in with the environment, the equipment cabinet shall be placed underground or inside the existing building where the antenna is located. (Ord. 1743 § 1, 1998)

18.110.080 Height.

A. The height of a personal wireless service facility shall include the height of any structure upon which it is placed.

B. The height of a personal wireless service facility shall be based on a visual analysis demonstrating that views of the facility are minimized or are substantially screened from residential land uses, or other sensitive land uses such as parks, schools, or major streets, and on an engineering analysis justifying the height of the proposed personal wireless service facility. (Ord. 1743 § 1, 1998)

18.110.090 Colors and materials.

A. The visible exterior surfaces of personal wireless service facilities shall be constructed out of nonreflective materials.

B. All colors and materials are subject to the zoning administrator's approval. The colors and materials of antennas, equipment cabinets, and other appurtenances shall be chosen to minimize the visibility of the personal wireless service facility, except as specifically required by the Federal Aviation Administration. Facilities which will be primarily viewed against soils, trees, or grasslands shall be painted colors matching these landscapes.

C. Lightning arrester rods and beacon lights shall not be included as part of the design of any personal wireless service facility, unless the personal wireless service provider can prove that it is necessary for health and safety purposes, or required by the Federal Aviation Administration. (Ord. 1743 § 1, 1998)

Chapter 19.24

FINAL MAP

Sections:

19.24.010 Filing procedure.

Prior to the expiration of approval or conditional approval of the tentative map, the subdivider may cause part or all of the subdivision to be surveyed and a final map prepared by a registered civil engineer or licensed surveyor, conforming to the approved tentative map. Four blue-line or black-line prints of the final map and such other copies as may be required for checking and approval shall be submitted to the city clerk, together with a checking fee of $200.00, plus $2.50 per lot shown on the final map. (Ord. 1074 § 2, 1983; prior code § 2-3.12)

19.24.020 Documents to be filed with map.

At the time of submitting the final map, the subdivider shall submit the following for approval:

A. Traverse Sheets. Traverse sheets in a form approved by the city engineer giving latitudes and departures and coordinates of the boundary of the subdivision and blocks and lots.

B. Improvement Plans. Copies as may be required of detailed plans, cross sections, profiles and specifications of the improvements to be installed, and of all other improvements proposed to be installed by the subdivider, in-tract or off-tract, and the estimated cost thereof. Plans shall be prepared by a registered civil engineer as required by the city engineer. Sheets shall be 24 inches by 36 inches with a two-inch left margin and a plan and profile drawn to a scale of one inch equals 40 feet, or one inch equals 50 feet. Details shall normally be required, and in addition an overall grading plan of the proposed subdivision may be required. Any requirement for submitting a grading plan with the final map shall be made by the planning commission at the time of approval of the tentative map.

C. Design Data. Design data, assumptions and computations shall be submitted for water, sewer, storm drainage and street pavement design. Analyses shall be extended outside of the subdivision boundary when necessary. All analyses shall be prepared in accordance with sound engineering accompanied by certified test reports when required by the city engineer.

D. Report and Guarantee of Clear Title. The final map shall be accompanied by a report prepared by a duly authorized title company naming the persons (other than persons owning interests of the character described in subsections (A)(1) and (A)(2) of Section 19.24.140 of this chapter) whose consent is necessary to the preparation and recordation of the map and to the dedication of the streets, alleys and other public places, and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to the subdivision. At the time of recording, there shall be filed with the county recorder a guarantee (executed by a duly authorized title company for the benefit and protection of the city) showing that the persons named and consenting to the preparation and recordation of the map and offering for dedication the streets, alleys and other public places shown thereon are all the persons (other than persons owning interests of the character described in subsections (A)(1) and (A)(2) of Section 19.24.140) necessary to pass clear title to the subdivision and to the dedication shown thereon.

E. Inspection Costs. Before approval is given the final map, the subdivider shall deposit with the director of community development in cash or certified check the costs of inspections to be made by the city according to the following scale:

1. Four percent of the estimated cost of improvements up to and including $25,000.00;

2. Three and one-half percent of the estimated cost of improvements from $25,000.00 up to and including $75,000.00;

3. Three percent of the estimated cost of improvements on any amount in excess of $75,000.00.

No refunds will be made, and no additional charges will be made.

F. Agreement and Bond. The agreement and bonds specified in Sections 19.24.040 and 19.24.080 of this chapter.

G. Deed Restrictions. Three copies of all proposed deed restrictions. (Ord. 2038 § 1, 2012; prior code § 2-3.14)

19.24.030 Approval by city engineer.

Upon receipt by the director of community development of the final map and other data submitted, the map and data shall be referred to the city engineer, who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative map, and any approved alterations thereof; that all provisions of the law and of this chapter applicable at the time of approval of the tentative map have been compiled with; and that he or she is satisfied that the map is technically correct. If the city engineer determines that the map does not fully conform, he or she shall advise the subdivider of the necessary changes or additions and allow an opportunity for the subdivider of the necessary charges or additions and allow an opportunity for the subdivider to make such changes or additions. If the city engineer shall determine that the map conforms, he or she shall so certify the map, and transmit it to the director of community development. (Ord. 2038 § 1, 2012; prior code § 2-3.15)

19.24.040 Improvement agreement.

Prior to the approval by the council of the final map, the subdivider shall execute and file an agreement between him or herself and the city, specifying the period within which he or she shall complete all improvement work to the satisfaction of the city engineer, and providing that if he or she shall fail to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement also shall provide for inspection of all improvements by the city engineer. Such agreement may also provide:

A. For the construction of the improvements in units;

B. For extension of time under conditions therein specified;

C. For progress payments to the subdivider or his or her order from any deposit money which the subdivider may have made in lieu of providing a surety bond; providing, however, that no such progress payment shall be made for more than 90 percent of the value of the work completed to the satisfaction of the city engineer;

D. For the financing and construction of any or all of such improvements under appropriate special assessment act proceedings, in which case the subdivider shall agree, in writing, to initiate and, so far as may be in his or her power, to consummate such proceedings within such time as may be prescribed by the council. (Prior code § 2-3.16)

19.24.050 Approval by city council.

At its next regular meeting or within a period of not more than 10 days following the city engineer's transmittal of the final map to the director of community development, the council shall consider the offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this chapter or by law are not completed before the filing of the final map. The council may enter into an agreement with the subdivider for posting a bond or cash deposit as provided in Section 19.24.080 of this chapter. In such case, when the agreement and bond or deposit have been approved by the city attorney as to form, and by the city engineer as to sufficiency, the council may consider the final map. The council shall approve the map if it conforms to the requirements of this code and the Subdivision Map Act. If it does not conform it shall be disapproved and the subdivider is informed. (Ord. 2038 § 1, 2012; prior code § 2-3.17)

19.24.060 Action by director of community development.

The director of community development, upon approval by the council of the final map, the receipt of the necessary recording fees, and after the signatures and seals have been affixed to the map, shall cause the map to be transmitted to the county clerk, who shall process and record the same. No map shall have any force or effect until the same has been approved by the council, and no title to any property described in any offer of dedication shall pass until recordation of the final map. (Ord. 2038 § 1, 2012; prior code § 2-3.18)

19.24.070 Submission of additional copies.

Immediately subsequent to the recordation of the final map, the subdivider thereof shall furnish, at his or

her own expense, copies of the final map and affidavit sheet as follows:

A. One duplicate tracing on cloth with all recording data thereon to be filed with the city engineer;

B. Three reproductions, one on cloth, to be filed with the city clerk. (Prior code § 2-3.19)

19.24.080 Bonds.

The subdivider shall also file with the agreement a faithful performance bond in an amount deemed sufficient by the city engineer to cover the cost of the improvements and incidental expenses, and a "labor and materials" bond in an amount required by law on bonds for public construction, and by its terms to inure to laborers and material-men upon work and improvements conditioned upon the payment of labor and materials for labor and materials rendered and performed under the terms of the agreement. Such bonds shall be executed by a surety company authorized to transact a surety business in the state and must be satisfactory to and be approved by the city attorney as to form. In lieu of the faithful performance bond and the labor and materials bond, the subdivider may deposit cash with the director of community development in the amount of the faithful performance bond. (Ord. 2038 § 1, 2012; prior code § 2-3.20)

19.24.090 Forfeiture of surety.

In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the city shall cause to be completed, then the city may call on the surety company for, or may appropriate from any cash deposits, funds for reimbursement. If the amount of the surety bond or cash deposit shall be less than the cost and expense incurred by the city, the subdivider shall be liable to the city for such differences. (Prior code § 2-3.21)

19.24.100 Release of surety.

No extension of time, progress payments from cash deposits, or a release of a surety or cash deposit shall be made except upon certification by the city engineer that work covered thereby has been satisfactorily completed, and upon approval of the improvements by the council. (Prior code § 2-3.22)

19.24.110 Preparation requirements—Size, materials, scale.

The final map shall be clearly and legibly drawn in black waterproof India ink, upon good tracing cloth, but affidavits, certificates and acknowledgments may be legibly stamped or printed upon the map with opaque ink. Signatures shall be in opaque black ink. The dimensions of each sheet of the map shall be 18 inches by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The minimum scale of the map shall be one inch equals 60 feet unless prior written approval is obtained from the city engineer. All details shall show clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and the relative location of each adjoining sheet shall be clearly shown by a small key map on each sheet. Each sheet shall show the date of the survey, north point, and written and graphic scale. The map shall be so made and shall be in such condition when filed that good legible prints and negatives can be made therefrom. (Prior code § 2-3.23)

19.24.120 Preparation requirements—Title.

The title of each sheet of the final map shall consist of the tract number followed by the approved name and unit number of the tract, all conspicuously placed on the sheet followed by the words, "City of Pleasanton." Maps filed for the purpose of showing as acreage land previously subdivided into parcels or lots or blocks shall be conspicuously designated with an appropriate approved title. (Prior code § 2-3.24)

19.24.130 Preparation requirements—Coordinate system.

Wherever the city engineer has established a system of coordinates, then the survey shall be tied into such system. The adjoining corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision name and place of record, or other proper designation. The mapping angle shall be indicated on the map, and the point at which this mapping angle is correct shall be indicated, as well as the coordinates of that point. (Prior code § 2-3.25)

19.24.140 Certificates, acknowledgments and description.

The title sheet of the map, below the title, shall show the name of the engineer or surveyor, together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of the final maps. Such certificates may be combined where appropriate:

A. Certificate by Parties Holding Title. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consent-

ing to the preparation and recordation of the map; provided, however, that the signatures of parties owning the following types of interest may be omitted if their names and the nature of their interests are set forth on the map:

1. Rights-of-way, easements or other interests, none of which can ripen into a fee,

2. Rights-of-way, easements or revisions, which by reason of changed conditions, long disuse or neglect appear to be no longer of potential use or value and which signatures it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signature shall be also endorsed on the map,

3. Any subdivision map including land originally patented by the United States or the state, under patent reserving interest to either or both of these entities, may be recorded under the provisions of this chapter without the consent of the United States or the state thereto, or the dedication made thereon;

B. Dedication Certificates. A certificate signed and acknowledged as provided in this section offering for dedication all parcels of land shown on the final map and intended for any public use, except those parcels other than the streets which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants;

C. Engineer Certificate. A certificate by the civil engineer of licensed surveyor responsible for the survey and final map. The signature of such civil engineer or surveyor, unless accompanied by his or her seal, must be attested;

D. Certificates for execution by each of the following:

1. City engineer,

2. Director of community development,

3. County recorder;

E. Certificate Restricting Traffic, if Required. A certificate prohibiting traffic over the side line of a major highway, parkway, street or freeway, when and if the same is required;

F. Description of Property. A description of all the property being subdivided by reference to maps or deeds of the property shown thereon as shall have been previously recorded or filed. Each reference in such description to any tract or subdivision shall be spelled out and worded identically with the original record thereof and must show a complete reference to the book and page of records of the county. The description shall also include referenee to any vacated area with the number of the ordinance of vacation thereof;

G. Other Affidavits, etc. The title sheet shall contain such other affidavits, eertificates, acknowledgments, endorsements and notarial seals as are required by law and by this chapter. All certifications and acknowledgments shall be individually subtitled, and the subtitle shall be underlined. (Ord. 2038 § 1, 2012; prior code § 2-3.26)

19.24.150 Subdivision boundary.

An accurate and complete boundary survey shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract and of each block, when computed from field measurements on the ground, must close within a limit of one to 10,000 feet of perimeter and the calculations shall be adjusted as required in order to close. The boundary of the subdivision shall be indicated on the final map by a solid blue line approximately one-sixteenth inch wide. All lines shown on the map which do not constitute a part of the subdivision and any area enclosed by such lines shall be labeled "not a part of this subdivision." All such lines shall be dashed. (Prior code § 2-3.27)

19.24.160 Dimensious, bearing, curve data.

The final map shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and radii and arc lengths for all curves, and such information as may be necessary to determine the location of the centers of curves. (Prior code § 2-3.28)

19.24.170 Lots and blocks.

All lots and blocks and all parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication other than for streets or easements shall be designated by letter. All lots, and wherever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with the numeral "1" and continue consecutively throughout the tract, with no omissions or duplications. (Prior code § 2-3.29)

19.24.180 Streets.

The map shall show the right-of-way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within 50 feet of the subdivision shall be shown. If any street in the subdivision is a continuation or approximately a continuation of an existing street, the confor-

mity or the amount of nonconformity of such street to such existing street shall be accurately shown. Whenever the centerline of a street has been established or recorded, the data shall be shown on the final map. (Prior code § 2-3.30)

19.24.190 Easements.

The sidelines of all easements shall he shown by fine dotted lines. If any easement already of record cannot be definitely located, a statement of the existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the sidelines of lots which are cut by an easement must be arrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The widths of all easement and sufficient ties thereto to definitely locate the same with respect to the subdivision must be shown, together with all building and use restrictions applicable thereto. If an easement shown on the map is already of record, its recorded reference must be given. If an easement is being dedicated by the map, it shall be set out in the owner's certificate of dedication. (Prior code § 2-3.31)

19.24.200 Building setback line.

The map may show approved building setback lines on all streets by long, thin, dash lines, or the building setback lines may be indicated by appropriate notation on the face of the map. (Prior code § 2-3.32)

19.24.210 High-water line.

The map shall show the line of high water in case the subdivision is adjacent to a stream, channel or body of water, and shall also show any area subject to inundation by a fine continuous line. (Prior code § 2-3.33)

19.24.220 Monuments.

The map shall show fully and clearly what stakes, monuments or other evidence to determine the boundaries of the subdivision were found on the ground and each adjacent corner of each adjoining subdivision or portion thereof, by lot and block numbers, tract name or number and place or record, or by section, township and range, or other proper designation. The following required monuments shall be shown on the final map:

A. The location of all monuments placed in making the survey, and if any points were reset by ties, that fact shall be stated;

B. Concrete monuments of a type approved by the city engineer shall be set on street centerlines at all street intersections, at the beginning and end of all horizontal curves, at the point of intersection of tangents when possible and on straight tangents in excess of 500 feet. Additional monuments may be required where sight distance is obstructed by topographic features or grade changes. The exact location of all such monuments shall be shown on the final map before approval is requested;

C. Any monument or bench mark as required by this chapter that is disturbed or destroyed shall be replaced by the subdivider before acceptance of any improvements;

D. A cross shall be marked in the curb or sidewalk at the extension of all side lot lines and on a fixed offset from the street right-of-way line. The offset distance shall be noted on the final map;

E. Monuments may be set after acceptance of the final map by the council under conditions recommended by the city engineer and approved by the council. (Prior code § 2-3.34)

Chapter 19.28

LOT LINE ADJUSTMENTS AND MERGERS

Sections:

19.28.010 Lot line adjustment—Approval required.

Lot line adjustments between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel and where a greater number of parcels than originally existed is not thereby created, shall require approval in accordance with the provisions of this chapter. (Ord. 1185 § 2, 1985; prior code § 2-3.10)

19.28.020 Application.

Application for permission to adjust lot lines shall be made by the owner(s) of the affected lots. An application form, prescribed by the zoning administrator, containing such information and/or exhibits as may be required, shall be filed with the zoning administrator. The application shall be accompanied by such fee as may be established by the city council. (Ord. 1185 § 2, 1985; prior code § 2-3.10(a))

19.28.030 Decision by zoning administrator.

The zoning administrator, or his or her designee, shall be charged with the duty of making such investigations and reports as may be required. Prior to reaching a decision, the zoning administrator shall consult with such other city personnel as he or she deems necessary or advisable, particularly as any adjustment may affect assessment districts. If an assessment district is affected, reapportionment shall occur prior to a certificate of lot line adjustment being issued. The zoning administrator shall approve, conditionally approve, or deny lot line adjustments within 30 days of receipt of a completed application. (Ord. 1330 § 1, 1987; Ord. 1185 § 2, 1985; prior code § 2-3.10(b))

19.28.040 Conformity with applicable regulations.

Lot line adjustments shall be approved only if the zoning administrator finds that the resulting lots, and the relationship of any improvements located thereon to the proposed property lines, conform to the applicable purposes, standards and regulations of the building and zoning ordinances. (Ord. 1330 § 1, 1987; Ord. 1185 § 2, 1985: prior code § 2-3.10(c))

19.28.050 Certificate of lot line adjustment approval.

Upon approval, the zoning administrator shall issue a certificate of lot line adjustment approval. The certificate, and recordable instruments evidencing the lot line adjustment, shall be recorded by the owner(s) with a copy of the recorded instrument forwarded to the city. (Ord. 1185 § 2, 1985; prior code § 2-3.10(d))

19.28.060 Appeal.

If the owner(s) is dissatisfied with any action of the zoning administrator, he or she may, within 15 days after such action, appeal to the planning commission following the procedures for appeals from zoning administrator actions found in Chapter 18.144 of this code. (Ord. 1185 § 2, 1985; prior code § 2-3.10(e))

19.28.070 Owner-requested merger.

Contiguous parcels under common ownership may be merged without reverting to acreage upon receipt of city approval following the filing of an application evidencing the consent of all common owners of the affected parcels.

The procedures for processing such merger applications shall be the same as those for lot line adjustments provided in Sections 19.28.010 through 19.28.060 of this chapter. (Ord. 1185 § 2, 1985; prior code § 2-3.11 (a))

19.28.080 Owner-requested reversion to acreage by parcel map.

A parcel map may be filed for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership. Such parcel may shall be prepared in accordance with Section 66499.20-1/4 of the Government Code, and as such section shall hereafter be amended. The application and processing procedures shall be the same as those for lot line adjustments provided in Sections 19.28.010 through 19.28.060 of this chapter, as said procedures and requirements are modified to accommodate the requirements of Section 66499.20-1/4 of

Statutory References for California Cities

These references direct the code user to those portions of the state statutes relevant to California cities. This reference list is current through May 2012, and will be periodically updated by Quality Code Publishing as statutes are revised.

Contents:

General Provisions

Administrative fines and penalties
Gov. Code § 53069.4

Alternative forms of government
*Gov. Code § 34851 et seq.***

Authority to adopt, amend, revise or repeal city charters
*Cal. Const. Art. XI §§ 3 and 5**

Citations for infractions and misdemeanors
Penal Code §§ 853.5—853.85

Classifications of cities
Gov. Code §§ 34100—34102

Code adoption
Gov. Code §§ 50022.1—50022.10

Conflict of interest code
Gov. Code § 87100 et seq.

Elections
Gov. Code §§ 34050 and 36503
Elections Code §§ 1301, 9200 et seq., and 10100 et seq.

Expedited judicial review of First Amendment cases
Code of Civil Procedure § 1094.8

False petitions
Gov. Code § 34093

General powers
Gov. Code § 37100 et seq.
Cal. Const. Art. XI § 7

Imprisonment
Gov. Code §§ 36901, 36903—36904

Initiative and referendum
Cal. Const. Art. XI § 7.5
Elections Code §§ 9200 et seq., and 9235 et seq.

---

* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

Judicial review of city decisions
Code of Civil Procedure § 1094.6

Ordinances
Gov. Code § 36900 et seq.

Penalties for ordinance violations
Gov. Code §§ 36900 and 36901

Police power
Cal. Const. Art. XI § 7

Procedure for enactment or revision of city charters
*Gov. Code § 34450 et seq.**

Administration and Personnel

Chief of police
*Gov. Code § 41601 et seq.***

City assessor
*Gov. Code § 41201 et seq.***

City attorney
*Gov. Code § 41801 et seq.***

City clerk
*Gov. Code § 40801 et seq.***

City manager
*Gov. Code §§ 34851—34859***

City officers generally
*Gov. Code § 36501***

City records
Gov. Code §§ 34090—34090.7

City treasurer
*Gov. Code § 41001 et seq.***

Election of legislative body by districts
Gov. Code § 34870 et seq.

Elective mayor
*Gov. Code §§ 34900—34905***

The California Emergency Services Act
Gov. Code § 8550 et seq.

Fire department
Gov. Code § 38611

Legislative body
Gov. Code § 36801 et seq.

Local emergencies
Gov. Code §§ 8630—8634

Local planning agencies
Gov. Code § 65100 et seq.

Mayor
*Gov. Code §§ 36801—36803, and 40601 et seq.***

Meetings ("Ralph M. Brown Act")
Gov. Code § 54950 et seq.

Peace officer standards and training
Penal Code § 13500 et seq.

Personnel system
Gov. Code § 45000 et seq.

Retirement systems
Gov. Code § 45300 et seq.

Revenue and Finance

Chartered city special assessment procedure
*Gov. Code § 43240**

Claims against public entities
Gov. Code § 900 et seq.

Contracting by local agencies ("Local Agency Public Construction Act")
Pub. Contract Code § 20100 et seq.

Development fees
Gov. Code § 66000 et seq.

Financial powers
Gov. Code § 37201 et seq.

Fiscal year in chartered cities
*Gov. Code § 43120**

---

* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

Graffiti prevention tax
Rev. and Tax. Code §§ 7287—7287.10

Local agency service fees and charges
Gov. Code §§ 66012 et seq.

Property tax assessment, levy and collection
Gov. Code § 43000 et seq.

Public works and public purchases
Gov. Code § 4000 et seq.

Sales and use tax
Rev. and Tax. Code § 7200 et seq.
Gov. Code § 37101

Special gas tax street improvement fund
Str. and Hwys. Code § 2113

The Documentary Transfer Tax Act
Rev. and Tax. Code § 11901 et seq.

Transfer of tax function to county
Gov. Code § 51500 et seq.

Transient occupancy tax
Rev. and Tax. Code §§ 7280—7283.51

Unclaimed property
Civil Code § 2080 et seq.

Uniform public construction cost accounting act
Pub. Contract Code § 22000 et seq.

Business Licenses, Taxes and Regulations

Authority to license businesses
Gov. Code § 37101
Bus. and Prof. Code § 16000 et seq.

Automatic checkout systems
Civil Code § 7100 et seq.

Bingo
Penal Code § 326.5

Charitable solicitations
Bus. and Prof. Code § 17510 et seq.

Commercial filming
Gov. Code § 65850.1

Community antenna television systems
Gov. Code § 53066 et seq.

Gambling Control Act
Bus. and Prof. Code § 19800 et seq.

Massage parlors
Gov. Code § 51030 et seq.

Private Investigator Act
Bus. and Prof. Code § 7512 et seq.

Taxicabs and vehicles for hire
Vehicle Code §§ 16500 et seq., and 21100(b), 21112
Gov. Code § 53075.5

Animals

Animals generally
Food and Agric. Code § 16301 et seq.

Cruelty to animals
Penal Code § 597 et seq.

Dangerous and vicious dogs
Food and Agric. Code § 31601 et seq.

Dogs and dog licenses
Gov. Code § 38792
Food and Agric. Code § 30501 et seq.

Rabies control
Health and Saf. Code § 121575 et seq.

Health and Safety

Delinquent garbage fees
Gov. Code § 38790.1

Fire prevention
Health and Saf. Code § 13000 et seq.

Fireworks
Health and Saf. Code § 12500 et seq. (State Fireworks Law), § 12640 et seq. (Permits)

---

* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

Garbage and refuse collection and disposal
Public Resources Code §§ 49300 and 49400
Gov. Code § 38790

Graffiti abatement
Gov. Code §§ 38772 and 53069.3

Hospitals
Gov. Code § 37600 et seq.

Littering
Penal Code § 374

Noise control
Health and Saf. Code § 46000 et seq.
Gov. Code § 65302(f)

Nuisance abatement
Gov. Code § 38771 et seq.
Penal Code §§ 370, 372 and 373a

Weed control
Gov. Code § 39501—39502

Public Peace, Morals and Welfare

Crimes against property
Penal Code § 450 et seq.

Crimes against public health and safety
Penal Code § 369a et seq.

Crimes against public justice
Penal Code § 92 et seq.

Crimes against the person
Penal Code § 187 et seq.

Crimes against the person involving sexual assault and against public decency
Penal Code § 261 et seq.

Crimes against the public peace
Penal Code § 403 et seq.

Minors
Penal Code §§ 853.6a and 858

Weapons
Penal Code § 12001 et seq.
Penal Code § 17500 et seq.
Penal Code § 19910 et seq.

Vehicles and Traffic

Bicycles
Vehicle Code §§ 21100(h), 21206, and 39000 et seq.

Curb markings
Vehicle Code § 21458

Establishments of crosswalks
Vehicle Code § 21106

Local traffic rules and regulations
Vehicle Code § 21100 et seq.

One-way street designations
Vehicle Code § 21657

Pedestrian rights and duties
Vehicle Code § 21949 et seq.

Penalties
Vehicle Code § 40000.1 et seq.

Speed limits
Vehicle Code § 22348 et seq.

Stopping, standing, and parking
Vehicle Code § 22500 et seq.

Through highways
Vehicle Code §§ 21101(b), 21353, and 21354

Traffic control devices
Vehicle Code § 21350 et seq.

Traffic signs, signals and markings
Vehicle Code § 21350 et seq.

Turning movements
Vehicle Code § 22100 et seq.

Vehicle weight limits
Vehicle Code § 35700 et seq.

---

* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

Streets, Sidewalks and Public Places

Advertising displays
Bus. and Prof. Code §§ 5230, 5231, and 5440 et seq.

Constructions of sidewalks and curbs
Str. and Hwys. Code § 5870 et seq.

Improvement Act of 1911
Str. and Hwys. Code § 5000 et seq.

Landscaping and Lighting Act of 1972
Str. and Hwys. Code § 22500 et seq.

Municipal parks
Public Res. Code § 5181 et seq.

Obstructions and encroachments of public ways
Gov. Code § 38775

Tree Planting Act of 1931
Str. and Hwys. Code § 22000 et seq.

Underground utility districts
Str. and Hwys. Code § 5896.1 et seq.
Gov. Code § 38793

Public Services

Connection fees
Gov. Code § 66013

Municipal sewers
Gov. Code § 38900 et seq.
Health and Saf. Code § 5470 et seq.

Municipal water systems
Gov. Code § 38730 et seq.

Water wells
Water Code § 13700 et seq.

Buildings and Construction

Adoption of construction codes
Health and Saf. Code §§ 17922, 17958, and 17958.5

Authority to regulate buildings and construction
Gov. Code §§ 38601(b)and 38660

Inspection warrants
Civil Pro. Code § 1822.50 et seq.

Mobilehomes
Health and Saf. Code § 18200 et seq.

Signs
Gov. Code §§ 38774 and 65850(b)
Bus. and Prof. Code § 5229 et seq.

State Housing Law
Health and Saf. Code § 17910 et seq.

Subdivisions

Subdivision Map Act
Gov. Code § 66410 et seq.

Zoning

Family day care homes
Health and Saf. Code § 1597.30 et seq.

Local authority to regulate land use
Gov. Code § 65850

Local planning generally ("Planning and Zoning Law")
Gov. Code § 65000 et seq.

Local zoning administration
Gov. Code § 65900 et seq.

Open-space zoning
Gov. Code § 65910 et seq.

Zoning fees and charges
Gov. Code § 66014

---

* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

Environmental Protection

The California Environmental Quality Act
Public Res. Code § 21000 et seq.

The California Noise Control Act of 1973
Health and Saf. Code § 46000 et seq.
Gov. Code § 65302(f)

---

* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

Prior Code Section	Ordinance History	Herein
4-6.13	Based on Ord. 638	7.20.040
4-6.14	Based on Ord. 638	7.20.050
4-6.15	Based on Ord. 638	7.20.060
4-6.16	Based on Ord. 638	7.20.070
4-6.16.5		7.20.080
4-6.17	Based on Ord. 638	7.20.090
4-6.18	Based on Ord. 638	7.20.100
4-6.19	Based on Ord. 638	7.20.110
4-7.01	Based on Ord. 644	9.12.010
4-7.02	Based on Ord. 644	9.12.020
4-7.03	Based on Ord. 644	9.12.030
4-7.25	Based on Ord. 644	9.12.040
4-7.44	Based on Ord. 644	9.12.050
4-7.45	Based on Ord. 644	9.12.060
4-7.46	Based on Ord. 644	9.12.070
4-7.47	Based on Ord. 644	9.12.080
4-7.48	Based on Ord. 644	9.12.090
4-7.49	Based on Ord. 644	9.12.100
4-7.50		9.12.110
4-7.51	Based on Ord. 644	9.12.120
4-7.52	Based on Ord. 644	9.12.130
4-7.53	Based on Ord. 644	9.12.140
4-7.54	Based on Ord. 644	9.12.150
4-7.55	Based on Ord. 644	9.12.160
4-7.56	Based on Ord. 644	9.12.170
4-7.57	Based on Ord. 644	9.12.180
4-7.58	Based on Ord. 644	9.12.190
4-7.59	Based on Ord. 644	9.12.200
4-7.70		Repealed by 1428
4-7.71	Ord. 669	Repealed by 1428
4-7.80	Ord. 669	Repealed by 1428
4-7.81	Ord. 669	Repealed by 1428
4-7.82	Ord. 669	Repealed by 1428
4-7.83	Ord. 669	Repealed by 1428
4-7.84	Ord. 669	Repealed by 1428
4-7.85	Ord. 669	Repealed by 1428
4-7.86	Ord. 669	Repealed by 1428
4-7.87	Ord. 669	Repealed by 1428
4-7.88	Ord. 669	Repealed by 1428
4-7.89	Ord. 669	Repealed by 1428
4-7.90	Ord. 669	Repealed by 1428
4-7.91	Ord. 669	Repealed by 1428
4-7.92	Ord. 669	Repealed by 1428
4-7.93	Ord. 711	Repealed by 1428
4-7.94	Ord. 711	Repealed by 1428
4-7.95	Ord. 711	Repealed by 1428
4-8.01		10.20.010
4-8.02		10.20.020
4-8.03		10.20.030

Prior Code Section	Ordinance History	Herein
4-8.04		10.20.040
4-8.05	Deleted by Ord. 905	
4-8.06	Based on Ord. 824	10.20.050
4-8.15		6.32.010
4-8.16		6.32.020
4-8.17		6.32.030
4-8.18		6.32.040
4-8.19		6.32.050
4-8.20		6.32.060
4-8.21	Based on Ord. 842, adopted on 1/24/78	Not codified
4-8.30	922	Repealed by 2038
4-8.31	922	Repealed by 2038
4-8.32	922	Repealed by 2038
4-8.33	922, as amended by 1037	Repealed by 2038
4-8.34	1037	Repealed by 2038
4-8.35	1037	Repealed by 2038
4-8.50		Repealed by 2038
4-8.51		Repealed by 2038
4-8.52		Repealed by 2038
4-8.53		Repealed by 2038
4-8.54		Repealed by 2038
4-8-55		Repealed by 2038
4-8.56	Based on Ord. 1037	Repealed by 2038
4-9.01		9.04.010
4-9.02		9.04.020
4-9.03		9.04.030
4-9.04		9.04.040
4-9.05		9.04.050
4-9.06(a)	Ord. 946	9.04.060
4-9.06(b)	Based on Ord. 946, adopted 12/23/80	9.04.060
4-9.06(c)	Ord. 946	9.04.060
4-9.06(d)	Ord. 946	9.04.060
4-9.06(e)	Ord. 946	9.04.060
4-9.07(a)	Ord. 946	9.04.070
4-9.07(b)	Ord. 946	9.04.080
4-9.07(c)	Ord. 946	9.04.090
4-9.07(d)	Ord. 946	9.04.100
4-9.08	Based on Ord. 946, adopted 12/23/80	9.04.110
5-1.01	Ord. 590, amended by Ord. 847	11.04.010— 11.04.190
5-1.26	Ord. 590, amended by Ord. 847	11.08.010
5-1.27	Ord. 590, amended by Ord. 847	11.08.020
5-1.28	Ord. 590, amended by Ord. 847	11.08.030
5-1.50(part)	Ord. 590, amended by Ord. 847	11.12.010
5-1.50(a)		11.12.020
5-1.51	Ord. 590, amended by Ord. 847	11.12.030
5-1.52	Ord. 590, amended by Ord. 847	11.12.040
5-1.53	Ord. 590, amended by Ord. 847	Repealed by 1222
5-1.54	Ord. 590, amended by Ord. 847	11.12.050

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)
2024	Approves applieation for PUD (Special)
2025	Approves modification to an approved PUD (Special)
2026	Rezone (Speeial)
2027	Rezone (Special)
2028	Rezone (Special)
2029	Rezone (Special)
2030	Rezone (Special)
2031	Rezone (Special)
2032	Rezone (Special)
2033	Rezone (Special)
2034	Rezone (Special)
2035	Approves application for PUD (Special)
2036	Approves application for PUD (Special)
2037	Approves amendment to a development agreement (Special)
2038	Adds §§ 9.04.078 and 9.20.045; amends §§ 2.32.070, 5.04.010, 5.12.030, 9.24.020(D), 9.24.070(C), 9.28.020(G), 15.44.040, 15.44.070, 18.08.420, 18.84.100, 18.84.140, 18.84.160(H), 18.110.050(B) and (C), 19.24.020, 19.24.030, 19.24.050, 19.24.060 and 19.24.140; repeals Ch. 6.16, various updates to the code (2.32, 5.04, 5.12, 9.04, 9.20, 9.24, 9.28, 15.44, 18.08, 18.84, 18.110, 19.24)
2039	Amends § 18.44.090, commercial districts (18.44)
2040	Amends contract with the Public Employees' Retirement System (Special)