THE CODE OF THE CITY

OF

PLEASANTON, CALIFORNIA

1970

ORDINANCE CODE
OF THE CITY OF PLEASANTON

TABLE OF CONTENTS

PREFACE

The legal authority for compiling this Ordinance Code is found in Section 50022.2 of the Government Code which provides in pertinent part:

> Provided that all the procedures and requirements of this article are complied with, any (city) is hereby authorized to enact any ordinance which adopts any code by reference . . .

This Code is a codification of those City ordinances which have general application throughout the City of Pleasanton. Those ordinances still in effect but which have no general application are referred to by category in Appendix I.

The Code is arranged into five titles according to subject matter, and each title is further subdivided into chapters, articles, and sections. There is a comprehensive subject index at the end of the Code and a skeletal table of contents preceding each title.

This Code, its subject index, tables of contents, and appendix provide a simple means of obtaining information concerning the content and status of any and all ordinances heretofore or hereafter adopted by the City Council of the City of Pleasanton.

Each page is numbered, and no two articles begin or end on the same page. Amendments to this Code will be distributed in looseleaf form to be inserted into the Code.

Date: May 4, 1970.

CITY COUNCIL, CITY OF PLEASANTON

Christopher Beratlis, Councilman
Bernard T. Gerton, Councilman
Robert Pearson, Councilman
George Spiliotopoulos, Vice-Mayor
Robert I. Reid, Mayor

TITLE I - ADMINISTRATION

Chapter 1

GENERAL PROVISIONS

TITLE I. ADMINISTRATION

Chapter 1 - General Provisions

§ 1-1.01 Fiscal Year. The fiscal years for the City of Pleasanton for all purposes including the making of reports and accountings and the fixing of budgets, shall, from and after March 9, 1936, begin on the 1st day of July of each calendar year and terminate on the 30th day of June of the following calendar year.

(Based on Sec. 1, Ord. 172)

§ 1-1.02 Changing Corporate Name to "City of Pleasanton". The word "Town" is hereby eliminated from the corporate name of the municipal corporation known as Pleasanton, and the word "City" is substituted in its place. The municipal corporation shall henceforth be known as the "City of Pleasanton", as of October 11, 1954, upon filing by the City Clerk of statements to this effect with the Secretary of State, State of California, and the Board of Supervisors, County of Alameda.

(Based on Secs. 1 through 5, Ord. 239)

§ 1-1.03 Pending Actions. No action or proceeding commenced before this code takes effect and no right accrued is affected by the provisions of this code, but all proceedings hereafter taken shall conform to the provisions of this code.

§ 1-1.04 Rights Under Existing Licenses. No rights given by any license or certificate under any ordinance repealed by this code are affected by the enactment of this code or by such repeal; however, such rights shall hereafter be exercised according to this code.

§ 1-1.05 Construction of Provisions. Unless the provision or the context otherwise requires, the general provisions, rules of construction and definitions contained in this chapter shall govern construction of this code.

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

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

c. The masculine gender includes the feminine and neuter.

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

e. "Shall" is mandatory and "may" is permissive.

§ 1-1.06 Definitions. Whenever in this code the words or phrases hereinafter in this section defined are used they shall have the respective meanings assigned to them in the following definitions unless in the given instance the context wherein they are used clearly requires a different meaning.

a. "City" means the City of Pleasanton.

b. "State" means the State of California.

c. "Person" includes a natural person, firm, partnership, co-partnership, association, organization, company or corporation.

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

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

§ 1-1.09 Code References. Whenever reference is made to any portion of this code or to any other law of the State, the reference applies to all amendments or additions now or hereafter made.

§ 1-1.10 Applicability of Code. This code is applicable within the incorporated area of the City.

§ 1-1.11 Violation of Code: Penalty. Except as otherwise provided, any person who violates any of the provisions of this code or who fails to comply with any of the regulatory requirements of this code is guilty of a misdemeanor, and upon conviction is punishable by a fine not exceeding Five hundred dollars ($500.00) or by imprisonment in the county jail for a period not exceeding six (6) months, or by both.

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

§ 1-1.13 Peace Officers. Employees of the City of Pleasanton in the following job classification shall, when designated by their respective department heads in writing and provided with appropriate identification, be deemed peace officers pursuant to Section 836.5 of the Penal Code of the State of California for the purpose of enforcing the provisions of the Ordinance Code of the City of Pleasanton:

a. Public Works Inspector

b. Building Inspector

c. Zoning Enforcement Officer

(Based on Ord. 654)
March 6, 1972

§ 1-1.14 Criminal Oriented Records Production Unified Systems (CORPUS) Violations. Any unauthorized person who wilfully and maliciously obtains personal data from the Criminal Oriented Records Production Unified System (CORPUS) is guilty of a misdemeanor.

Any person who wilfully and mailciously provides or has provided personal data from the Criminal Oriented Records Production Unified System (CORPUS) to any unauthorized person is guilty of a misdemeanor. (Ord. 748)

§ 1-1.15 Infractions. Notwithstanding §1-1.11, any person who violates a provision of this code designated herein shall be guilty of an infraction, punishable by (1) a fine not exceeding fifty dollars ($50.00) for the first violation; (2) a fine not exceeding one hundred dollars ($100.00) for a second violation of the same ordinance within one year; (3) a fine not exceeding two hundred fifty dollars ($250.00) for each additional violation of the same ordinance within one year. The following sections are designated punishable as infractions:

(1) Title II, Chapter 2, Article 18.5 (Political Signs and Signs Announcing Community Events)

(2) Title IV, Chapter 2, Article 2 (Teenage Dances)

(3) Title IV, Chapter 2, Article 3 (Taxicabs)

(4) Title IV, Chapter 2, Article 4 (Bicycles)

(5) Title IV, Chapter 2, Article 7 (Card Rooms)

(6) Title IV, Chapter 2, Article 8 (Litter)

(7) Title IV, Chapter 2, Article 9 (Garbage)

(8) Title IV, Chapter 2, Article 11 (Pinball Machine)

(9) Title IV, Chapter 2, Article 12 (Firearms and Beebee Guns)

(10) Title IV, Chapter 2, Article 13 (Curfew for Minors)

(11) Title IV, Chapter 2, Article 17 (Parades)

(12) Title IV, Chapter 3 (Animal Control)

(13) Title IV, Chapter 5 (Regulation of Recreation Facilities)

(14) Title IV, Chapter 6 (Drinking in Public)

(15) Title IV, Chapter 9 (Noise Regulation)

(16) Title V, Chapter 2 (Traffic Control Devices and Regulations Relating to Vehicular and Pedestrian Movement)

(17) Title V, Chapter 3 (Stopping or Parking of Vehicles)

(Based on Ord. 847, amended by Ord. 905, 946, 950 and 958)

TITLE I - ADMINISTRATION

Chapter 2

OFFICERS AND EMPLOYEES

Article 1

City Council

§ 1-2.01 Meetings of City Council. The City Council of the City of Pleasanton shall by resolution establish the time, date and place for the conduct of its regular and special meetings within the City of Pleasanton.

(Based on Ord. 553, amended by Ord. 781)

§ 1-2.02 Civil Defense: Standby Councilmen. There is hereby established the office of standby councilmen, to provide for the continuance of the legislative body of the City of Pleasanton in case of a disaster. Each standby officer shall have the following duties:

a. To inform himself of the duties of the office for which he is a standby officer. Officers and employees of the local agency shall provide each standby officer with a copy of this article.

b. To keep informed of the business and affairs of the local agency to the extent necessary to enable him to fill his post competently. For this purpose the local agency may arrange information meetings and require attendance.

c. To immediately report himself ready for duty in the event of disaster at the place and in the method previously designated by the local agency.

d. To fill the post for which he has been appointed when because of disaster it has become vacant. Standby Officer No. 2 and No. 3 shall substitute in succession for Standby Officer No. 1 in the same way that said standby officer is substituted in place of the regular officer. He shall serve until the recovery of the regular officer from his injuries or the election or appointment of a new regular officer. (Stats. 1957, Ch. 1368).

(Based on Ord. 357)

§ 1-2.03 Standby Councilmem: Appointment. Said standby officers shall be appointed by the City Council, with three to be appointed for each councilman, and each standby officer to be designated No. 1, No. 2 or No. 3. Said officers shall be appointed by majority vote by resolution, and shall serve at the pleasure of the Council. Upon vacancies or removal or resignations, the Council shall forthwith make new appointments to keep the full number of standby officers required.

(Based on Ord. 357)

§ 1-2.04 Conflict of Interest. Any member of the City Council, whether acting as a councilmember or as a governing board member or commissioner of any City agency, must disqualify himself or herself from making or participating in the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any economic interest, as defined in Government Code §87103. Included within the scope of direct and indirect interests and investments referred to in Government Code §87103 shall be interests and investments of a councilmember's relatives, the existence of which a council-

member has knowledge or reason to know. A relative shall mean a father, mother, brohter, sister, aunt, uncle, niece or nephew by blood or marriage. No council-member shall be prevented from making or participating in the making of any decision to the extent that his or her participation is legally required for the decision to be made.

(Based on Ord. 828)

Article 2

City Manager

§ 1-2.07 Office Created. The office of City Manager of the City of Pleasanton is hereby created and established. The City Manager shall be appointed by the City Council wholly on the basis of his administrative and executive ability and qualifications, and shall hold office for and during the pleasure of the City Council.

(Based on Sec. 1, Ord. 265, as amended by Sec. 1, Ord. 370)

§ 1-2.08 Residence. Residence in the City of Pleasanton at the time of appointment of a City Manager shall not be required as a condition of the appointment, but within one hundred eighty (180) days thereafter the City Manager must become a resident of the City of Pleasanton, or the City Council shall declare the office of City Manager to be vacant.

(Based on Sec. 2, Ord. 265)

§ 1-2.09 Eligibility. No person elected as a Councilman of the City shall, subsequent to such election, be eligible for appointment as City Manager until one year has elapsed after such Council member shall have ceased to be a member of the City Council.

(Based on Sec. 3, Ord. 265)

§ 1-2.10 Bond. The City Manager shall furnish a corporate surety bond to be approved by the City Council in such sum as may be determined by the said City Council, and shall be conditioned upon the faithful performance of the duties imposed upon the City Manager as herein prescribed. Any premium for such bond shall be a proper charge against the City of Pleasanton.

(Based on Sec. 4, Ord. 265)

§ 1-2.11 Temporary City Manager. Within thirty (30) days after his appointment, the City Manager shall recommend for Council approval his choice of one of the officers or department heads of the City to serve as City Manager pro tempore during any temporary absence or disability of the City Manager. The approval of the City Council and the appointment by the City Council of a City Manager pro tempore shall be recorded in the minutes. In case of the absence or disability of the City Manager and his failure to choose a City Manager pro tempore, the City Council may designate some qualified City employee to perform the duties of the City Manager during the period of absence or disability of said City Manager, subject, however, to said person furnishing a corporate surety bond conditioned upon faithful performance of the duties required to be performed in Sec. 1-2.10 hereof.

(Based on Sec. 1, Ord. 284)

§ 1-2.12 Compensation. The City Manager shall receive such compensation and expense allowance as the City Council shall from time to time determine and

fix by resolution, and said compensation and expense shall be a charge against such funds of the City as the City Council shall designate. Said City Manager shall be reimbursed for all sums necessarily incurred or paid by him in the performance of his duties or incurred when traveling on business pertaining to the City under direction of the City Council; reimbursement shall only be made, however, when a verified itemized claim, setting forth the sums expended for such business for which reimbursement is requested, and has been presented to the City Council for approval.

(Based on Sec. 6, Ord. 265)

§ 1-2.13 Powers and Duties. The City Manager shall be the administrative head of the government of the City under the direction and control of the City Council except as otherwise provided in this chapter. He shall be responsible for the efficient administration of all the affairs of the City which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, it shall be his duty and he shall have the powers set forth in the following sections.

(Based on Sec. 7, Ord. 265)

§ 1-2.14 Law Enforcement. It shall be the duty of the City Manager to enforce all laws and ordinances of the City and to see that all franchises, contracts, permits and privileges granted by the City Council are faithfully observed.

(Based on Sec. 8, Ord. 265)

§ 1-2.15 Authority Over Employees. It shall be the duty of the City Manager and he shall have the authority to control, order and give directions to all heads of departments and to subordinate officers and employees of the City under his jurisdiction through their department head, except for the offices of City Clerk, City Attorney and City Treasurer.

(Based on Sec. 2, Ord. 284)

§ 1-2.16 Power of Appointment. It shall be the duty of the City Manager, and he shall appoint, remove, promote and demote any and all official officers and employees of the City of Pleasanton, except the City Clerk, City Attorney and City Treasurer, subject only to rules and regulations of appeal as may be established by the City Council.

(Based on Sec. 2, Ord. 370)

§ 1-2.17 Reorganization of Offices. It shall be the duty and responsibility of the City Manager to recommend to the City Council such reorganization of offices, positions, departments or units under his direction as may be indicated in the interest of efficient, effective and economical conduct of the City's business.

(Based on Sec. 11, Ord. 265)

§ 1-2.18 Ordinances. It shall be the duty of the City Manager and he shall recommend to the City Council for the adoption of such measures and ordinances as he deems necessary or expedient.

(Based on Sec. 12, Ord. 265)

§ 1-2.19 Attendance at Council Meetings. It shall be the duty of the City Manager to attend all meetings of the City Council unless excused therefrom, except when his removal is under consideration.

(Based on Sec. 13, Ord. 265)

§ 1-2.20 Financial Reports. It shall be the duty of the City Manager to keep the City Council at all times fully advised as to the financial conditions and needs of the City.

(Based on Sec. 14, Ord. 265)

§ 1-2.21 Budget. It shall be the duty of the City Manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the City Council for its approval.

(Based on Sec. 15, Ord. 265)

§ 1-2.22 Purchasing Agent. It shall be the duty of the City Manager and he shall be responsible for the purchase of all supplies for all of the departments or divisions of the City. No expenditures shall be submitted or recommended to the City Council except on report and approval of the City Manager.

(Based on Sec. 16, Ord. 265)

§ 1-2.23 Investigations. It shall be the duty of the City Manager to make investigations into the affairs of the City and any department or division thereof, and any contract or the proper performance of any obligations of the City.

(Based on Sec. 17, Ord. 265)

§ 1-2.24 Public Utilities Franchises. It shall be the duty of the City Manager to investigate all complaints in relation to matters concerning the administration of the City government and in regard to the service maintained by the public utilities in said City, and to see that all franchises &permits granted by the City are faithfully performed and observed.

(Based on Sec. 18, Ord. 265)

§ 1-2.25 Public Buildings. It shall be the duty of the City Manager and he shall exercise general supervision over all public buildings, public parks and all other public property which are under the control and jurisdiction of the City Council.

(Based on Sec. 19, Ord. 265)

§ 1-2.26 Hours of Employment. It shall be the duty of the City Manager to devote his entire time to the duties of his office in the interests of the City.

(Based on Sec. 20, Ord. 265)

§ 1-2.27 Additional Duties. It shall be the duty of the City Manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other action of the City Council.

(Based on Sec. 21, Ord. 265)

§ 1-2.28 Council - City Manager Relations. The City Council and its members shall deal with the administrative services of the City Manager only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager. The City Manager shall take his orders and instructions from the City Council only when sitting in a duly held meeting of the City Council and no individual concilman shall give any orders or instructions to the City Manager.

(Based on Sec. 22, Ord. 265)

§ 1-2.29 Departmental Cooperation. It shall be the duty of all subordinate officers and the City Clerk, City Treasurer and City Attorney to assist the City Manager in administering the affairs of the City efficiently, economically and harmoniously so far as may be consistent with their duties as prescribed by law and ordinances of the City.

(Based on Sec. 23, Ord. 265)

§ 1-2.30 Attendance at Commission Meetings. The City Manager may attend any and all meetings of the Planning Commission, Park Commission, and any other commissions, boards or committees hereafter created by the City Council, upon his own volition or upon direction of the City Council. At such meetings which the City Manager attends, he shall be heard by such commissions, boards or committees as to all matters upon which he wishes to address the members thereof, and he shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the City Council.

(Based on Sec. 24, Ord. 265)

§ 1-2.31 Resignation of City Manager. The City Manager shall give the City Council thirty (30) days notice, in writing, of his desire to resign or retire. Failure to do so shall constitute grounds for removal, if the Council so desires, pursuant to Section 1-2.32.

(Based on Sec. 3, Ord. 284)

§ 1-2.32 Removal of City Manager. The removal of the City Manager shall be only upon a three member vote of the whole Council of the City in regular Council meetings, subject, however, to the provisions of the next succeeding sections. In case of his intended removal by the City Council, the City Manager shall be furnished with a written notice stating the Council's intention to remove him and the reason therefor, at least thirty (30) days before the effective date of his removal.

(Based on Sec. 25, Ord. 265)

§ 1-2.33 Hearing. Within seven (7) days after the delivery to the City Manager of such notice, he may, by written notification to the City Clerk, request a hearing before the City Council. Thereafter, the City Council shall fix a time for the hearing which shall be held at its usual meeting place, but before the expiration of the thirty day period, at which the City Manager shall appear and be heard, with or without counsel.

(Based on Sec. 26, Ord. 265)

§ 1-2.34 Suspension Pending Hearing. After furnishing the City Manager with written notice of intended removal, the City Council may suspend him from duty, but his compensation shall continue until his removal by resolution of the Council passed subsequent to the aforesaid hearing.

(Based on Sec. 27, Ord. 265)

§ 1-2.35 Discretion of Council. In removing the City Manager, the City Council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing; the purpose of which is to allow the City Manager to present to said City Council his grounds of opposition to his removal prior to its action.

(Based on Sec. 28, Ord. 265)

§ 1-2.36 Limitation on Removal. Notwithstanding the provisions of this chapter hereinbefore enumerated, the City Manager shall not be removed from office during or within a period of ninety (90) days next succeeding any general municipal election held in the City at which election a member of the City Council is elected; the purpose of this provision is to allow any newly elected member of the City Council or a reorganized City Council to observe the actions and ability of the City Manager in the performance of the powers and duties of his office. After the expiration of said ninety day period aforementioned, the provisions of the preceding section as to the removal of said City Manager shall apply and be effective.

(Based on Sec. 29, Ord. 265)

§ 1-2.37 Purchasing Agent Responsibilities Defined. As provided in Sec. 1-2.22, the City Manager shall be responsible for all purchasing not herein reserved by the City Council. He shall have authority to:

a. Purchase or contract for supplies and equipment required by any using agency in accordance with purchasing procedures prescribed in this chapter and such administrative regulations as he may prescribe.

b. Negotiate and recommend execution of contracts for the purchase of supplies and equipment.

c. Act to procure for the City the needed quality in supplies and equipment at least expense to the City.

d. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.

e. Prepare and recommend to the City Council amendments to ordinances governing the purchase of supplies and equipment for the City.

f. Keep informed of current development in the field of purchasing, prices, market conditions and new products.

g. Prescribe and maintain such forms as are reasonably necessary to the operation of this chapter and other rules and regulations.

h. Supervise the inspection of all supplies and equipment purchased to insure conformance with specifications.

i. Transfer of surplus or unused supplied and equipment between departments as needed, and sell supplies and equipment which cannot be used by any agency or which have become unsuitable for City use.

j. Maintain a Bidders' List, Vendors' Catalog File and records needed for the efficient operation of the purchasing program

(Based on Sec. 1, Ord. 291)

§ 1-2.38 Purchasing Procedure Defined.

a. Requisitions. Using agencies shall submit requests for supplies and equipment on standard requisition forms.

(Based on Sec. 2, Ord. 291)

b. Encumbrance of Funds. Except in cases of emergency, there shall not be issued any purchase order for supplies or equipment unless there exists an unencumbered appropriation in the fund account against which said purchase is to be charged.

(Based on Sec. 3, Ord. 291)

c. Open Market Procedure. Purchase of supplies and equipment may be made in the open market in accordance with the procedure adopted under Section 1-2.37(a).

(1) Minimum Number of Proposals. Open market purchases shall, wherever possible, be based on at least three bids, and shall be awarded to the lowest responsible bidder.

(2) Notice Inviting Proposals. Bids shall be solicited by written requests to prospective vendors or by telephone.

(3) Written Proposals. Written proposals shall be submitted and a record shall be kept of all open market orders and proposals for a period of one year after the submission of proposals or the placing or orders. This record, while so kept, shall be open to public inspection.

(Based on Sec. 4, Ord. 291)

Article 3

Director of Finance

§ 1-2.42 Establishing the Office of Director of Finance. Pursuant to the provision of Section 40805.5 of the Government Code of the State of California, there is hereby created and established the office of Director of Finance of the City of Pleasanton, California.

(Based on Sec. 1, Ord. 279)

§ 1-2.43 Duties Transferred from City Clerk to Director of Finance. The financial and accounting duties imposed upon the City Clerk by Sections 40802 to 40805, inclusive, of the Government Code be and the same are hereby transferred to the said Director of Finance. Under the direction of the City Manager, he shall perform the following duties:

1. Maintain all records readily reflecting the financial condition of said City and all of its departments;

2. At the end of each fiscal year, prepare and present to the City Council a summary statement of receipts and disbursements by departments and funds, including opening and closing fund balances in the City Treasury;

3. Cause the financial statement of said City to be published in accordance with the provisions of Sections 40804 and 40805 of said Government Code.

(Based on Sec. 2, Ord. 279)

§ 1-2.44 Additional Duties. Under the direction of the City Manager and in addition to the duties set forth in Section 1-2.43 (or as a part thereof) the said Director of Finance shall perform the following duties:

1. Maintain a general accounting system for the City and each of its offices, departments and agencies;

2. Supervise and be responsible for the disbursement of all monies and have control of all expenditures to assure that budget appropriations are not exceeded; audit and approve before payment all bills, claims, inventories, payrolls or charges against the City, determining the correctness of such claims, demands or charges.

3. Supervise and be responsible for functions relating to the administration of those portions of ordinances and laws relating to the collection of assessments, utility charges, fees, taxes and other revenues of the City;

4. Assist in the purchase of all goods, supplies, materials and equipment required by the City;

5. Submit to the City Manager a monthly financial statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City;

6. Supervise the keeping of current inventories of all property of the City;

7. Maintain verified payroll records and personnel records necessary to assure that payroll claims are for services performed or due under authorized sick leave, leave of absence, vacation leave, and that proper deductions are made and disbursed in accordance with the rules, regulations and laws relating thereto;

8. Maintain a record of all insurance policies and bonds, and advise the City Manager of expiration dates;

9. Compile all financial information required for the preparation of the annual budget and submit such information to the City Manager whose responsibility it is to prepare the budget.

10. Perform such other duties as the City Manager may direct.

(Based upon Sections 3 and 4, Ord. 279)

§ 1-2.45 Surety Bond. Prior to entering upon the duties and pursuant to the requirements of the laws of the State of California (Sections 36518 and 37209 of the Government Code) the Director of Finance shall furnish a surety bond in the amount of $25,000 fixed by the City Council by ordinance.

(Based upon Sec. 5, Ord. 279, and Sec. 1, Ord. 280)

§ 1-2.46 Amending Prior Ordinances and Resolutions. All ordinances, parts of ordinances and resolutions where the words "City Clerk" are used therein pertaining to any financial or accounting duties, the said words shall be read and construed to mean "Director of Finance" and to that extent all said ordinances, parts of ordinances and resolutions are hereby amended.

(Based upon Sec. 6, Ord. 279)

§ 1-2.47 Appointment of Assistants or Deputies. Pursuant to the authority to appoint and remove personnel, the appointing authority may designate and appoint one or more assistants or deputies to the Director of Finance who, during the Director's absence shall have the powers, duties and responsibilities of the Director of Finance.

(Based upon Sec. 7, Ord. 279)

Article 4

City Clerk

§ 1-3.01 Office of City Clerk Appointive. The office of City Clerk shall be filled by appointment by the City Council in the form of a resolution duly passed and adopted by said City Council.

(Based on Sec. 2, Ord. 353)

§ 1-3.02 Surety Bond. The City Council does hereby fix the Surety Bond of the City Clerk to be in the penal sum of $25,000.

(Based on Sec. 1, Ord. 280)

Article 5

Planning Commission

§ 1-3.07 Creation. A planning department for the City of Pleasanton is hereby created, to be known and designated as "The Planning Commission of the City of Pleasanton."

(Based on Sec. 1, Ord. 243)

§ 1-3.08 Membership.

(a) The Planning Commission shall consist of the following members: Five (5) commissioners having one (1) vote each and one (1) alternate member.

(b) The alternate member shall vote in the case of an absence or conflict of interest of any regular member of the Commission. The alternate member can serve as a voting member on any subcommittee of the Planning Commission including the Design Review Board and may be designated as the Planning Commission's representative to other boards and commissions.

(Based on Sec. 1, Ord. 316, amended by Ord. 1052)

§ 1-3.09 Appointment. Commissioners shall be appointed by the Mayor, subject to approval by vote of the City Council; and shall not qualify for office unless they are residents of the City of Pleasanton.

(Based on Sec. 3, Ord. 243)

§ 1-3.10 Terms. Commissioners shall serve for a term of four (4) years. Said term shall commence and run from the fifth day of May, each and every year. Two (2) commissioners shall serve terms expiring May 5, 1960, two commissioners shall have terms expiring May 5, 1961, and one commissioner shall have a term expiring May 5, 1962. Any adjustment of terms of present commissioners shall be done by lot. When vacancies occur, assignments shall be made to fill the unexpired term. The alternate commissioner first appointed shall serve until May 5, 1986 and successive appointments after that date shall be for four (4) year terms.

(Based on Sec. 3, Ord. 542, amending Ordinances, 243, 316 and 1052)

§ 1-3.11 Ex Officio Members. The Director of Planning and Community Development as Secretary to the Commission, the City Attorney and the Director of Public Works and Utilities shall be ex officio and advisory members of the Commission with no vote.

(Based on Sec. 1, Ord. 476, amended by Ord. 1052)

§ 1-3.12 Employees. The Planning Commission shall be authorized to employ consultants, officers and employees only with the approval of the City Council.

(Based on Sec. 6, Ord. 243)

§ 1-3.13 Chairman. The Planning Commission shall appoint from its own members a Chairman and a Vice-Chairman, and shall adopt rules of order and rules for transacting business. The offices of Chairman and Vice-Chairman shall be rotated on an annual basis in such a way that no member of the Commission serving as either Chairman or Vice-Chairman may succeed himself.

(Based on Sec. 4, Ord. 542)

§ 1-3.14 Meetings. Meetings shall be public, and shall be held at least monthly. Public records shall be kept of all resolutions, transactions, findings, determinations and correspondence of the Planning Commission.

(Based on Sec. 8, Ord. 243)

§ 1-3.15 Area Planning. This Planning Commission shall cooperate with county or area planning commissions as may promote and protect the interests of the City of Pleasanton in planning and development of the surrounding area.

(Based on Sec. 9, Ord. 243)

§ 1-3.16 Funds. The City shall appropriate to the Planning Commission sufficient funds to perform the duties set out in this chapter. The Planning Commission shall not spend, exclusive of gifts received for the express purpose of planning and zoning, more than the funds appropriated by the City.

(Based on Sec. 10, Ord. 243)

§ 1-3.17 Expenses. Commissioners shall not be compensated for their services, but shall receive reimbursement for actual and necessary expenses incurred in the performance of their duties.

(Based on Sec. 11, Ord. 243)

§ 1-3.18 Duties of the Planning Commission. The Planning Commission shall perform the following functions:

(a) Prepare, adopt and administer a General or Master Plan for the City and for land adjacent to the City for long term growth, subject to revision as conditions and land uses change.

(b) Prepare, adopt and administer precise plans in accordance with the General Plan, regulating land and building uses, height and bulk of buildings, open spaces about buildings, lot percentages, lot sizes and locations of buildings and rights-of-way.

(c) Recommend to the City Council amendments to the Zoning Ordinance to carry out the above mentioned General Plan and precise plans.

(d) Investigate, hear and determine applications for use permits and for variance permits made pursuant to the zoning laws of the City.

(e) Investigate, hear and determine disputes and controversies regarding the Zoning Ordinance.

(f) Review subdivision maps filed with the City Council, act as "advisory agency" pursuant to the Subdivision Map Act of the State of California in making recommendations concerning said maps to the Council.

(Based on Sec. 12, Ord. 243)

§ 1-3.19 Automatic Termination of Appointment.

(a) The appointment of any member of the Commission who has been absent from four (4) regular meetings during the course of a six month period shall automatically terminate as hereinafter set forth.

(b) The secretary of the Commission shall report the attendance record of each member of said Commission to the City Manager at the end of each six (6) month period, the first report to be made on May 1, 1968, and to cover the period from November 1, 1967, through April 30, 1968. The appointment of any member who was absent from four (4) regular meetings as shown on said report shall be automatically suspended on the date said report is filed with the City Manager, pending final determination by the City Council. Such member shall be notified in writing that his appointment has been automatically suspended.

(c) The City Council, upon receipt of the report transmitted through the City Manager's office, may declare such office vacant and must declare the same vacant unless a satisfactory reason is furnished justifying the failure of such member to attend said meeting. Said member shall be notified in writing as to the time and place of such personnel session so that he may attend if he wishes to do so.

(d) If the City Council declares such office vacant, the City Manager shall notify such member that his appointment has been officially terminated. Thereupon, the City Council shall appoint some qualified person to fill such vacancy for the unexpired term of such member.

(Based on Sec. 1, Ord. 501)

Article 6

Park and Recreation Commission

§ 1-3.23 Creation. There is hereby created a Park and Recreation Commission consisting of five (5) members, both men and women. The Park and Recreation Commission members shall be appointed by the City Council.

(Based on Sec. 1(a), Ord. 426, amended by Ord. 635)

§ 1-3.24 Membership. Members of the Commission shall be qualified electors and serve without compensation for a period of four (4) years. The first Commission to be appointed shall, at its first meeting, so classify its members by lot that two shall serve for one year; two shall serve for two years; and one shall serve for three years. At the expiration of each of the terms so provided for, a successor shall be appointed by the City Council for a term of four years.

(Based on Sec. 1, Ord. 542)

§ 1-3.25 Vacancies. When a vacancy occurs in said Commission, appointment shall be made to fill the unexpired terms.

(Based on Sec. 1(c), Ord. 426)

§ 1-3.25.05 Alternate Member.

(a) In addition to the five regular members of the Commission, there shall be an alternate member who shall vote in the case of an absence or conflict of interest of any regular commissioner.

(b) The alternate commissioner can serve as a voting member on any subcommittee of the Park and Recreation Commission and may be designated as the Park and Recreation Commission's representative to other boards and commissions.

(c) The alternate commissioner first appointed shall serve until February 15, 1986 and successive appointments after that date shall be for four (4) year terms.

(Based on Sec. 4, Ord. 1052)

§ 1-3.26 Organization.

(a) Within thirty (30) days after appointment, members of the Commission shall meet in regular session and elect a Chairman and Vice-Chairman. Their duties shall respectively be such as are usually carried out by such officers. The offices of Chairman and Vice-Chairman shall be rotated on an annual basis in such a way that no member of the Commission serving as either Chairman or Vice-Chairman may succeed himself.

(Based on Sec. 2, Ord. 542)

(b) The Director of Parks and Recreation shall act as Secretary to the Commission.

(Based on Sec. 2(b), Ord. 426)

§ 1-3.27 Meetings.

(a) Regular meetings shall be held at least monthly with time, place and date set by resolution of the Commission.

(b) Special meetings may be called by: The Commission Chairman; any two members of the Commission; the City Council and the City Manager: provided written notice is given 48 hours in advance of each special meeting to the following: Each Commission member, all local newspapers of general circulation, and anyone filing written request for notice with the City Clerk. Notice of meetings in all other respects shall comply with Section 54950.5 et seq., of the Government Code, known commonly as the Ralph M. Brown Act.

(c) A majority of the regular members shall constitute a quorum. Absence from three consecutive regular meetings, without formal consent of the Commission, shall be deemed to constitute the retirement of such member and the position declared vacant.

(d) Minutes of the Commission shall be filed with the City Council, City Clerk, City Manager, Director of Recreation, and the Superintendent(s) of any school district whose boundaries are either in part or solely within the City limits.

(Based on Sec.3, Ord. 426)

§ 1-3.28 Duties and Responsibilities of the Park and Recreation Commission. The duties of the Park and Recreation Commission shall be to:

(a) Act in an advisory capacity to the City Council, the City Manager, and the Director of Parks and Recreation 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 Park and Recreation 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.

(b) Formulate recommended policies regarding recreation services for consideration by the City Council.

(c) Advise the City Council, the City Manager, and the Director of Parks and Recreation regarding the development of recreation areas, facilities, programs and services.

(d) Make periodic inventories of recreation services that exist or may be needed and interpret the needs of the public to the City

Council, the City Manager and the Director of Parks and Recreation, and all other governmental agencies and civic groups as required.

(e) 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.

(f) 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.

(g) Advise the City Council, City Manager and Director of Parks and Recreation regarding the emphasis and priorities in the preparation of the annual recreation budget and a long-range capital improvement program.

(Based on Sec.4, Ord. 426, amended by Ord. 635)

§ 1-3.29 Funds. The City shall provide sufficient funds, in a manner the City Council best deems advisable, in order for the Commission to adequately perform the duties set forth in this chapter.

(Based on Sec. 5, Ord. 426)

§ 1-3.30 Automatic Termination of Appointment.

(a) The appointment of any member of the Commission who has been absent from two (2) regular meetings during the course of a six month period shall automatically terminate as hereinafter set forth.

(b) The Secretary of the Commission shall report the attendance record of each member of said Commission to the City Manager at the end of each six (6) month period, the first report to be made on May 1, 1968, and to cover the period from November 1, 1967, through April 30, 1968. The appointment of any member who was absent from two (2) regular meetings as shown on said report shall be automatically suspended on the date said report is filed with the City Manager pending final determination by the City Council. Such member shall be notified in writing that his appointment has been automatically suspended.

(c) The City Council, upon receipt of the report transmitted through the City Manager's office, may declare such office vacant and must declare the same vacant unless a satisfactory reason is furnished justifying the failure of such member to attend said meeting. Said member shall be notified in writing as to the time and place of such personnel session so that he may attend if he wishes to do so.

(d) If the City Council declares such office vacant, the City Manager shall notify such member that his appointment has been officially terminated. Thereupon, the City Council shall appoint some qualified person to fill such vacancy for the unexpired term of such member.

(Based on Sec. 1, Ord. 502)

Article 6A

Human Services Commission

§1-3.32.05 Creation. The Human Services Commission created by Resolution No. 76-21 of the City of Pleasanton is hereby established by ordinance.

§1-3.32.10 Membership. The Commission shall be comprised of eight (8) members all of whom shall be residents of the City of Pleasanton. Members of the Commission shall serve without compensation.

§1-3.32.15 Appointment. The Commission members shall be appointed by the Mayor, subject to approval by vote of the City Council. The individual members shall be appointed as follows:

(a) Five (5) public members shall be appointed from the community-at-large.

(b) One alternate public member from the community-at-large.

(c) Three (3) liaison members shall be appointed from existing City Commissions or Boards as follows:

1. One (1) member from the Planning Commission.

2. One (1) member from the Park and Recreation Commission.

3. One (1) member from the Housing Authority Board.

§1-3.32.20 Terms.

(a) The public members of the Commission shall serve staggered four (4) year terms. The existing appointments from the community-at-large are hereby reaffirmed and shall have their terms reflect their current expiration dates as shown below.

(b) Two public Commissioner's terms and the alternate Commissioner's term shall expire on October 22, 1983. Three public Commissioners' terms shall expire on October 22, 1984.

(c) The liaison Commissioners shall be nominated by their respective commissions for one year terms commencing on October 22 of each year subject to Council approval. The term of office of the three (3) liaison commissioners shall not extend beyond their term on the Commission they represent.

§1-3.32.25 Alternate Member

(a) The alternate member shall vote in the case of an absence or conflict of interest of any public commissioner.

(b) The alternate member can serve as a voting member on any subcommittee of the Human Services Commission and may be designated as the Human Services Commission representative to other boards and commissions.

§1-3.32.30 Maintenance of Membership. Persons appointed to the Commission shall continue to serve as members of the Commission except that;

(a) His/Her term of appointment to the Commission expires.

(b) He/She voluntarily resigns from the Commission.

(c) Absence from two (2) regular meetings within a six-month period without consent of the Chairperson.

(d) Failure to maintain residence in the City.

It shall be the duty of the secretary of the Commission to inform the Council when any of the above occurs.

§1-3.32.35 Vacancies. Vacancies on the Commission arising from the provisions of Section 1-3.32.30 shall be filled in accordance with the procedures set forth in Section 1-3.32.15 and shall be for the unexpired term.

§1-3.32.40 Meetings.

(a) Regular meetings shall be held monthly with time and place and date set by resolution of the Commission.

(b) Special meetings may be called by the Chairperson, or any five (5) members of the Commission, provided written notice is given twenty-four (24) hours in advance of the special meeting to the following:
each Commission member, 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 public; agendas shall be prepared; minutes of all meetings shall be kept and filed with the City Council, the City Manager/City Clerk, and the Director of Recreation and Human Resources.

§1-3.32.45 Quorum and Voting.

(a) Five (5) members present shall constitute a quorum for the transaction of business.

(b) A majority vote of those present shall be required for any Commission action to be taken.

§1-3.32.50 Officers.

(a) The Commission, by majority vote, shall appoint for a term of one (1) year, a Chairperson and Vice Chairperson from among its members appointed from the community-at-large.

(b) The Chairperson shall be responsible for the conduct of meetings, the preparation and approval of agendas, and other duties normally associated with a Chairperson.

(c) The Vice Chairperson shall perform those duties assigned by the Chairperson and act for the Chairperson in the latter's absence.

(d) No member of the Commission shall serve more than two successive full terms of one year as Chairperson of the Commission.

(e) The Director of Recreation and Human Resources or his designated representative shall serve as Secretary to the Commission.

§1-3.32.55 Bylaws. The Commission may adopt bylaws subject to approval by a majority of the City Council.

§1-3.32.60 Duties. The Human Services Commission shall be responsible to advise the City Council as regards both the human service needs of the community and the methods whereby said needs can be fulfilled. Particular emphasis shall be given to the human service needs of the socially and economically disadvantaged, the elderly and the youth of the community.

In fulfilling their above responsibilities, the duties of the Commission shall include the following:

(a) Identify the human service needs of the community; determine the human service priorities within the community.

(b) Develop and recommend to the City Council specific programs and/or actions designed to meet the identified human service needs of the community; evaluate the success of the programs and/or the actions undertaken.

(c) Identify and be informed of programs providing human services to the community - their purpose, the type and nature of services they provide, and the effectiveness of their services.

(d) Review and evaluate requests received by the City from human service programs as regards financial assistance, endorsements, and other types of assistance; make recommendations to the City Council regarding such requests.

(e) Develop and recommend actions designed to coordinate the delivery of human services within and to the community.

(f) Represent the City on and/or maintain liaison with governing boards of public and private human service agencies/programs of interest to the community.

(g) Inform and advise the City Council concerning actions by Federal, State, and other public or private human service agencies of interest to the City.

(Based on Sec. 5, Ord. 1052)

Article 6B

Housing Authority

§1-3.33.05 Creation. The Housing Authority of the City of Pleasanton created by resolution of the City Council in 1943 is hereby established by ordinance in accordance with Section 34201 et seq. of the Health and Safety Code.

§1-3.33.10 Appointment and Term.

(a) Board of Commissioners - There shall be a Board of Commissioners of the Housing Authority of the City of Pleasanton consisting of seven (7) Commissioners.

(b) Manner of Appointment - Commission members shall be appointed by the City Council of Pleasanton upon recommendation by the Mayor.

(c) Qualifications

(1) Five Commissioners shall be qualified electors of the City of Pleasanton who shall serve for four (4) year terms.

(2) Two Commissioners shall be residents of projects operated by the Housing Authority, one of whom shall be 62 years of age or older, and, when qualified applicants are available, shall be from different projects. The tenant Commissioners shall serve for two (2) year terms.

(d) Existing Commissioners - All existing Commissioners of the Housing Authority shall be continued in office for their established terms.

(e) Vacancies - In the case of a vacancy, appointment shall be for the remainder of retiring Commissioner's term.

§1-3.33.15 Maintenance of Membership. Persons appointed to the Board shall continue to serve as Commissioners until:

(a) Expiration of the term.

(b) Voluntary resignation from the Board.

(c) Absence without excuse from three consecutive regular meetings of the Board. The minutes of the Board shall record attendance and excused absences of Commissioners.

(d) Removal from the office in accordance with Health and Safety Code Section 34282 by the City Council.

§1-3.33.20 Officers. The officers of the Board shall be a Chairperson, a Vice Chairperson and an Executive Secretary.

(a) Chairperson - The Chairperson shall be Liaison with the City Council, Press and individual Commissioners. The Chairperson shall preside at all meetings of the Authority. The Chairperson and Executive Director shall sign all contracts, deeds and other instruments made by the Authority.

(b) Vice Chairperson - The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson; and in the case of the resignation or death of the Chairperson, the Vice Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Board shall select a new Chairperson.

(c) Executive Secretary

(1) The Executive Secretary shall be the Executive Director of the Authority and, as Executive Director, he shall have general supervision over the administration of its business and affairs, subject to the direction of the Board of Commissioners. He shall be charged with the management of the housing projects of the Authority.

(2) As Executive Secretary, he shall keep the records of the Authority, shall act as secretary of the meetings of the Board and record all votes, and shall keep the Minutes of the Authority for such purposes; and shall perform all duties incident to his office. He shall keep in safe custody the seal of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Board. (He shall, with the Chairperson, sign all contracts, deeds and other instruments.)

(3) The Executive Secretary shall also be the Treasurer of the Authority. As Treasurer, he shall have the care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such bank or banks as the Board may select. He shall, with the authorized Commissioner, sign all orders and checks for the payment of money and shall pay out and disburse such monies under the direction of the Board. Except as otherwise authorized by resolution of the Board of Commissioners, all such orders and checks shall be countersigned by authorized Commissioners. He shall invest funds as directed.

(4) He shall keep regular books of accounts showing receipts and expenditures and shall render to the Authority, at each regular meeting (or more often when requested), an account of his transactions and also of the financial condition of the Authority. He shall be bonded for the faithful performance of his duties as the Board may determine.

(e) Additional Duties - The officers of the Board shall perform such other duties and functions as may be required by the Board or the By-Laws or rules and regulations of the Authority.

(f) Election or Appointment

(1) The Chairperson and Vice Chairperson shall be elected by a majority vote at the annual meeting of the Board from among the Commissioners of the Authority, and shall hold office for one year or until their successors are elected and qualified.

(2) The Executive Secretary shall be appointed by the Board. Any person appointed to fill the office of Executive Secretary, or any vacancy therein, shall serve at the pleasure of the Board.

(g) Vacancies - Should the offices of Chairperson or Vice Chairperson become vacant, the Board shall elect a successor from its membership at the next regular meeting, and such election shall be for the unexpired terms of said office.

(h) Additional Personnel - The Board may employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the Housing Authorities Law of California and all other laws of the State of California applicable thereto. The selection and compensation of such personnel (including the Executive Secretary) shall be determined by the Board subject to the laws of the State of California.

§1-3.33.25 Meetings.

(a) Annual Meeting - The annual meeting of the Board shall be held on the regular meeting date in January.

(b) Regular Meetings - Regular meetings of the Board of Commissioners shall be held monthly with time and place and date set by resolution of the Board.

(c) Special Meetings

(1) A special meeting shall be called as required by law. The only business transacted shall be limited to items and subjects set forth in the notice of special meeting.

(2) Written notice shall be given forty-eight (48) hours in advance of the meetings of the Board of Commissioners to the following: Each Commissioner, local newspapers of general circulation, and anyone filing written request for notice. Notice of meetings shall comply in all respects with Section 54950.5 et seq., of the Government Code, known commonly as the Ralph M. Brown Act.

(d) Rules - All meetings shall be conducted in accordance with Robert's Rules of Order Revised.

(e) Conduct of Business - All meetings shall be public and shall follow an agenda of a type and form approved by the Board.

(f) Resolutions - All resolutions shall be in writing and shall be entered in the Minutes of the Housing Authority Board of Commissioners.

(g) Quorum - Four (4) Commissioners present shall constitute a quorum for the transaction of business at any meeting of the Board. Action may be taken upon a majority of the quorum.

(h) By-Laws - The Board may adopt and amend By-Laws only with the approval of a majority of the members of the Board at a regular or a special meeting, but no such amendment shall be adopted unless forty-eight (48) hours written notice is given using notification rules of Subsection (c).

§1-3.33.30 Duties. The duties of the Pleasanton Housing Authority are as follows:

(a) General - To assist the City of Pleasanton to provide decent and affordable housing to qualified low and moderate income persons.

(b) Communication

(1) To increase communication and understanding with the City Council, its Staff, the community, with other governmental agencies, the United States Department of Housing and Urban Development, nonprofit housing corporations, volunteer housing groups and individuals working towards the goals of the Housing Authority.

(2) To continue to maintain good relationships with the residents of its housing developments.

(3) To work for funding in conjunction with the City Council and the City Staff in obtaining resources for low and moderate income programs within the City.

(4) To file a report of its activities during the preceeding year with the City Clerk and the State Department of Housing and Community Development as required by Health and Safety Code Section 34328.

(c) Planning

(1) To continue to investigate and support within the City all possible means for developing affordable housing within the City.

(2) To oversee and assure that the housing needs of the City of Pleasanton are fostered by actively participating in the land use and/or housing reviews that are undertaken by the City of Pleasanton.

(3) To investigate and support a variety of housing programs.

(4) To cooperate with the private housing industry to produce affordable housing.

(5) To jointly exercise its powers with local housing agencies, for appropriate programs, in providing affordable housing in the City of Pleasanton area.

(Based on Sec. 6, Ord. 1052)

Article 7

Employees

§ 1-3.34 Adoption of a Personnel System. In order to establish and maintain an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service the best and most competent persons available; to facilitate efficient and economical services to the public; to assure that appointements and promotion of employees will be based on merit and fitness; to provide a reasonable degree of security for qualified employees, defining the obligations, rights priveleges, benefits and prohibitions which are placed upon all employees in the competitive service of the City, to recognize at the same time, within the limits of administrative feasibility, the fact that individuals differ, that no two individuals react alike to reward and discipline or to motivation and encouragement and for this reason to give considerable latitude to the Personnel Officer in the interpretation of this system, the following Personnel System is hereby adopted.

(Ordinance 626)

§ 1-3.35 The Personnel Officer. The City Manager shall be the Personnel Officer. The City Manager may delegate any of the powers and duties conferred upon him as Personnel Officer under this article to any other officer or employee of this City or may recommend that such powers and duties be performed under contract. The Personnel Officer shall have full responsibility for all personnel maters not otherwise delegated in this Article. These duties shall include but not be limited to the following:

a. Attend all meetings of the Personnel Committee as an ex-officio member and act as its secretary.

b. Prepare or cause to be prepared a position classification plan, including class specifications. The plan shall become effective upon approval by the City Council by resolution.

c. Prepare or cause to be prepared a plan of compensation, covering all classifications in the competitive service. The plan shall become effective upon approval by the City Council and shall be revised as necessary annually during preparation and approval of the municpal budget.

d. Prepare and recommend to the City Council personnel rules and amendments thereto as necessary.

e. Provide for publication or posting of notices of tests for positions in the competitive service, the reception of applications therefor, the conduct and grading of tests, the certification to the appointing authority of a list of persons eligible for appointment to the appropriate position in the competitive service, and the transfer, promotion, demotion, reinstatement, discipline, and lay off of employees in the competitive service.

(Ordinance 626)

§ 1-3.36 The Personnel Committee. There is hereby created a Personnel Committee to consist of seven members and two alternates. The Committee shall consist of the following members:

a. The Personnel Officer who shall also serve as secretary to the Committee.

b. Two members of the exempt service to be appointed by the Personnel Officer.

c. One member of the competitive service to be elected by a majority vote of the full-time permanent employees in the competitive service. (Ord. 699)

d. One member of the City's competitive service appointed by the Personnel Officer.

e. Two alternates shall be selected, one by the Personnel Officer and one by a majority vote of the full-time employees in the competitive service, to serve in case one of the Committee members is unable or ineligible to serve.

f. One member of each recognized employee organization elected by a majority vote of the full-time permanent employees in each recognized employee organization. (Ord. 699)

The committee shall adopt rules or procedure and shall appoint a chairman from among its members. The rules of procedure shall include a provision for declaring a seat on the committee vacant because of extended or frequent absences. All members of the committee shall be full-time permanent employees of the City of Pleasanton. The election of members and alternates to the Personnel Committee shall be conducted by the Personnel Committee.

(Ordinance 626)

§ 1-3.36a Duties of the Personnel Committee. The Committee shall determine the order of business for the conduct of its meetings and shall meet monthly unless called more frequently by the chairman or a majority of its members. The functions of the committee shall be:

a. To conduct the fact finding hearings and any other investigations as are necessary to determine the facts and make recommendations in all matters brought before the committee under the formal grievance procedure, as provided in Chapter 15 of the Personnel Rules.

b. Upon its own motion, or when requested by the City Council or City Manager, to investigate and make recommendations on any matter of personnel policy, including revisions of the personnel rules except as they relate to wages, hours and working conditions.

c. To assume the responsibility for the creation, implementation and oversight of a City Employees Safety Program.

§ 1-3.37 Labor Relations. With respect to wages, salaries and working conditions, employees and employee representative of the City of Pleasanton shall be governed by the provisions of Section 3500 et sek, of the Government Code and by rules adopted pursuant thereto by the City Council of the City of Pleasanton.

(Ordinance 626)

§ 1-3.37a Appeal. An employee shall have the right of appeal in such circumstances and pursuant to the procedures provided for by rules adopted pursuant hereto.

(Ordinance 626)

§ 1-3.38 The Competitive Service. The provisions of this article and rules pursuant hereto shall apply to all officers and employees in the service of the City with the exception of those spelled out in the rules as members of the exempt service.

(Ordinance 626)

§ 1-3.39 Adoption and Amendment of Rules. Personnel rules shall be adopted by a resolution of the City Council. Amendments thereof may be suggested by any person. Proposed amendments shall be considered by the Personnel Committee and the City Manager and may be presented to City Council with the recommendations and findings of the committee and the City Manager. Such amendments and revisions shall be processed as provided in the personnel rules. These rules shall establish regulations governing the personnel system including but not limited to:

a. Preparation, installation, revision and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class.

b. Preparation, installation, revision and maintenance of a plan of compensation directly correlated with the position classification plan providing a rate or range of pay for each class.

c. Public announcement of all tests and acceptance of applications for employment.

d. Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment.

e. Certification for appointment of persons from employment lists, and the making of provisional and emergency appointments.

f. Probationary periods and the administration thereof.

g. Transfer, promotion, demotion, reinstatement, discipline and layoff of employees in the competitive service.

h. Standardization of hours of work, attendance and leaves, regulations, working conditions and the development of employee morale, welfare, and training.

i. The establishment of adequate personnel records.

j. The establishment of a grievance procedure.

(Ordinance 626)

§ 1-3.40 Appointments. Appointments to vacant positions in the competitive service shall be made in accordance with the personnel rules. Appointments shall be made on the basis of merit and fitness to be ascertained so far as practicable by competitive examination. Examinations shall be used to aid in the selection of qualified employees and shall consist of selection techniques which will test fairly the qualifications of the candidates. Achievement tests, aptitude tests, written tests, personnel interview, performance tests, physical agility tests, work samples, evaluation of daily work during the probationary period, or any combination of these and other tests, as well as physical or medical tests may be given as part of any examination.

In any examination the Personnel Officer may include, in addition to the competitive tests, a qualifying test or tests and set the minimum standard therefor. Appointments shall be made by City Council or by the officer in whom the power to make appointments is vested.

In the absence of appropriate employment lists, a provisional appointment may be made not to exceed six months, by the appointing authority of a person meeting the minimum training and experience qualifications for the position. A provisional employee may be removed at any time without the right of appeal or hearing. During the period of suspension of an employee or pending final action on proceedings to review suspension, demotion or discharge of any employee, such vacancy may be filled by the appointing authority subject to the provisions of this article and the personnel rules.

(Ordinance 626)

§ 1-3.40a The Probationary Period. All original appointments shall be for a probationary period of 12 months actual service, as provided in the personnel rules. All promotional appointments shall be for a probationary period of 6 months actual service, as provided in the personnel rules.

(Ordinance 626)

§ 1-3.41 Status of Present Personnel. Any person holding a position included in the competitive service who, on the effective date of this article shall have served continuously in such position for a period of time equal or greater than the probationary period prescribed in the rules for his class shall assume regular status in the competitive service in the position held on such an effective date without qualifying tests and shall thereafter be subject in all respects to the provisions of this article and the personnel rules.

Any other persons holding positions in the competitive service shall be treated as probationers serving out the balance of their probationary time-periods as prescribed in the rules before obtaining regular status. The probationary period shall be computed from the date of employment or appointment.

(Ordinance 626)

§ 1-3.42 Demotion, Dismissal, Reduction in Pay, Suspension. The appointing authority may for cause demote, dismiss, reduce in pay or suspend without pay for thrity (30) calendar days or less any permanent employee as provided in the personnel rules.

(Ordinance 626)

The provisions of this section shall not apply to reductions in pay which are part of a general plan to reduce salaries and wages or to eliminate a psition.

(Ordinance 626)

§ 1-3.43 Abolition of Position. Whenever, in the judgment of the City Council it becomes necessary, the City Council may abolish any position or employment in the competitive service.

(Ordinance 626)

§ 1-3.44 Improper Political Activity. The political activities of the City officers and employees shall conform to pertinent provisions of the State Law which include, but are not necessarily limited to provisions against:

a. Soliciting or knowingly receiving from other officers or employees political funds or contributions.

b. Participation in political activities of any kind while in uniform.

c. Directly or indirectly using official authority or influence to secure for any person or to prevent from securing by any person any position or nomination within the City.

(Ordinance 626)

§ 1-3.45 Discrimination. No person in the competitive service or seeking admission thereto shall be appointed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, ancestry, nationality, origin, or religious belief.

(Ordinance 626)

§ 1-3.46 Purpose of the Staff Safety Committee. The purpose of the Staff Safety Committee shall be to assume overall responsibility for the City's Safety Program. The Staff Safety Committee shall also serve as a task force for the implemenation of the California Occupational Safety and Health Act of 1973.

(Ordinance 733)

§ 1-3.47 Duties of Staff Safety Committee. The Staff Safety Committee is responsible for overseeing a City-wide safety program. The Committee shall undertake such projects which will carry out its responsibility, including, but not limited to:

a. Inventory existing hazards either mechanical or procedural which violate the Occupational Safety and Health Act.

b. Based upon said inventory, develop a work program to eliminate safety deficiencies.

c. Review and bring current the City's safety manual.

d. Develop a more comprehensive safety education program for City employees.

§ 1-3.48 Composition of Staff Safety Committee. The Staff Safety Committee shall be composed of the following personnel:

a. Assistant to the City Manager (Personnel)

b. Director of Field Services

c. Public Works Field Superintendents

d. Fire Department Safety Officer

e. Police Department Safety Officer

f. Chief Building Inspector

The Chairman of the Staff Safety Committee shall be the Assistant to the City Manager (Personnel). The Committee shall adopt rules of procedure governing the conduct of its business.

(Ordinance 733)

§ 1-3.49 Safety Officer. The position of Safety Officer shall be held by the Chairman of the Staff Safety Committee. The Safety Officer shall have line authority to impose compliance by all City departments and personnel with the safety procedures and practices of the City.

(Ordinance 733)

Article 8

Fire Chief

§ 1-4.01 Organization. The Fire Department of the City of Pleasanton shall be formed, organized, operated and conducted under and in accordance with the provisions of this article. It shall be known as "The Fire Department of the City of Pleasanton", hereafter called "the Fire Department".

(Based on Sec. I, Ord. 304)

§ 1-4.02 Firemen. The Fire Department shall be composed of not less than twelve (12) nor more than twenty-five (25) active firemen, including a Fire Chief and an Assistant Fire Chief, and such number of reserve firemen as may be provided for by the Fire Department. The number of active firemen belonging to said Fire Department may, within the limits established by this article be fixed by resolution from time to time by the Council of the City of Pleasanton.

(Based on Sec. II, Ord. 304)

§ 1-4.03 Supervisorial Firemen. Appointment of the Fire Chief and Assistant Fire Chief of the Fire Department shall be recommended by the City Manager to the City Council, which shall from time to time fix such compensation as deemed necessary. Appointments or removal of other officer and firemen positions shall be made by the City Council upon recommendation of the City Manager.

(Based on Sec. III, Ord. 304)

§ 1-4.04 Firefighting Apparatus. The Fire Chief shall have charge of all the fire fighting apparatus and equipment of the City of Pleasanton, shall be responsible for same, & shall see that same is kept in good condition. He shall be furnished with suitable facilities for the care of said fire fighting apparatus and equipment, and may employ competent help for the proper maintenance and repair of said apparatus and equipment.

(Based on Sec. IV, Ord. 304)

§ 1-4.05 Equipment Inventory. The Fire Chief shall maintain a complete inventory of all fire fighting apparatus and equipment of the City of Pleasanton.

(Based on Sec. V, Ord. 304)

§ 1-4.06 Purchasing Agent. All requests or recommendations for supplies shall be submitted to the Purchasing Agent on a requisition form signed by the Fire Chief.

(Based on Sec. VI, Ord. 304)

§ 1-4.07 Firefighting. The Fire Chief shall have control of all fire fighting apparatus and equipment of the Fire Department during a fire, and shall be in complete charge of all members of the Fire Department engaged in fighting fires and his orders shall be obeyed by members of the Fire Department. The Fire

Chief shall adopt such measures as deemed necessary for the effectual extinguishment of fires, and he shall be held responsible by the City Manager for his administration of the Fire Department.

(Based on Sec. VII, Ord. 304)

§ 1-4.08 Assistant Fire Chief. The Assistant Fire Chief shall assist the Fire Chief in the discharge of his duties and, in the absence or inability of the Chief, shall perform the duties of the Fire Chief.

(Based on Sec. VIII, Ord. 304)

§ 1-4.09 Chain of Command. Neither the Fire Chief nor the Assistant Fire Chief shall absent themselves from the City without first giving notice to the other, and insofar as possible, both of them should not be absent from the City at the same time. In the absence of both the Fire Chief and the Assistant Fire Chief, at a fire the next senior officer shall take charge of the Department.

(Based on Sec. IX, Ord. 304)

§ 1-4.10 Fire Department Organization. Meetings of the Fire Department Organization shall be held at such times as may be designated by the members of the Department. Only active members of the Fire Department, including the Fire Chief and the Assistant Fire Chief, shall be entitled to vote at said meeting. They may elect a President, Vice-President, Secretary, and Treasurer of the Fire Department Organization and such other officers as may be deemed necessary, and adopt such by-laws and regulations which are not in violation of, or in conflict with, the provisions of this article or any other ordinance of the City of Pleasanton, or any statute of the State of California, and they shall adopt regulations governing reserve members, and honorary or retired members shall be entitled to attend meetings of the Fire Department Organization but shall not be entitled to a vote.

(Based on Sec. X, Ord. 304)

§ 1-4.11 Fire Drills. The Fire Department shall hold fire drills at least two times per month at times designated by the Fire Chief. Only active firemen shall engage in the work of fighting and extinguishing fires, providing, however, that in the temporary absence of active members of the Fire Department the Fire Chief may designate and appoint reserve members of the Fire Department to fill the temporary vacancies.

(Based on Sec. XI, Ord. 304)

§ 1-4.12 Disciplinary Action. Every member of the Fire Department shall obey the orders of his superiors; any failure to do so may be deemed sufficient cause for suspension or recommendation for dismissal from the Department.

(Based on Sec. XII, Ord. 304)

§ 1-4.13 Investigation of Fire Causes. The Fire Chief shall investigate the cause of every fire occuring in the City of Pleasanton and shall maintain

records thereof; he shall aid in the enforcement of all fire ordinances and statutes; shall examine buildings under construction, as necessary; when directed by proper authorities, institute prosecutions thereof; and perform all other duties of his office.

(Based on Sec. XIII, Ord. 304)

§ 1-4.14 Protection of Property. The Fire Chief shall prevent injury to, take charge of, and preserve all property rescued from fire, and return the same to the owner thereof, upon the payment of the actual and necessary expenses incurred in saving and keeping the same.

(Based on Sec. XIV, Ord. 304)

§ 1-4.15 Interference with Firemen. Any person not authorized by the City Council or the officers of the Pleasanton Fire Department, who, in any manner whatsoever, interferes with any of the fire fighting apparatus and equipment of the Fire Department, water mains or hydrants, or in any other manner interferes with members of the Fire Department, who are vested with authority to direct and keep all persons at a safe distance from any fire, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding Three Hundred Dollars ($300.00), or by imprisonment not exceeding ninety (90) days, or by both fine and imprisonment.

(Based on Sec. XV, Ord. 304)

Article 9

Police Chief

§ 1-4.20 Purpose. The City of Pleasanton declares that it desires to qualify to receive aid from the State of California under the provisions of Chapter 1 of Title 4, Part 4 of the California Penal Code.

(Based on Sec. 1, Ord. 328)

§ 1-4.21 Training Program. Pursuant to Section 13522 of said Chapter 1, the City of Pleasanton while receiving aid from the State of California pursuant to said Chapter 1 will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

(Based on Sec. 2, Ord. 328)

Article 10

Emergency Organization and Functions

§ 1-4.40 Purpose. The delcared purposes of this ordinance are to provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations, and affected private persons.

§ 1-4.41 Definition. As used in this ordinance, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety or persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat.

§ 1-4.42 Disaster Council Membership. The City of Pleasanton Disaster Council is hereby created and shall consist of the following:

a. The mayor, who shall be chairman.

b. The Director of Emergency Services, who shall be vice-chairman.

c. The Assistant Director of Emergency Services.

d. Such chiefs of emergency services as are provided for in a current emergency plan of this City, adopted pursuant to this ordinance.

e. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the City Council.

§ 1-4.43 Disaster Council Powers and Duties. It shall be the duty of the City of Pleasanton Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resultions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the Chairman of, in his absence from the City or inability to call such meeting upon call of the vice-chairman.

§ 1-4.44 Director and Assistant Director of Emergency Services.

a. There is hereby created the Office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services.

b. There is hereby created the office of Assistant Director of Emergency Services, who shall be appointed by the Director.

§ 1-4.45 Powers and Duties of the Director and Assistant Director of Emergency Services.

A. The director is hereby empowered to:

(1) Request the City Council to proclaim the existence or threatened existence of a "local emergency" of the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the director, the City Council shall take action to ratify the proclamation within 7 days thereafter or the proclamation shall have no further force or effect.

(2) Request the Governor to proclaim a "state of emergency" when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.

(3) Control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this ordinance.

(4) Direct cooperation between and coordination of services and staff of the emergency organization of this City; and resolve questions of authority and responsibility that may arise between them.

(5) Represent this City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

(6) In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency," the director is hereby empowered:

(a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;

(b) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use;

(c) To require emergency services of any City Officer or employee and in the event of the proclamation of a "state of emergency" in the county in which this City is located or the existence of a "State of war emergency," to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

(d) To requisition necessary personnel or material of any City department or agency; and

(e) To execute all of his ordinary power as City Manager all of the special powers conferred upon him by this ordinance or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority.

B. The Director of Emergency Services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the City Council.

C. The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this City; and shall have such other powers and duties as may be assigned by the director.

§ 1-4.46 Emergency Organization. All officers and employees of this City together with those volunteer forces enrolled to aid them during an emergency and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of § 1-4.45, A(6)(c) of this ordinance, be charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the emergency organization of the City of Pleasanton.

§ 1-4.47 Emergency Plan. The Pleasanton Disaster Council shall be responsible for the development of the City of Pleasanton Emergency Plan, which plan shall provide for the effective mobilization of all of the resources of this City, both public and private, to meet any condition constituting a local emergency, state of emergency or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.

§ 1-4.48 Expenditures. Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of Pleasanton.

§ 1-4.49 Punishment of Violations. It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars ($500) or by imprisonment for not to exceed six months, or both, for any person, during an emergency to:

A. Wilfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance.

B. Do any act forbidden by any lawful rule or regulation issued pursuant to this ordinance, if such act is such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this City, or to prevent, hinder, or delay the defense or protection thereof.

C. Wear, carry, or display, without authority, any means of identification specified by the emergency agency of this State.

(Based on Sec. 2 of Ord. 660)

TITLE I - ADMINISTRATION

Chapter 3

REVENUE AND TAXATION

Article 1 - Property Tax

Article 2 - Business License and Gross Receipts Tax

Article 3 - Sales and Use Tax

Article 4 - Documentary Stamp Tax

Article 5 - Hotel-Motel Tax

Article 6 - Bedroom Tax

Article 1

Property Tax

§ 1-5.09 Delegation to County. Under and pursuant to the power and authority provided by that certain act of the Legislature of the State of California adopted by the Thirty-first Session of the Legislature of the State of California as Chapter CLXXXII, Statutes of 1895, page 219, and subsequent statutes adopted by said Legislature amending said act, the City of Pleasanton does hereby elect that the duties of assessing property and collecting taxes provided by law to be performed by the Assessor and the Tax Collector of the City of Pleasanton, shall be performed by the County Assessor and the County Tax Collector of the County of Alameda, a political subdivision of the State of California, and being the county in which the City of Pleasanton is situated, commencing December 15, 1947, and continuing until the City of Pleasanton shall by ordinance elect not to have such duties performed by the Assessor and Tax Collector of the County of Alameda for any longer time.

(Based on Sec. 1, Ord. 202)

§ 1-5.10 Agreement with County. The City Council of the City of Pleasanton is hereby authorized to enter into an agreement or agreements with the Board of Supervisors of the County of Alameda for the amount of compensation to be charged by and paid to the County of Alameda for the performance of the services of assessment and collection of taxes for the City of Pleasanton in amounts not exceeding the amounts provided for by law.

(Based on Sec. 2, Ord. 202)

Title I
Chapter 3

Article 2

Business License and Gross Receipts Tax

§ 1-5.15 Definitions. For the purposes of this article, certain words and terms used herein are defined as follows:

a. "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.

b. "City" shall mean 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 re-incorporated form.

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

d. "Gross receipts" shall include the total of amounts actually received or receivable from sales within the City of Pleasanton and the total amounts actually received or receivable for the performance of any act or service within the City of Pleasanton 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. 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 the receipts of a general contractor which represent payments to subcontractors, provided that such subcontractors are licensed under this article, and provided the general contractor furnishes the Collector with the names and addresses of the subcontractors and the amounts paid each subcontractor;

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. As to a gasoline dealer, a portion of his 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 of California;

10. 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 him from the consumer or purchaser.

e. "Sale" shall include the transfer, in any manner or by any means whatsoever; of title to property for a consideration; the serving, supplying, or 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 peyment 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.

f. "Sworn statement" shall mean an affidavit sworn to before a person authorized to take oaths, or a declaration or certification made under penalty of perjury.

g. "Collector" shall mean the City Finance Director.

(Based on [illegible] Ord. 594)

§ 1-5.16 Revenue Measure. This article is enacted solely to raise revenue for municipal purposes, and is not intended for regulation.

(Based on [illegible] Ord. 594)

§ 1-5.17 Effect on Other Ordinances. Persons required to pay a license tax for transacting and carrying on any business under this article 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.

No license issued pursuant to the provisions of this article shall be construed as authorizing the conduct or continuance of any illegal or unlawful business.

(Based on Sec. 3, Ord. 594)

§ 1-5.18 License and Tax Payment Required. There are hereby imposed upon the businesses specified in this article license taxes in the amounts hereinafter prescribed. It shall be unlawful for any person to transact and carry 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 article.

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 of California. Persons not so required to obtain a license prior to doing business within the City nevertheless shall be liable for payment of the tax imposed by this article.

(Based on Sec. 4, Ord. 594)

§ 1-5.19 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 federal 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.

(Based on Sec. 5, Ord. 594)

§ 1-5.20 Evidence of Doing Business. When any person shall make use of signs, circulars, cards, telephone book, or newspapers, advertise, hold out, or represent that he is in business in the City, or when any person holds an active license or permit issued by a governmental agency indicating that he is in business in the City, and such person fails to deny by a sworn statement given to the Collector that he is not conducting a business in the City, after being requested to do so by the Collector, then these facts shall be considered prima facie evidence that he is conducting a business in the City.

(Based on Sec. 6, Ord. 594)

§ 1-5.21 Constitutional Apportionment. None of the license taxes provided for by this article shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the aqual protection and due process clauses of the Constitutions of the United States and the State of California.

In any case where a license tax is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce or be violative of such constitutional clauses, he may apply to the Collector for an adjustment of the tax. Such application may be made before, at, or within six months after payment of the prescribed license tax. The applicant shall, by sworn statement and supporting testimony, show this method of business and the gross volume or estimated gross volume of business and such other information as the

Collector may deem necessary in order to determine the extent, if any, of such undue burden or violation. The Collector shall then conduct an investigation, and, after having first obtained the written approval of the City Attorney, shall fix as the license tax for the applicant, an amount that is reasonable and non-discriminatory, or if the license tax has already been paid, shall order a refund of the amount over and above the license tax so fixed. In fixing the license tax to be charged, the Collector shall have the power to base the license tax upon the gross receipts, so long as the amount assessed does not exceed the license tax as prescribed by this article. The Collector may require the applicant to submit, either at the time of termination of applicant's business in the City, or at the end of each three-month period, a statement by a Certified Public Accountant as to the range of the gross receipts and to pay the amount of license tax therefor, provided that no additional license tax during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license tax as prescribed in this article.

(Based on Sec. 7, Ord. 594)

§ 1-5.22 Exemptions. Nothing in this article shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the State of California from the payment of such taxes as are herein prescribed, nor shall the provisions of this article apply to any utility, public or private, which makes annual franchise payments to the City.

Any person claiming an exemption pursuant to this section shall file a sworn statement with the Collector stating the facts upon which exemption is claimed, and in the absence of such statement sutstantiating the claim, such person shall be liable for the payment of the taxes imposed by this article.

The Collector shall, upon a proper showing contained in the sworn statement, issue a license to such person claiming exemption under this section without payment to the City of the license tax required by this article.

The Collector, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided herein.

(Based on Sec. 8, Ord. 594, and amended by Ord. 607)

§ 1-5.23 Contents of License. Every person required to have a license under the provisions of this article shall make application as hereinafter prescribed for the same to the Collector of the City, and upon the payment of the prescribed license tax the Collector shall issue to such person a license which shall contain the following information:

1. The name of the person to whom the license is issued;
2. The business licensed;
3. The place where such business is to be transacted and carried on;
4. The date of the expiration of such license; and
5. Such other administrative information as may be necessary for the enforcement of the provisions of this article.

(Based on Sec. 9, Ord. 594)

§ 1-5.24 Application - First License. Upon a person making application for the first license to be issued hereunder or for a newly established business, such person shall furnish to the Collector a sworn statement, upon a form provided by the Collector; setting forth the following information:

1. The exact nature or kind of business for which a license is requested;

2. The place where such business is to be carried on, and if the same is not to be carried on at any permanent place of business, the places of residences of the owners of same;

3. In the event that application is made for the issuance of a license to a person doing business under a fictitious name, the application shall set forth the names and places of residences of those owning said business;

4. In the event that the application is made for the issuance of a license to a corporation or a partnership, the application shall set forth the names and places of residences of the officers or partners thereof;

5. The application shall set forth such information as may be therein required and as may be necessary to determine the amount of the license tax to be paid by the applicant;

6. Any further administrative information which the Collector may require to enable him to issue the type of license applied for.

The applicant shall estimate the gross receipts for the period to be covered by the license to be issued. Such estimate, if accepted by the Collector as reasonable, shall be used in determining the amount of license tax to be paid by the applicant. In the event that the Collector finds the estimate submitted by the applicant to be unreasonable, he shall notify the applicant thereof in writing. Within 30 days following receipt of such written notification, the applicant shall furnish the Collector with a written verification by a certified public accountant as to the range of gross receipts during the period of such license, and the license tax for such period shall be finally ascertained and paid in the manner provided by this article for the ascertaining and paying of renewal license taxes for other businesses, after deducting from the payment found to be due, the amount paid at the time such first license was issued.

The Collector shall not issue to any such person another license for the same or any other business, until such person shall have furnished to him the accountant's verification and paid the license tax as herein required.

(Based on Sec. 10, Ord. 594)

§ 1-5.25 Renewal License. In all cases, the applicant for the renewal of a license shall submit to the Collector on or before June 1 an application for renewal containing a sworn statement upon a form to be provided by Collector, setting forth such information concerning the applicant's business during the preceding calendar year as may be required by the Collector to enable him to

verify the amount of the license tax paid by said applicant pursuant to the provisions of this article.

(Based on Sec. 11, Ord. 594)

§ 1-5.26 Statements and Records. No statements shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the City from collecting by appropriate action such sum as is actually due and payable hereunder.

In the event that the Collector deems it necessary, he may require that a licensee or applicant for license submit a verification by a certified public accountant attesting to such financial information as may be necessary to ascertain the amount of license fee due, or at the option of the licensee or applicant, may authorize the collector, his deputies, or authorized employees of the City to examine his records or business transactions in order that the proper license fee may be computed.

(Based on Sec. 12, Ord. 594)

§ 1-5.27 Information Confidential. It shall be unlawful for the Collector or any person having an administrative duty under the provisions of this article to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a license, or pay a license tax, or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided that nothing in this section shall be construed to prevent:

1. The disclosure to, or the examination of records and equipment by, another City official, employee, or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this article, or collecting taxes imposed hereunder;

2. The disclosure of information and results of examination of records of particular taxpayers, or relating to particular taxpayers, to a court of law in a proceeding brought to determine the existence or amount of any license tax liability of the particular taxpayers to the City;

3. The disclosure after the filing of a written request to that effect, to the taxpayer himself, or to his successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to the items included in the measure of any paid tax, any unpaid tax or amounts of tax required to be collected, interest and penalties; further provided, however, that the City Attorney approves each such disclosure and that the Collector may refuse to make any disclosure referred to in this paragraph when in his opinion the public interest would suffer thereby;

4. The disclosure by way of public meeting or otherwise of such information as may be necessary to the City Council in order to permit

it to be fully advised as to the facts when a taxpayer files a claim for refund of license taxes, or submits an offer of compromise with regard to a claim asserted against him by the City for license taxes, or when acting upon any other matter.

5. The disclosure of general statistics regarding taxes collected or business done in the City.

(Based on Sec. 13, Ord. 594)

§ 1-5.28 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 fails to file a corrected statement, or if any person subject to the tax imposed by this article 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 may be able to obtain and shall give written notice thereof to such person.

(Based on Sec. 14, Ord. 594)

§ 1-5.29 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 fifteen (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 place 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 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 article.

(Based on Sec. 15, Ord. 594)

§ 1-5.30 Additional Power of Collector. In addition to all other power conferred upon him, the Collector shall have the power, for good cause shown, to extend the time for filing any required sworn statement or application for a period not exceeding thirty (30) days, and in such case to waive any penalty that would otherwise have accrued.

(Based on Sec. 16, Ord. 594)

§ 1-5.31 License Nontransferable: Changed Location and Ownership. No license issued pursuant to this article 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 of $5.00 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, stockholder

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.

(Based on Sec. 17, Ord. 594)

§ 1-5.32 Duplicate License. A duplicate license may be issued by the Collector to replace any license previously issued hereunder which has been lost or destroyed upon the licensee filing statement of such fact, and at the time of filing such statement paying to the Collector a duplicate license fee of $2.00.

(Based on Sec. 18, Ord. 594)

§ 1-5.33 Posting and Keeping Licenses.

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 person at all times while transacting and carrying on the business for which it is issued.

(Based on Sec. 19, Ord. 594)

§ 1-5.34 License Tax - How and When Payable. Unless otherwise specifically provided, all annual license taxes, under the provisions of this article shall be due and payable in advance on the first day of July of each year; provided that license taxes covering new operations, commenced after the first day of July, may be prorated for the balance of the license period.

Except as otherwise herein provided, license taxes, other than annual, required hereunder shall be due and payable as follows:

a. Semi-annual license taxes, measured by gross receipts on the first day of January and the first day of July of each year;

b. Quarterly license taxes, measured by gross receipts, on the first day of January, April, July and October of each year;

c. Monthly license taxes, measured by gross receipts, on the first day of each and every month.

(Based on Sec. 20, Ord. 594)

§ 1-5.35 Delinquent Taxes - Penalties - Installment Payment. For failure to pay a license tax when due, the Collector shall add a penalty of 2% of said license tax on the first day of each month after the due date thereof, providing that the amount of such penalty to be added shall in no event exceed 25% of the amount of the license tax due. When the last day of the month falls on a day when the City Hall is closed, payment of the license tax due may be made on the first working day of the next month without penalty. Penalties in such cases shall attach on the second working day of

the succeeding month. Any license issued pursuant to this article may be suspended by the Collector upon the failure of the licensee to pay any charges imposed by this article within 60 days after such charges or reports become delinquent. No license shall be issued, nor one which has been suspended or revoked shall be reinstated or reissued, to any person, who at the time of applying therefor, is indebted to the City for any delinquent license taxes, unless such person, with the consent of the Collector, enters into a written agreement with the City, through the Collector, to pay such delinquent taxes, plus 5% simple annual interest upon the unpaid balance, in monthly installments, or oftener, extending over a period of not to exceed one (1) year.

In any agreement so entered into, such person shall acknowledge the obligation owed to the City and agree that, in the event of failure to make timely payment of any installment, the whole amount unpaid shall become immediately due and payable and that his current license shall be revocable by the Collector upon thirty (30) days' notice. In the event legal action is brought by the City to enforce collection of any amount included in the agreement, such person shall pay all costs of suit incurred by the City or its assignee, including a reasonable attorney's fee. The execution of such an agreement shall not prevent the prior accrual of penalties on unpaid balances at the rate provided hereinabove, but no penalties shall accrue on account of taxes included in the agreement, after the execution of the agreement, and the payment of the first installment and during such time as such person shall not be in breach of the agreement.

(Based on Sec. 21, Ord. 594)

§ 1-5.36 Refunds of Overpayments. No refund of an overpayment of taxes imposed by this article shall be allowed in whole or in part unless a claim for refund is filed with the Collector within a period of one (1) year from the last day of the calendar month following the period for which the overpayment was made, and all such claims for refund of the amount of the overpayment must be filed with the Collector on forms furnished by him and in the manner prescribed by him. Upon the filing of such a claim and when he determines that an overpayment has been made, the Collector may refund the amount overpaid.

(Based on Sec. 22, Ord. 594)

§ 1-5.37 License Tax - Gross Receipts. Every person who engages in business within the City of Pleasanton shall pay a license tax based upon gross receipts of the previous calendar year at the following rates and according to the following schedule:

LICENSE TAX SCHEDULE

Schedule Number	Range of Gross Receipts	Required Fee
1	$ 0 - $ 4,999	$ 15.00
2	5,000 - 24,999	25.00
3	25,000 - 99,999	50.00
4	100,000 - 249,999	75.00
5	250,000 - 499,999	100.00
6	500,000 - 999,999	150.00
7	1,000,000 - 2,499,999	200.00
8	2,500,000 and over	250.00

(Based on Sec. 23, Ord. 594)

§ 1-5.38 Alameda County Fairgrounds Concessions and Exhibitors. All persons who transact and carry on business within the City only at the Alameda County Fairgrounds during a period commencing one week prior to opening and ending one week after closing of the regular Fair days, are hereby deemed exempt from said license requirements and shall be exempt from the tax provided above.

The City Council shall prior to April 1st of each year fix and determine by agreement, letter or resolution confirmed by the Board of Directors of the Alameda County Fair, an in-lieu fee to compensate the City for services required by concessionaires and exhibitors exempt from this tax. Terms and conditions of said in-lieu payments shall be fixed at the discretion of the Council and the Board of Directors.

(Based on Sec. 24, Ord. 594)

§ 1-5.39 Rules and Regulations. The Collector may make rules and regulations not inconsistent with the provisions of this article as may be necessary or desirable to aid in the enforcement of the provisions of this article.

(Based on Sec. 25, Ord. 594)

§ 1-5.40 Enforcement. It shall be the duty of the Collector, and he is hereby directed to enforce each and all of the provisions of this article, and the Chief of Police shall render such assistance in the enforcement hereof as may from time to time be required by the Collector or the City Council.

The Collector in the exercise of the duties imposed upon him hereunder, and acting through his deputies or duly authorized assistants, may examine or cause to be examined any place of business in the City to ascertain whether the provisions of this article have been complied with.

The Collector and each and all of his assistans and any police officer shall have the power and authority (upon obtaining an inspection warrant therefor) to enter, free of charge, and at any reasonable time, any place of business required to be licensed herein, and demand an exhibition of its license. Any person having such license theretofore issued, in his possession or under his control, who wilfully fails to exhibit the same on demand, shall be guilty of a misdemeanor and subject to the penalties provided for by the provisions of this article. It shall be the duty of the Collector and each of his assistants to cause a complaint to be filed against any and all persons found to be violating any of said provisions.

(Based on Sec. 26, Ord. 594)

§ 1-5.41 License Tax a Debt. The amount of any license tax and penalty imposed by the provisions of this article shall be deemed a debt to the City. An action may be commenced in the name of said City in any court of competent jurisdiction, for the amount of any delinquent license tax and penalties.

(Based on Sec. 27, Ord. 594)

§ 1-5.42 Remedies Cumulative. All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

(Based on Sec. 28, Ord. 594)

§ 1-5.43 Effect of This Article on Past Actions - Unexpired Licenses. Neither the adoption of this article nor its superseding of any portion of any other ordinance of the City shall in any manner be construed to affect prosecution for violation of any other ordinance committed prior to May 7, 1970, nor be construed as a waiver of any license or any penal provision applicable to any such violation, nor be construed to affect the validity of any bond or cash deposit required by any ordinance to be posted, filed, or deposited, and all rights and obligations thereunto appertaining shall continue in full force and effect.

Where a license for revenue purposes has been issued to any person by the City and the tax paid for the business for which the license has been issued under the provisions of any ordinance heretofore enacted and the term of such license has not expired, then the license tax prescribed for said business by this article shall have subtracted therefrom the prorated amount of the unexpired license, provided however, that existing licensees be notified by the Collector in writing at least two (2) weeks prior to June 1, 1970, of their obligation to renew their license, pursuant to Section 1-5.25, in order to make the provisions of this article consistent with fiscal year operation by the City.

(Based on Sec. 29, Ord. 594)

§ 1-5.44 Penalty for Violation. Any person violating any of the provisions of this article or knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring the license or permit herein provided for shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than $500.00 or by

imprisonment in the City jail for a period of not more than six months, or by both such fine and imprisonment.

(Based on Sec. 30, Ord. 594)

§ 1-5.45 Business Not Susceptible to Gross Receipts Measure. A business not susceptible of a gross receipts measure because it does not fix a specific charge for services rendered, such as a corporate branch facility doing work only for the parent corporation, may submit its budget and the Collector may rely thereon as an appropriate indicator of the amount to which the schedule in Section 1-5.37 applies.

(Based on Sec. 32, Ord. 594)

§ 1-5.46 Charitable Organizations. The provisions of this article shall not be deemed to require payment of a license fee to carry on a business wholly and exclusively for the benefit of philanthropic, social service, benevolent or patriotic purposes.

(Based on Sec. 33, Ord. 594)

Article 3

Sales and Use Tax

§ 1-6.14 Short Title. This ordinance shall be known as the Uniform Local Sales and Use Tax Ordinance.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.15 Rate. The rate of sales tax and use tax imposed by this ordinance shall be .95 percent.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.16 Operative Date. This ordinance shall be operative on January 1, 1974.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.17 Purpose. The City Council hereby declares that this ordinance is adopted to achieve the following, among other, purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

a. To adopt a sales and use tax ordinance which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

b. To adopt a sales and use tax ordinance which incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

c. To adopt a sales and use tax ordinance which imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes;

d. To adopt a sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.18 Contract With State. Prior to the operative date this city shall contract with the State Board of Equalizatio to perform all functions incident to the administration and operation of this sales and use tax ordinance; provided, that if this city shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract rather than the first day of the first calendar quarter following the adoption of this ordinance.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.19 Sales Tax. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers in the city at the rate stated in Section 2 of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this city on and after the operative date.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.20 Place of Sale. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-State destination or to a common carrier for delivery to an out-of-State destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.21 Use Tax. An excise tax is hereby imposed on the storage, use or other consumption in this city of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in this city at the rate stated in § 1-6.15 of the sales price of the property. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.22 Adoption of Provisions of State Law. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.23 Limitations on Adoptions of State Law. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. The substitution, however, shall not be made when the word "State" is used as part of the title of the State Controller, the State Treasurer, The State Board of Control, the State Board of Equalization, the State Treasury, or the Constitution of the State of California; the substitution shall not be made when the result of that substitution would require action to be taken by or against the City, or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this ordinance; the substitution shall not be made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provisions of that Code; the substitution shall not be made in Section 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code; and the substitution shall not be made for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 or in the definition of that phrase in Section 6203.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.24 Permit Not Required. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller's permit shall not be required by this ordinance.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.25 Exclusions and Exemptions. There shall be excluded from the measure of tax:

a. The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

b. The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this State.

c. The gross receipts from sales to, and the storage, use or other consumption of property purchased by, operators of common carriers and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels principally outside this city.

d. The storage or use of tangible personal property in the transportation or transmission of persons, property or communications, or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.26 Exclusion and Exemptions.

a. The amount subject to tax shall not include any sales or use tax imposed by the State of California upon a retailer or consumer.

b. The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this State shall be exempt from the tax due under this ordinance.

c. There are exempted from the computation of the amount of sales tax the gross receipts from the sale of tangible personal property to operators of waterborne vessells to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

d. The storage, use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property of such vessels for commercial purposes is exempted from the use tax.

e. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

f. In addition to the exemptions provided in Sections [illegible] and 6366.1 of the Revenue and Taxation Code the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.27 Application of Provisions Relating to Exclusions and Exemptions.

a. § 1-6.26 of this ordinance shall become operative on January 1st of the year following the year in which the State Board of Equalization adopts an assessment ratio for state-assessed property which is identical to the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code, at which time § 1-6.25 of this ordinance shall become inoperative.

b. In the event that § 1-6.26 of this ordinance becomes operative and the State Board of Equalization subsequently adopts an assessment ratio for the state-assessed property which is higher than the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code, § 1-6.25 of this ordinance shall become operative on the first day of the month next following the month in which such higher ratio is adopted, at which time § 1.6-26 of this ordinance shall be inoperative until the first day of the month following the month in which the Board again adopts an assessment ratio for state-assessed property which is identical to the ratio required for local assessments by Section 401 of the Revenue and Taxation Code, at which time § 1-6.26 shall again become operative and § 1-6.25 shall become inoperative.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.28 Amendments. All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this ordinance.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.29 Enjoining Collection Forbidden. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or this City, or against any officer of the State or this City, to prevent or enjoin the collection under this ordinance, or Part 1.5 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.30 Existing Sales and Use Tax Ordinances Suspended. As of July 1, 1956, the provisions of Ordinance No. 207 (Sales Tax) and Ordinance No. 212 (Use Tax) shall be suspended and shall not again be of any force or effect until and unless for any reason the State Board of Equalization ceases to perform the functions incident to the administration and operation of the sales and use tax hereby imposed; provided, however, that if for any reason it is determined that the City of Pleasanton is without power to adopt Ordinance 261 (Uniform Local Sales and Use Tax Ordinance), or that the State Board of Equalization is without power to perform the functions incident to the administration and operation of the taxes imposed by the provisions of Ordinance No. 261, the provisions of Ordinance No. 207 (Sales Tax) and Ordinance No. 212 (Use Tax) shall not be deemed to have been suspended but shall be deemed to have been in full force and effect at the rate of one percent (1%) continuously from and after July 1, 1956. Upon the ceasing of the State Board of Equalization to perform the functions incident to the administration and operation of the taxes imposed by Ordinance No. 261 (Uniform Local Sales and Use Tax Ordinance), the provisions of Ordinance No. 207 (Sales Tax) and Ordinance No. 212 (Use Tax) shall again be in full force and effect at the rate of one percent (1%). Nothing in this article shall be construed as relieving any person of the obligation to pay to the City of Pleasanton any sales or use tax accrued and owing by reason of the provisions of Ordinance No. 207 (Sales Tax) and Ordinance No. 212 (Use Tax) in force and effect prior to and including June 30, 1956.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.31 Penalties. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than $500.00 or by imprisonment for a period of not more than six months, or by both such find and imprisonment.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.32 Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the reminder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

(Based on Ord. 261 as amended by Ord. 718)

§ 1-6.33 Repeals. Ordinance No. 261, as amended by Ordinance No. 333, is hereby repealed; provided, however, that said ordinance, as amended, shall remain applicable for the purposes of the administration of said ordinance and the imposition of and the collection of tax with respect to the sales of, and the storage, use, or other consumption of tangible personal property prior to January 1, 1974, the making of refunds, effecting credits, the disposition of monies collected, and for the commencement or continuance of any action or proceeding under said ordinance.

(Based on Ord. 261 as amended by Ord. 718)

Article 4

Documentary Stamp Tax

§ 1-6.25 Title. This title shall be known as the "Real Property Transfer Tax Ordinance of the City of Pleasanton". It is adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the State of California.

(Based on Sec. 1, Ord. 504)

§ 1-6.26 Tax: Amount. There is hereby imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the City of Pleasanton shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons by his or their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars ($100), a tax at the rate of twenty-seven and one-half cents ($0.275) for each five hundred dollars ($500) or fractional part thereof.

(Based on Sec. 2, Ord. 504)

§ 1-6.27 Tax: Person Obligated. Any tax imposed pursuant to Section 1-6.26 hereof shall be paid by any person who makes, signs or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued.

(Based on Sec. 3, Ord. 504)

§ 1-6.28 Exemption: Debts. Any tax imposed pursuant to this article shall not apply to any instrument in writing given to secure a debt.

(Based on Sec. 4, Ord. 504)

§ 1-6.29 Exemption: Public Agencies. The United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, or the District of Columbia shall not be liable for any tax imposed pursuant to this article with respect to any deed, instrument, or writing to which it is a party, but the tax may be collected by assessment from any other party liable therefor.

(Based on Sec. 5, Ord. 504)

§ 1-6.30 Exemption: Bankruptcies, etc. Any tax imposed pursuant to this article shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:

a. Confirmed under the Federal Bankruptcy Act, as amended;

b. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title II of the United States Code, as amended;

c. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title II of the United States Code, as amended; or

d. Whereby a mere change in identity, form or place of organization is effected.

Subdivisions (a) to (d), inclusive, of this section shall only apply if the making, delivery or filing of instruments of transfer or conveyance occurs within five years from the date of such confirmation, approval or change.

(Based on Sec. 6, Ord. 504)

§ 1-6.31 Exemption: Securities and Exchange Commission. Any tax imposed pursuant to this article shall not apply to the making or delivery or conveyances to make effective any order of the Securities and Exchange Commission as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if--

a. The order of the Securities and Exchange Commission, in obedience to which such conveyance is made, recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;

b. Such order specifies the property which is ordered to be conveyed.

c. Such conveyance is made in obedience to such order.

(Based on Sec. 7, Ord. 504)

§ 1-6.32 Exemption: Partnership.

a. In the case of any realty held by a partnership, no levy shall be imposed pursuant to this article by reason of any transfer of an interest in a partnership or otherwise, if--

(1) Such partnership (or another partnership) is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and

(2) Such continuing partnership continues to hold the realty concerned.

b. If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this article, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination.

c. Not more than one tax shall be imposed pursuant to this article by reason of a termination described in subdivision (b), and any transfer

pursuant thereto, with respect to the realty held by such partnership at the time of such termination.

(Based on Sec. 8, Ord. 504)

§ 1-6.33 County Recorder. The County Recorder shall administer this article in conformity with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any county ordinance adopted pursuant thereto.

(Based on Sec. 9, Ord. 504)

§ 1-6.34 Refunds. Claims for refund of taxes imposed pursuant to this article shall be governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the State of California.

(Based on Sec. 10, Ord. 504)

Article 5

Hotel-Motel Tax

§ 1-6.38 Title. This title shall be known as the "Uniform Transient Occupancy Tax Ordinance of the City of Pleasanton".

(Based on Sec. 1, Ord. 560)

§ 1-6.39 Definitions. Except where the context otherwise requires, the definitions given in this section govern the construction of this article.

a. Person. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

b. Hotel. "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof.

c. Occupancy. "Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

d. Transient. "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such peraon so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupancy providing for a longer period of occupancy.

e. Rent. "Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

f. Operator. "Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Whether the operator performs his functions through a managin agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this article and shall have the same duties and liabilities as his principal. Compliance with the provisions of this article by either the principal or the managing agent shall, however, be considered to be compliance by both.

g. Tax Administrator. "Tax Administrator" means the Director of Finance.

(Based on Sec. 2, Ord. 560)

§ 1-6.40 Tax Imposed. For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of five per cent (5%) of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator.

(Based on Sec. 3, Ord. 560)

§ 1-6.41. Exemptions. No tax shall be imposed upon:

a. Any person as to whom, or any occupancy as to which it is beyond the power of the City to impose the tax herein provided;

b. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the Tax Administrator.

(Based on Sec. 4, Ord. 560)

§ 1-6.42 Operator's Duties. Each operator shall collect the tax imposed by this article to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

(Based on Sec. 5, Ord. 560)

§ 1-6.43 Registration. Within thirty (30) days after August 8, 1969, or within thirty (30) days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register said hotel with the Tax Administrator and obtain from him a "Transient Occupancy Registration Certificate" to be at all times posted in a conspicuous place on the premises. Said certificate shall, among other things, state the following:

a. The name of the operator;

b. The address of the hotel;

c. The date upon which the certificate was issued;

d. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This certificate does not constitute a permit."

(Based on Sec. 6, Ord. 560)

§ 1-6.44 Reporting and Remitting. Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the Tax Administrator, make a return to the Tax Administrator, on forms provided by him, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the amount of the tax collected shall be remitted to the Tax Administrator. The Tax Administrator may establish shorter reporting periods for any certificate holder if he deems it necessary in order to insure collection of the tax and he may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this article shall be held in trust for the account of the City until payment thereof is made to the Tax Administrator.

(Based on Sec. 7, Ord. 560)

§ 1-6.45 Penalties and Interest.

a. Original Delinquency. Any operator who fails to remit any tax imposed by this article within the time required shall pay a penalty of 10% of the amount of the tax in addition to the amount of the tax.

b. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 10% of the amount of the tax in addition to the amount of the tax and the 10% penalty first imposed.

c. Fraud. If the Tax Administrator determines that the non-payment of any remittance due under this article is due to fraud, a penalty of 25% of the amount of the tax shall be added thereto in addition to the penalties stated in subparagraphs (a) and (b) of this section.

d. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this article shall pay interest at the rate of one-half of 1% per month or fraction thereof on the

amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

e. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

(Based on Sec. 8, Ord. 560)

§ 1-6.46 Failure to Collect and Report Tax. Determination of Tax by Tax Administrator. If any operator shall fail or refuse to collect said tax and to make, within the time provided in this article, any report and remittance of said tax or any portion thereof required by this article, the Tax Administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the Tax Administrator shall procure such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this article and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this article. In case such determination is made, the Tax Administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. Such operator may within ten (10) days after the serving or mailing of such notice make application in writing to the Tax Administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Tax Administrator shall become final and conclusive and immediately due and payable. If such application is made, the Tax Administrator shall give not less than five (5) days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the Tax Administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in Section 1-6.47.

(Based on Sec. 9, Ord. 560)

§ 1-6.47 Appeal. Any operator aggrieved by any decision of the Tax Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the City Council by filing a notice of appeal with the City Clerk within fifteen (15) days of serving or mailing of the determination of tax due. The Council shall fix a time and place for hearing such appeal, and the City Clerk shall give notice in writing to such operator at his last known place of address. The findings of the Council shall be final and conclusive and shall be served upon the appellant in the

manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

(Based on Sec. 10, Ord. 560)

§ 1-6.48 Records. It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by this article to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the City, which records the Tax Administrator shall have the right to inspect at all reasonable times.

(Based on Sec. 11, Ord. 560)

§ 1-6.49 Refunds.

a. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously or illegally collected or received by the City under this article, it may be refunded as provided in subparagraphs (b) and (c) of this section, provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Tax Administrator within three years of the date of payment. The claim shall be on forms furnished by the Tax Administrator.

b. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the Tax Administrator that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

c. A transient may obtain a refund of taxes overpaid or paid more than once, or erroneously or illegally collected or received by the City by filing a claim in the manner provided in subparagraph (a) of this section, but only when the tax was paid by the transient directly to the Tax Administrator, or when the transient having paid the tax to the operator, establishes to the satisfaction of the Tax Administrator that the transient has been unable to obtain a refund from the operator who collected the tax.

d. No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto.

(Based on Sec. 12, Ord. 560)

§ 1-6.50 Actions to Collect. Any tax required to be paid by any transient under the provisions of this article shall be deemed a debt owed by the

transient to the City. Any such tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this article shall be liable to an action brought in the name of the City of Pleasanton for the recovery of such amount.

(Based on Sec. 13, Ord. 560)

Article 6

License Tax Upon Construction of Residential Dwelling Units and Mobile Home Lots

§ 1-6.60 Findings. The City Council finds that rapid development of land within the City of Pleasanton has created a need for public improvements and facilities including but not necessarily limited to fire stations and fire fighting equipment, parks and libraries, street improvements and bridges which with existing revenue cannot presently be satisfied by the City and that the need therefor is attributable for the most part to construction of residential dwelling units and mobile home lots within the City.

(Based on Ord. 666)

§ 1-6.61 Definitions.

a. Constructing. As used in this Article "constructing" shall mean the assembling, locating, erecting, or altering of construction materials, components or modules into a building or structure when such work must be authorized by a building permit.

b. Mobile home lot. As used in this Article, "mobile home lot" shall mean any area or portion of any mobile home park designated, designed or used for the occupancy of one mobile home on a temporary, semi-permanent or permanent basis.

c. Residential Dwelling Unit. As used in this Article, "residential dwelling unit" shall mean a building or a portion of a building planned, designed or used as a residence for one family only living independently of other families or persons and having its own bathroom and housekeeping facilities in said unit, (for example, a one-family dwelling, each unit of a two-family dwelling, each unit of a multiple dwelling in each apartment in an apartment house). "Residential dwelling unit" shall include any building or portion thereof the assembly, locating, erecting or altering of construction materials, components or modules of which must be authorized by a building permit.

d. Person. As used in this Article, "person" shall mean any domestic or foreign corporation, firm, association, syndicate, joint stock company, partnership of any kind, joint venture, club, Massachusetts business or common law trust, society or individual.

(Based on Ord. 666)

§ 1-6.62 Residential Construction Tax. A residential construction tax is hereby imposed upon the privilege of constructing in the City of Pleasanton any mobile home lot or residential dwelling unit

and every person to whom a permit to construct any residential unit in the City of Pleasanton is issued and every person to whom a permit to connect to sewer and water lines to service a mobile home lot in a mobile home park in the City of Pleasanton is issued shall pay to the City of Pleasanton such tax at the following rate:

a. Residential Dwelling Unit:

Housing Type	No. of Bedrooms	Amount of Tax
R-1	0-1	$295.
	2	310.
	3	325.
	4	340.
	5 or more	355.
R-M 4000	0-1	258.
	2	273.
	3	288.
R-M 2500	0-1	270.
	2	285.
	3	300.
R-M 2000	0-1	245.
	2	260.
	3	275.
R-M 1500	0-1	233.
	2	248.
	3	263.

b. Mobile Home Lot: $253.

In addition said tax shall include an amount for public improvements as determined under §2-4.28 (b) of this Code.

(Based on Ord. 666 as amended by Ord. 680)

§ 1-6.63 Time of Payment and Refunds. The residential construction tax herein required to be paid shall be due and payable upon issuance by the City of Pleasanton of a building permit for the construction of any residential dwelling unit or upon issuance by the City of Pleasanton of a permit to connect to sewer and water lines to service a mobile home lot in a mobile home park, and no such permit shall be issued until said tax is paid; provided, however, that there shall be a refund of such tax to the person who paid such in the event that the building permit or permit to connect to sewer and water lines to service a mobile home lot in a mobile home park expires, within the meaning of § 302(d) of the Uniform Building Code, 1970 Edition Volume I, if within thirty (30) days after the date of such expiration written application for such refund is filed by the person who paid such tax setting forth in full the facts showing that such permit has expired.

(Based on Ord. 666)

TITLE II - ZONING AND DEVELOPMENT

Chapter 1

SUBDIVISIONS

Article 1

General Provisions

§ 2-2.01 Purpose. The purpose of this chapter is to control and regulate the division of any land for any purpose whatsoever within the City of Pleasanton and such land as may be annexed to said City. It includes re-subdivision, the process of subdividing, or the land or territory subdivided, including planned unit developments. The status of proposed planned unit developments shall be determined by the City Planning Commission in accordance with the provisions of Ordinance No. 520, the Zoning Ordinance.

(Based on Sec. 1.01, Ord. 358)

§ 2-2.02 Considerations: General Plan and Zoning Ordinance. The General Plan shall guide the use of all land within the corporate boundaries of the City. The type and intensity of land use as shown on the General Plan shall determine the types of streets, roads, highways and other utilities and public facilities that shall be provided by the subdivider. No land shall be subdivided and developed for any purpose not contemplated or specifically authorized by the precise Zoning Ordinance of the City of Pleasanton.

(Based on Sec. 1.02, Ord. 358)

§ 2-2.03 Same: Existing Conditions. Consideration shall be given to provision for uniformity of street widths and for proper alignments and street names. Preservation of the privacy and safety of streets in residential areas shall be encouraged by control of through traffic in such areas. The amount of street required shall be directly related to the traffic generating uses of abutting land. Intersections on streets, highways and other trafficways shall be reduced to a minimum consistent with the basic needs of ingress and egress. Intersections shall be so designed to provide for the greatest safety both for pedestrians and motorists. Provisions shall be made for assuring adequate light, air and privacy on all parcels of property, regardless of the land use. The topography of the land shall be respected, and where cutting and filling is necessary the quality of the development shall be maintained. Streets shall be designed to minimize excessive grading and scarring of the landscape. Problems of drainage shall be resolved in such manner as to permit the occupants of the subdivision reasonable security against flooding.

(Based on Sec. 1.03, Ord. 358)

§ 2-2.04 Same: Community Facilities. Community facilities shall be provided for in the subdivision process. This chapter establishes procedures for the referral of proposed subdivision maps to pertinent governmental agencies and utility companies, both public and private, so that the extension of community facilities and utilities may be accomplished in an orderly manner concurrent with a subdivision of land. In order to facilitate the acquisition of public land area required, the Planning Commission may require the subdivider to reserve land for schools, parks, playgrounds and other public purposes. Donation and dedication of land area consistent with the standards of the General Plan and in such locations as will implement the General Plan may be accepted by the City Council.
(Based on Sec. 1.04, Ord. 358)

§ 2-2.05 General Responsibilities: Subdivider. The subdivider shall prepare maps consistent with the design standards and accomplish improvements consistent with the improvement standards contained in this chapter and shall process said maps through the Planning Commission in accordance with the regulations set forth herein.

(Based on Sec. 1.05, Ord. 358)

Dir of H/CD, or his designated rep.

§ 2-2.06 Same: ~~City Clerk~~. The ~~City Clerk~~ shall stamp the date and time received and be responsible for the expeditious processing of such maps and prompt referral thereof to the pertinent governmental agencies and affected utility companies, both public and private. The ~~City Clerk~~ shall coordinate the dissemination of information regarding the proposed subdivision of land. The Planning Commission shall consider the written reports of the public agencies in recommending approval, conditional approval, or disapproval of the proposed subdivision. Distribution may include but is not limited to the following:

1. The County Planning Commission.
2. The Planning Commission of any other city within one (3) mile of said subdivision. (should be 3 mi. →)
3. The District Engineer of the Division of Highways of the State of California.
4. The affected school district or districts.
5. The City Fire Department.
6. The County Health officer.
7. The City Engineer.
8. The County Surveyor.
9. The Alameda County Flood Control and Water Conservation District.
10. Pleasanton Township County Water District.
11. Pacific Gas and Electric Company.
12. Pacific Telephone and Telegraph Company.

(Based on Sec. 1.06, Ord. 358)

§ 2-2.07 Same: City Engineer. The City Engineer shall be responsible for reporting to the Planning Commission and the City Council as to whether the proposed improvements are consistent with the regulations contained herein and shall be responsible further for the supervision and ultimate approval of all such improvements.

(Based on Sec. 1.07, Ord. 358)

§ 2-2.08 Same: Planning Commission. The Planning Commission shall act as the "advisory agency" to the City Council and is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions and the conformance of such subdivisions with the General Plan and this chapter. The Planning Commission shall report its actions and recommendations concerning the tentative map direct to the subdivider.

(Based on Sec. 1.08, Ord. 358)

§ 2-2.09. Same: City Council. The City Council of the City of Pleasanton, being the legislative body, has final jurisdiction over all final subdivision maps. Reports to the City Council regarding subdivisions within or contiguous to the City for their information and action shall be made in writing as an integral part of the subdivision process.
(Based on Sec. 1.09, Ord. 358)

Article 2

Definitions

§ 2-2.15 Definitions of Words and Phrases. Words or phrases not defined herein, but defined in the Business and Professions Code of California, or in the Zoning Ordinance of the City of Pleasanton, shall be used as though defined herein in full, unless the context clearly indicates a contrary intention.

(Based on Sec. 2.00, Ord. 358)

§ 2-2.16 "Block" shall mean an area of land within a subdivision which area is entirely bounded by streets, highways, or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

(Based on Sec. 2.01, Ord. 358)

§ 2-2.17 "Collector Street" shall mean a street intermediate in importance between minor residential street and a major or secondary thoroughfare which has the purpose of collecting local traffic and carrying it to a thoroughfare.

(Based on Sec. 2.02, Ord. 358)

§ 2-2.18 "Cul-de-sac" shall mean a street open at one end only, and providing at the other end special facilities for the turning around of vehicular traffic.

(Based on Sec. 2.03, Ord. 358)

§ 2-2.19 "General Plan" shall mean the General Plan of the City of Pleasanton, adopted by Ordinance No. 309, effective July 1, 1960, and any amendment thereto, or any General Plan adopted subsequent to the adoption of this ordinance and superseding said plan adopted July 1, 1960.

(Based on Sec. 2.04, Ord. 358)

§ 2-2.20 "Lot" shall mean a parcel or portion of land separated from other parcels or portions by description as on a subdivision or record of survey map or metes and bounds for purposes of sale, lease or separate use.

(Based on Sec. 2.05, Ord. 358)

§ 2-2.21 "Major Thoroughfare", "Secondary Thoroughfare", "Freeway" and "Parkway" shall mean a vehicular route so designated on the General Plan or any other vehicular route so designated by the City Council, on recommendation of the Planning Commission.

(Based on Sec. 2.06, Ord. 358)

§ 2-2.22 "Map Act" shall mean the Subdivision Map Act of the State of California.
(Based on Sec. 2.07, Ord. 358)

§ 2-2.23 "Minor Residential Street", or "Industrial Service Street" shall mean a street intended wholly or principally for local traffic, or service to abutting property.

(Based on Sec. 2.08, Ord. 358)

§ 2-2.24 "Minor Subdivision" shall mean a subdivision so designated by the Review Board as specified in Article 5 below.

(Based on Sec. 2.09, Ord. 358)

§ 2-2.25 "Service Alley" or "Alley" shall mean a street providing only secondary access to abutting property.

(Based on Sec. 2.10, Ord. 358)

§ 2-2.26 "Frontage Road" shall mean a street adjacent to a thoroughfare, freeway or parkway, separated therefrom by a dividing strip and providing ingress and egress from abutting property.

(Based on Sec. 2.11, Ord. 358)

§ 2-2.27 "Standard Specifications" shall mean such Standard Subdivision Improvement Details and Specifications as prepared by the City Engineer, ~~as recommended for approval by the~~ Planning Commission, and ~~as approved by~~ resolution of the City Council of the City of Pleasanton.

as approved by that by

(Based on Sec. 2.12, Ord. 358)

§ 2-2.28 "Subdivider" shall mean any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this chapter, to effect a subdivision of land hereunder for himself or for another, and while used here in masculine gender and singular number, it shall be deemed to mean and include the feminine or neuter gender and the plural number whenever required.

(Based on Sec. 2.13, Ord. 358)

§ 2-2.29 "Subdivision" shall mean any real property, improved or unimproved, or portion thereof, shown on the latest adopted Alameda County tax roll as a unit or contiguous units, which is divided, for the purpose of sale, lease, or separate use, whether immediate or future, by any subdivider, into two or more lots, plats, sites or other divisions of land for said sale, lease or separate use.

(Based on Sec. 2.14, Ord. 358)

§ 2-2.30 "Public Utility" shall mean private corporations or governmental jurisdictions authorized by law to establish and maintain any such works or facilities in, under or over any public street, and any such works or facilities themselves. This chapter shall not be construed to limit the powers and duties vested by law in the Public Utilities Commission of the State of California, and in the event of any complaint the Public Utilities Commission's orders, rules and regulations shall govern.

(Based on Sec. 2.15, Ord. 358)

§ 2-2.31 "Improvements" (Public): Improvements as used herein shall mean those public works improvements normally constructed within street rights of way or public easements, as a part of the subdivision improvements, including but not limited to curb, gutter, sidewalk, street paving, sewers, water lines, storm drain facilities, trees, fire hydrants, and street lights. It shall also include rough grading the building sites to provide a buildable site with proper drainage.

(Based on Sec. 2.16, Ord. 358)

TITLE II
Chapter 1

Article 3

Review Board

§ 2-2.35 Review Board. There is hereby established a Review Board composed of the Planning Director, the Director of Recreation, the City Engineer, the City Attorney and such other City personnel as may be called upon from time to time by the Planning Director.

(Based on Sec. 3.01, Ord. 358, as amended by Sec. I, Ord. 587, and by Ord. 620)

§ 2-2.36 Submission of Preliminary Map. Prior to the filing of a tentative map, the subdivider shall submit to the Planning Director twenty-five (25) copies of the plans together with a fee of $50.00 which will not be refundable and such other information concerning a proposed or contemplated development as is deemed desirable. The Planning Director will then, within fourteen (14) days, schedule a conference of the Review Board with the subdivider on such plans and other data, and the Review Board will make such general recommendations to the subdivider as shall seem proper regarding such plans or data, and shall recommend consultations by the subdivider with other public or private agencies as may be disclosed by the plans to be interested.

Article 4

Tentative Map

§ 2-2.40 Filing. The subdivider shall file with the Planning Commission (25) white copies and one (1) duplicate transparency of the tentative map of each subdivision and such other copies as may be required by the Director of Planning or his designated representative. The time of filing of a tentative map shall be construed to be the time at which a tentative map meeting all of the requirements of this article has been filed with the Director of Planning or his designated representative, the environmental impact review process (including completion of any required environmental impact report or negative declaration) established by the City Council has been completed, and the project has received an allocation from the Residential Allocation Board for the number of units proposed to be subdivided. A tentative map shall not be accepted for filing which does not meet the above requirements. The Director of Planning or his designated representative shall indicate the date of receipt of a tentative map meeting the requirements of this article and shall advise the applicant in writing when the time period for evaluation by the Planning Commission of the tentative map has commenced.

The requirement that a project have an allocation from the Residential Allocation Board shall not be applicable to tentative maps submitted to the Director of Planning on or before June 27, 1977, or to any maps that have obtained sewer connection permits pursuant to Resolution No. 77-108 (A Resolution Specifically Allocating 140 Single Family Dwelling Unit Equivalent Sewer Connections at the Sunol Sewage Treatment Plant for Properties Located Within the Sunol Sewer Service Area).

(Based on Ord. 358, amended by 767, 768 & 826)

§ 2-2.41 Fee. A filing fee of one hundred dollars ($100.00), plus two dollars and fifty cents ($2.50) for each lot included in the subdivision, shall be paid at the time of filing the tentative map. If additional tentative maps covering the same tract or revisions of the initial map are filed by the same subdivider prior to official action by the Planning Commission, no additional fee will be required.

(Based on Ord. 358)

§ 2-2.42 Distribution. Within four (4) days after the filing of the tentative map, the Director of Housing and Community Development shall transmit the requested number of copies of said map together with accompanying data to such public agencies and/or utilities as may be affected or concerned with the results of the proposed subdivision. Each of the public agencies and/or utilities may within fourteen (14) days after the map has been filed, forward to the Commission written reports of its findings and recommendations thereof. The City Engineer shall prepare a written report of recommendations on the tentative map in relation to the requirements of this chapter and other applicable regulations of the City of Pleasanton or other public agencies, and shall submit the same to the Planning Commission within two days prior to the scheduled Planning Commission meeting at which said map is to be considered.

(Based on Ord. 358)

§ 2-2.43 Notification. Approval, disapproval or conditional approval of the tentative map shall be made in writing to the subdivider. One copy of the map and accompanying data and the Planning Commission report thereon shall remain in the permanent file of the Planning Commission. The City Clerk shall send one copy of the report of the Commission, showing the action taken, to the subdivider, and one copy to the City Council.

(Based on Ord. 358)

§ 2-2.44 Preparation. The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a person competent in the preparation of such maps, such as a registered civil engineer or licensed surveyor or practicing land or city planner. Such tentative map shall be in full compliance with the requirements of this chapter. Topography and boundaries of said tentative map shall be certified as to accuracy by a registered civil engineer or licensed surveyor, and all public improvements shall be designed by a registered civil engineer.

(Based on Ord. 358)

§ 2-2.45 Scale. The scale of the map shall be one (1) inch equals one hundred feet (100'), or as may be required by the City Engineer, and shall be clearly and legibly reproduced.

(Based on Ord. 358)

§ 2-2.46 Vicinity Sketch. A vicinity sketch at a scale of one thousand (1,000) feet or more to the inch shall be drawn on or shall accompany the tentative map. It shall show the street and tract lines of all existing subdivisions and the outline of acreage parcels of land, within at least one-half (1/2) mile of the boundary of the proposed tract, together with the names and/or numbers of all tracts between it and the nearest existing highways or thoroughfares. It may also be required to show the proposed land use and suggested street layout and in any adjoining property and will normally be required in development of small portions of large holdings in the same ownership. The showing of proposed land use and suggested street layout shall take into consideration the most advantageous development of the entire area in relation to the General Plan.

(Based on Ord. 358)

§ 2-2.47 Information Required on Tentative Map. The following information shall be shown on the tentative map:

1. The tract number and name. (Any subdivision containing five (5) acres or more shall be designated with a tract name, and unit number, if possible. Said tract name shall not duplicate or nearly duplicate the name of any other tract in Alameda County).
2. The name and address of the record owner or owners.
3. The name and address of the subdivider.
4. The name and address of the person, firm or organization preparing the tentative map.
5. The date, north point and a written and graphic scale.
6. A sufficient description to define the location and boundaries of the proposed subdivision.

7. The locations, names and existing widths of adjacent streets, highways and ways.
8. The names and numbers of adjacent tracts and the names of owners of adjacent unplatted land.
9. The contours at one foot (1') intervals for predominant ground slopes within the tract between level and five percent (5%), and five foot (5') contours for predominant ground slopes within the tract over five percent (5%). Such contours shall be referred to the system of bench marks established by the City Engineer; said system utilizing United States Coast and Geodetic Survey mean sea level datum of 1929.
10. The approximate boundaries of areas subject to inundation or storm water overflows and the location, width and direction of flow of all existing water courses and storm drain facilities, plus a schematic diagram indicating the proposed storm drain system with tentative sizes and grades.
11. The existing use or uses of the property and, to scale, the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines.
12. A statement of the present zoning and proposed use or uses of the property, as well as proposed zoning changes, whether immediate or future.
13. Any proposed public areas.
14. The approximate location of all trees with a trunk diameter four (4) inches or greater, standing within the boundaries of the tract, or outlines of groves or orchards.
15. The dimensions, locations and uses of all existing or proposed easements for drainage, sewerage, water and public utilities.
16. The approximate radius of each curve.
17. The approximate lot layout and dimensions of each lot.
18. The size of the smallest lot in the tract.
19. A statement of the water and other utility source, and indication of the location of all fire hydrants, and schematic diagram showing the proposed water system with tentative pipe sizes.
20. A statement of provisions for sewerage and sewage disposal, and a schematic diagram indicating the proposed sanitary sewer system with tentative sizes and grades.
21. The locations, names widths, approximate proposed grades and gradients of all streets, and a typical cross section of curbs, gutters, sidewalks, easements and other improvements.
22. An outline of any proposed deed restrictions.

The Director of Housing and Community Development or his designated representative shall reject a tentative map if the information required above is not included upon said map. The Review Board shall reject a minor subdivision map if the information required above, which is applicable is not included upon said map. In the event of such rejection, the proposed subdivider shall be notified as soon as possible in writing.

(Based on Ord. 358, amended by 767 &768)

§ 2-2.48 Street Names. Each street which is to be dedicated, which is a continuation of, or approximately the continuation of, any existing dedicated street shall be shown on the tentative map and shall be given the same name as such existing street. The proposed name of each other street shown on the tentative map shall be submitted to the Commission for its approval.

(Based on Ord. 358)

§ 2-2.49 Accompanying Data Statement. Such information is not shown on the map shall be contained in a written statement accompanying the map.

(Based on Ord. 358)

§ 2-2.50 Planning Commission Action

a. The Planning Commission shall assume the responsibilities relating to tentative maps as set forth in Government Code Sections 66473.5, 66474, 66474.1, and 66474.6. The Planning Commission's actions regarding a tentative map shall be reported in writing to the subdivider.
b. The Planning Commission shall act upon a tentative map within fifty (50) days of its filing.
c. If any interested person is dissatisfied with any action of the Planning Commission in relationship to the question of consistency with applicable general or specific plans adopted by the City or with any of the other findings or decisions that are required by Government Code Sections 66473.5, 66474, 66474.1 and 66474.6, or if the subdivider is dissatisfied with any action of the Planning Commission with respect to the tentative map, he may, within fifteen (15) days of such decision, appeal such action to the Council. The Council shall consider the appeal within thirty (30) days. This appeal shall be a public hearing with notice to the subdivider, the Planning Commission and the interested party, and upon conclusion of the appeal hearing, the Council shall, within ten (10) days, render its decision on the appeal. The Council may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with the provisions of this chapter or the Subdivision Map Act of the State.

(Based on Ord. 358, amended by Ord. 758, 767 & 768)

Article 5

Minor Subdivisions

§ 2-3.01 Minor Subdivisions Defined. A "Minor Subdivision" is a subdivision as defined herein in which the Review Board finds that either of the following are present:

1. The transfer of property is between adjacent property owners and does not involve the creation or any new building site; or
2. All of the following conditions are present:
   a. Not more than four (4) lots are contained in the proposed subdivision.
   b. The proposed subdivision is situated in a locality where the design, improvement and survey data are well defined by existing development.

(Based on Ord. 358, amended by 587 &786)

§ 2-3.02 Procedure for Approval of Minor Subdivisions: Applicability of Article. Notwithstanding any other provisions of this chapter to the contrary, the procedure set forth in this Article shall govern the processing of and requirements pertaining to minor subdivisions.

(Based on Ord. 358)

§ 2-3.03 Application. The subdivider of a minor subdivision shall file an application with the Director of Planning on a form prescribed by the City of Pleasanton, provided an allocation has been received from the Residential Allocation Board for the number of residential units included in the minor subdivision application. An application for a minor subdivision cannot be filed in the absence of the aforementioned allocation, provided, however, that a project submitted to the Planning Director on or before June 27, 1977 or one which received sewer connection permits pursuant to Resolution No. 77-108 (A Resolution Specifically Allocating 140 Single Family Dwelling Unit Equivalent Sewer Connections at the Sunol Sewage Treatment Plant for Properties Located Within the Sunol Sewer Service Area) shall be exempt from the above prohibition.

(Based on Ord. 359, amended by 494, 620 & 826)

§ 2-3.04 Certification of Map and Conveyance. If the Review Board determines that the proposed subdivision meets the requirements of this chapter, then they shall certify to this fact on the face of the map, and any conveyance to be drawn by the owners of the land subdivided.

(Based on Ord. 358, amended by 377 & 587)

§ 2-3.05 Requirements Which May Be Imposed. The following requirements may be imposed as a condition of approval of minor subdivisions or lot splits:

1. Dedication of utility easements.
2. Proof that there are adequate utilities for the proposed use of the land, such as an adequate water supply, adequate sanitary sewer facilities, and adequate drainage facilities.
3. Dedication of streets or rights-of-way for widening purposes.
4. Payment for fees, pursuant to Ordinance No. 439 (Parkland Dedications), adopted February 7, 1966, and amendments, to be used for improvements of neighborhood park facilities which would serve the land of minor subdivisions or lot splits.

(Based on Ord. 358, amended by 474, 556 & 587)

§ 2-3.06 Exemption from Requirement of Filing Final Map. Minor subdivisions as defined herein are exempt from the provisions of Article 6 of this chapter requiring the preparation and filing of a final map.

(Based on Ord. 358)

§ 2-3.07 Appeal to Commission. In the event the subdivider is dissatisfied with any determination of the Review Board or its designee, either as to the determination as to whether a proposed subdivision qualifies as a minor one, or as to any requirements or conditions which the Review Board seeks to impose, then the subdivider may appeal to the Commission by filing a statement in writing with the Planning Director within three days prior to final action by the Planning Commission under Section 2-3.08, stating his reasons for appeal.

(Based on Ord. 358, amended by 377 & 587)

§ 2-3.08 Determination by Commission. In the event of appeal, the Commission must approve, affirm, reverse or modify any determination of the Review Board or its designee with respect to the proposed minor subdivision, within 30 days after Review Board action under Section 2-3.04, stating his reasons for appeal.

(Based on Ord. 358, amended by 337 & 587)

§ 2-3.09 Waiver of Parcel Map. The City of Pleasanton Planning Commission may waive the requirements of the State Subdivision Map Act pertaining to the preparation and filing of a parcel map for any division of a parcel or parcels of land into four or less parcels for purposes of sale, lease, or financing, whether immediate or future or to any parcel or parcels of land divided into lots or parcels each a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger, provided the Planning Commission finds that:

The proposed land division complies with the requirements of the Ordinance Code of the City of Pleasanton, including but not limited to those provisions relating to area, improvement and design, flood and drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availablity, environmental protection and other applicable provisions of the State Subdivisions Map Act.

(Based on Ord. 712)

Article 6

The Final Map

§ 2-3.12 Filing. Within one (1) year after 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 (4) 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 Fifty dollars ($50.00) plus Two Dollars & No/100 ($2.00) per lot shown on the final map.

(Based on Sec. 6.01, Ord. 358, and Ord. 620)

§ 2-3.13 Time Extension. Upon written application of the subdivider made within one (1) year of the approval or conditional approval of the tentative map, the Council may grant an extension of time not exceeding one (1) year for filing of the final map. The application should be filed at least fourteen (14) days in advance of the expiration of the tentative map to permit a report and recommendation of the proposed extension of time to be made by the Commission. Said application must include the reasons, or bases, for such a request.

(Based on Sec. 6.02, Ord. 358)

§ 2-3.14 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"x36" with a 2" left margin and a plan and profile drawn to a scale of 1" equals 40', or 1" equals 50'. Details shall be shown at appropriate scale. Plans and profiles of all streets 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 practices, shall be accurate and in a form easily interpreted, and shall be 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 Sec. 2-3.26, Subsections 1a and 1b, of this chapter) whose consent is necessary to the preparation and recordation of said 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 said 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 said 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 Sub-sections 1a and 1b of Section 2-3.26) necessary to pass clear title to said subdivision and to the dedication shown thereon.

e) Inspection costs. Before approval is given the final map the subdivider shall deposit with the City Clerk in cash or certified check the costs of inspections to be made by the City according to the following scale:

4% of the estimated cost of improvements up to and including $25,000.00.
3½% of the estimated cost of improvements from $25,001.00 up to and including $75,000.00.
3% 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 2-3.16 and 2-3.20 of this chapter.

g) Deed Restrictions. Three (3) copies of all proposed deed restrictions.

(Based on Sec. 6.03, Ord. 358, as amended by Sec. 4, Ord. 377)

§ 2-3.15 Approval by City Engineer. Upon receipt by the City Clerk of the final map and other data submitted, said 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 complied with; and that he is satisfied that the map is technically correct. If the City Engineer determines that the map does not fully conform, he shall advise the subdivider of the necessary changes 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 shall so certify said map, and transmit it to the City Clerk.

(Based on Sec. 6.04, Ord. 358)

§ 2-3.16 Improvement Agreement. Prior to the approval by the Council of the final map, the subdivider shall execute and file an agreement between himself and the City, specifying the period within which he shall complete all improvement work to the satisfaction of the City Engineer, and providing that if he 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:

1. For the construction of the improvements in units.
2. For extension of time under conditions therein specified.
3. For progress payments to the subdivider or his 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 ninety (90%) per cent of the value of the work completed to the satisfaction of the City Engineer.
4. 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 power to consummate such proceedings, within such time as may be prescribed by the Council.

(Based on Sec. 6.05, Ord. 358)

§ 2-3.17 Approval by City Council. At its next regular meeting or within a period of not more than ten days following the City Engineer's transmittal of the final map to the City Clerk, the Council shall consider said map, the other documents required by Section 2-3.14 of this Code, and 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 2-3.20 of this Code. 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 said map if it conforms to the requirements of this Code and Subdivision Map Act. If it does not conform it shall be disapproved and the subdivider so informed.

(Based on Sec. 6.06, Ord. 358, as amended by Sec. 5, Ord. 377)

§ 2-3.18 Action by the City Clerk. The City Clerk 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.

(Based on Sec. 6.07, Ord. 358)

§ 2-3.19 Submission of Additional Copies. Immediately subsequent to the recordation of the final map, the subdivider thereof shall furnish, at his own expense, copies of the final map and affidavit sheet as follows:

a) One (1) duplicate tracing on cloth with all recording data thereon to be filed with the City Engineer.
b) Three (3) reproductions, one on cloth, to be filed with the City Clerk.

(Based on Sec. 6.08, Ord. 358)

§ 2-3.20 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 said 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 of California 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 City Clerk in the amount of the faithful performance bond.

(Based on Sec. 6.09, Ord. 358)

§ 2-3.21 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 same 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.

(Based on Sec. 6.10, Ord. 358)

§ 2-3.22 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 said improvements by the Council.

(Based on Sec. 6.11, Ord. 358)

§ 2-3.23 Preparation of Final Map: 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 said map shall be 18 inches by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of 1 inch. The minimum scale of the map shall be 1 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.

(Based on Sec. 6.12, Ord. 358)

§ 2-3.24 Same: Title. The title of each sheet of said 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.

(Based on Sec. 6.13, Ord. 358, as amended by Sec. 6, Ord. 377)

§ 2-3.25 Same: 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.

(Based on Sec. 6.14, Ord. 358)

§ 2-3.26 Certificates, Acknowledgements 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, acknowledgements and description shall appear on the title sheet of the final maps. Such certificates may be combined where appropriate:

1. Certificate by Parties Holding Title. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of said map, provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:
   a) Rights-of-way, easements or other interests, none of which can ripen into a fee.
   b) 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.
   c) Any subdivision map including land originally patented by the United States or this State, under patent reserving interest to either or both of these entities, may be recorded under the provisions of this article without the consent of the United States or of this State thereto, or to the dedication made thereon.
2. Dedication Certificates. A certificate signed and acknowledged as above 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.
3. Engineer Certificate. A certificate by the Civil Engineer or Licensed Surveyor responsible for the survey and final map. The signature of such Civil Engineer or Surveyor, unless accompanied by his seal, must be attested.

4. Certificates for Execution by Each of the Following:
   a) City Engineer.
   b) City Clerk.
   c) County Recorder.
5. 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.
6. 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 reference to any vacated area with the number of the ordinance of vacation thereof.
7. Other Affidavits, etc. The title sheet shall contain such other affidavits, certificates, 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.

(Based on Sec. 6.15, Ord. 358)

§ 2-3.27 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 ten thousand 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 of an 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.

(Based on Sec. 6.17, Ord. 358)

§ 2-3.28 Dimensions, 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.

(Based on Sec. 6.18, Ord. 358)

§ 2-3.29 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 (1) 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. (Based on Sec. 6.19, Ord. 358)

(Based on Sec. 6.19, Ord. 358)

§ 2-3.30 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 fifty (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 conformity or the amount of non-conformity of such street to such existing street shall be accurately shown. Whenever the center line of a street has been established or recorded, the data shall be shown on the final map.

(Based on Sec. 6.20, Ord. 358)

§ 2-3.31 Easements. The sidelines of all easements shall be 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 side lines 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 easements 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.

(Based on Sec. 6.21, Ord. 358)

§ 2-3.32 Building Setback Line. The map may show approved building setback lines on all streets by long, thin, dash lines, or said building setback lines may be indicated by appropriate notation on the face of the map.

(Based on Sec. 6.22, Ord. 358, as amended by Sec. 1, Ord. 369)

§ 2-3.33 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.

(Based on Sec. 6.23, Ord. 358)

§ 2-3.34 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 of record, or by section, township and range, or other proper designation. The following required monuments shall be shown on the final map:

1. The location of all monuments placed in making the survey, and if any points were reset by ties, that fact shall be stated.
2. 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.

3. Any monument or benchmark as required by this chapter that is disturbed or destroyed shall be replaced by the subdivider before acceptance of any improvements.
4. 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.
5. 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.

(Based on Sec. 6.24, Ord. 358)

§ 2-3.38 Requirements. Except where modified by the Planning Commission as provided by Article 11 (Modification and Appeal) of Chapter 1 or as allowed under Section 2-5.35(b) (Modifications to the Basic Requirements of the PUD, C. O. and I Districts) of Article 3, Chapter 2, each map and subdivision shall conform with the standards set forth herein.

(Based on Ord. 931)

§ 2-3.39 Buildable Lots. Subdivisions shall result in lots which can be built upon. No subdivision shall create lots impractical to improvement due to steepness of terrain, location of water courses, or other natural physical conditions.

(Based on Sec. 7.02, Ord. 358)

§ 2-3.40 Access to Public Streets. All lots or parcels created by the subdivision of land shall have access to a public street of the standards as hereinafter required. Private streets will not be permitted.

(Based on Sec. 7.03, Ord. 358)

§ 2-3.41 Streets and Thoroughfares: Width and Geometrics. The subdivision design shall conform to the pattern of thoroughfare designated in the General Plan and to any future street rights-of-way designated by the City Council. Unless so designated, all streets shall be classified by the Planning Commission at the time of approval of the tentative map, according to one of the classifications established in the following table. All streets and thoroughfares shall be plotted according to the minimum standards shown in said table and in Attachment Number One to Ordinance No. 358. Narrower street widths. Narrower street widths may be allowed where the subdivider can demonstrate to the satisfaction of the Planning Commission that they are justified due to topography or the small number of lots served and the probable future traffic requirements. Increased widths may be required where streets serve high-density land uses or where probable traffic conditions warrant.

Classification	Right-of-way Width (feet)
Parkway	120'
Major Thoroughfare	104'
Major Thoroughfare with Frontage Road (Type "A")	166'
Major Thoroughfare with Frontage Road (Type "B")	156'
Secondary Thoroughfare	84'
Secondary Thoroughfare with Frontage Road (Type "A")	146'
Secondary Thoroughfare with Frontage Road (Type "B")	136'
Industrial Thoroughfare (Divided)	108'
Industrial Thoroughfare (Undivided)	88'
Industrial or Commercial Service Street	64'
Residential Collector (Type "A")	60'
Residential Collector (Type "B")	50'

Classification	Right-of-way Width (feet)
Minor Residential Street (Type "A")	56'
Minor Residential Street (Type "B")	46'
Cul-de-sac (under 300' long) (Type "A")	52'
Cul-de-sac (under 300' long) (Type "B")	42'
Alley	30'

Cul-de-sacs shall terminate in a circular turn-around with a minimum right-of-way diameter of 100 feet and a minimum pavement diameter of 80 feet, except that cul-de-sacs with a Type B street section may have a minimum right-of-way diameter of 90 feet and a minimum pavement diameter of 80 feet. A cul-de-sac shall not have a greater length than 500 feet. See Attachment Number 1 of Ordinance No. 358 for detailed street geometrics.

(Based on Sec. 7.04, Ord. 358, as amended by Sec. 2, Ord. 369)

§ 2-3.42 Same: Developers' Maximum Obligations for Improvements. The developer of property abutting any existing or proposed street or thoroughfare shall be required to improve said street in accordance with the following schedules:

1. Rights-of-way: The developer shall grant to the City all required rights-of-way and easements necessary for the installation of streets, utilities and public facilities. Provided, however, that in no case shall the developer's maximum obligation for the street or thoroughfare under consideration be deemed to exceed one-half of the total width required to widen the street or thoroughfare from the right-of-way width existing as of the date of adoption of Ordinance No. 358 (March 4, 1963). Should the required right-of-way exceed the developer's maximum obligation as set forth herein the City shall, after negotiating with the developer the cost factor of such excess right-of-way, make suitable arrangements relating to the excess right-of-way. Such arrangements may include payment by the City for the excess right-of-way, reduction of required pavement width on an estimated cost basis or other appropriate arrangements.
2. Curb, gutter and sidewalk: The developer shall construct all curb, gutter and sidewalk along all street frontages of property being developed and including streets with back-up lots, and the curb and gutter on both sides of the divider strip separating the frontage road from the thoroughfare.
3. Paving. The developer shall construct pavement widths in conformance with the following:
    a) Residential collector, minor residential, cul-de-sac--from the curb to the centerline of street.
    b) Frontage roads--the entire width between the curbs.
    c) All other streets and thoroughfares adjacent to residential uses--20' maximum measured from the curb.
    d) Industrial or commercial service street--from the curb to centerline of street.
    e) All other streets and thoroughfares adjacent to industrial uses--22' maximum measured from the curb.

f) All other streets and thoroughfares adjacent to commercial uses--32' maximum measured from the curb.

In applying the maximum obligations where the property to be developed abuts an existing public street, the developer shall be given credit for the width of any paving existing as of the date of adoption of Ordinance No. 358 (March 4, 1963), provided said existing paving is adequate for the intended use in the opinion of the City Engineer, and provided further that the resultant paved roadway shall not create a drainage problem or traffic hazard, in the opinion of the City Engineer. Where a new thoroughfare with frontage roads is created in a subdivision and the developer is not normally required to pave beyond the frontage road, said frontage road pavement shall be designed and constructed by the developer to carry the thoroughfare traffic on an interim basis until the thoroughfare portion of the road is completed, or the developer shall construct a sufficient width of the thoroughfare in order to carry the traffic.

When a new partial street is created on a boundary of a subdivision, the developer will be responsible for dedication and improvement as follows:

a) Dedication: One-half of the ultimate right-of-way or a width adequate to provide 30 feet of pavement measured from the face of the curb, whichever is greater.

b) Improvement: Permanent improvement to the centerline of the ultimate right-of-way plus sufficient temporary surfacing to create a total paved width of 30 feet measured from the face of the curb.

4. Other Improvements: The developer shall construct all other public improvements as required in Article 8 of this chapter.

(Based on Sec. 7.05, Ord. 358)

§ 2-3.43 Street Pattern. The street pattern in the subdivision shall allow the most advantageous development of adjoining areas and the entire neighborhood or district. The following principles shall be observed:

1. Streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect. The center lines of opposing streets entering upon a cross street and not in alignment shall be offset at least 125 feet on minor streets and 300 feet on all other streets.
2. Streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography, cul-de-sac street pattern, or other physical conditions.
3. In the case of stub-end streets extending to the boundary of the property, a one-foot strip the width of the street right-of-way shall be deeded to the City at the end of the stub-end street, and improvements of said strip shall be suspended, pending the extension of said street into adjacent property. A temporary turn-around or a temporary connection to another street may be required of the subdivider, if considered necessary by the Planning Commission.
4. Streets shall intersect one another as nearly at right angles as good design permits.
5. Excessively long straight residential streets, conducive to high speed traffic shall be prohibited. Minor residential streets and alleys, as defined in Section 2-3.42, shall not be utilized unless recommended by the Review Board and approved by the Planning Commission.

6. Alleys shall not be permitted in residential subdivisions, but may be required in nonresidential subdivisions.

(Based on Sec. 7.06, Ord. 358)

§2-3.44 Design Adjacent to Thoroughfares. Subdivision design adjacent to thoroughfares shall conform to the General Plan, as determined by the Planning Commission. The following principles shall be observed:

1. Street design shall make adjacent residential lots desirable by cushioning the impact of heavy traffic and shall minimize cross traffic on thoroughfares.
2. Intersecting streets along thoroughfares shall be restricted. Wherever practicable, such intersections shall be spaced not less than 1320 feet on center.
   The Planning Commission may, at the time of approval of the tentative map, require sufficient flaring of the rights-of-way of thoroughfares at intersections to allow the construction of traffic stacking lanes as designated by the City Engineer.
3. Public service easements when required in front yards in residential developments may be used for either landscaping or utility purposes, or both, upon approval of the Planning Commission.
4. Frontage roads shall enter thoroughfares by bulb-type intersections capable of stacking at least four (4) cars between the frontage road and the thoroughfare.
5. Where frontage roads are not required, residential lots adjacent to the thoroughfares normally will be required to be served by a Residential Collector Street paralleling said thoroughfare at a lot depth of not less than 120 feet therefrom, or by a series of cul-de-sacs or loop streets extending towards said thoroughfare from a collector street no more than 600 feet therefrom. In such cases a wall or fence of a design approved by the Planning Commission shall be required within the right-of-way at the rear of properties adjacent to the thoroughfare. Permanent landscaping subject to the approval of the Planning Commission shall be installed between the fence and the thoroughfare curb.
6. When the rear of any lot borders any thoroughfare, the City may require subdivider to execute and deliver to the City an instrument, deemed sufficient by the City Attorney, prohibiting the right of ingress and egress from said thoroughfare to said lot.

(Based on Sec. 7.07, Ord. 358)

§2-3.45 Grades, Curves and Sight Distances. Grades, curves and sight distances shall be subject to approval by the City Engineer, to insure proper drainage or safety for vehicles and pedestrians. The following principles and minimum standards shall be observed:

1. Grades of streets shall not be less than three-tenths of 1 per cent, nor greater than 15 per cent, except as modified by Section 2-4.01.
2. At street intersections, property line and curb corners shall be rounded by arcs, such that the curb radius shall be not less than twenty (20) feet for streets up to collector in capacity. For intersections with arterials the radius shall be required by the City Engineer.

3. The radii of curvature shall not normally be less than 400 feet on the center line of thoroughfares and less than 100 feet on the center line of collector or minor residential streets.

(Based on Sec. 7.08, Ord. 358)

§ 2-3.46 Curbs, Sidewalks and Pedestrian Ways. The following principles and standards shall apply to the design and installation of curbs, sidewalks and pedestrian ways:

1. Vertical curbs and gutters shall be required in all subdivisions.
2. Sidewalks shall be required on both sides of the street in any subdivision or portion thereof having any lot with an area of less than one-half (½) acre.
3. The requirement for sidewalks may be omitted, at the discretion of the Planning Commission, in a subdivision or section thereof in which all lots have an area of one-half acre or more.
4. When required for access to schools, playgrounds, shopping centers, transportation facilities, other community facilities, or for unusually long blocks, the Planning Commission may require pedestrian ways not less than ten (10) feet in width.
5. Sidewalks shall be located within the street right-of-way at the dedicated boundary of the street.

(Based on Sec. 7.09, Ord. 358)

§ 2-3.47 Street Trees. Street trees, in an amount as determined by the City Engineer, shall be provided by the subdivider in all subdivisions on both sides of the street, either within the street right-of-way or within a dedicated public service easement, not less than eight (8) feet wide adjacent to the street. Street trees shall be selected, installed and maintained in accordance with City ordinances or regulations.

(Based on Sec. 7.10, Ord. 358)

§ 2-3.49 Easements. Public service easements, not less than ten (10) feet in width, shall be provided within the subdivision where required for public utility purposes. Modification of the easement width requirement may be made only when approved by both the Planning Commission and public utility concerned.

(Based on Sec. 7.11, Ord. 358)

§ 2-3.50 Residential Lot and Block Design. Blocks shall have sufficient width for an ultimate layout of two tiers of lots therein of the size required by the provisions herein or the Zoning Ordinance, unless the surrounding layout or lines of ownership justify or require a variation from this requirement.

(Based on Sec. 7.12, Ord. 358)

§ 2-4.00 Block Standards. Blocks shall not normally exceed 2,000 feet in length between street lines, except in hillside developments or where subdivisions containing parcels of one-half (½) acre or larger justify or require a variation from thus requirement. In any block over 900 feet in

length the Planning Commission may require that a paved and adequately identified crosswalk or pedestrian way, not less than ten (10) feet in width, be provided near the center and entirely across such block.

(Based on Sec. 7.13, Ord. 358)

§ 2-4.01 Lot Standards. The size, shape and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The following principles and standards shall be observed:

1. The minimum area and dimensions of all lots shall conform to the requirements of the Zoning Ordinance for the district in which the subdivision is located.
2. The side line of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curvature, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces.
3. No lot shall have a street frontage less than thirty-five (35) feet.
4. No lot shall have a width less than forty-five (45) feet at the building setback line.
5. Corner lots for residential use shall be platted wider than interior lots in order to permit conformance with the required street side yard requirements of the Zoning Ordinance.
6. No lot shall have a depth of less than one hundred (100) feet. Where the rear of a lot is adjacent to a playground, shopping center, industrial tract or other similar nonresidential use, or to the right-of-way of a freeway, railroad or thoroughfare, the depth shall be increased to a minimum of one hundred twenty (120) feet.
7. No lot shall be divided by a City boundary line.
8. A lot depth in excess of twice the width shall be avoided whenever possible, and a lot depth in excess of three times the width shall not be permitted.
9. No remnants of property shall be left in the subdivision which do not conform to lot requirements or are not required for a private, public utility or other public purpose.

(Based on Sec. 7.14, Ord. 358)

Repealed

§ 2-4.02 Hillside and Large Lot Subdivisions. The following principles and standards shall be observed:

1. In carrying out the letter and intent of the Zoning Ordinance, the following standards shall apply:
   a. The minimum total lot area shall be increased by two hundred (200) square feet, and each lot dimension perpendicular to the contour shall be increased by two (2) feet, for each 1 per cent of average slope in excess of ten (10) per cent measured ninety degrees (90°) to the contour.
   b. Where slopes are in excess of twenty-five (25) per cent, each individual lot shall be inspected by the City Engineer in order to determine whether or not a building site does exist.

Repealed

The Planning Commission and City Council shall encourage sound grading practices rather than use these standards to decrease densities of dwelling units per acre. Accordingly, these standards may be modified or disregarded in areas where a subdivider assures the Planning Commission and City Council that he will build dwelling units to fit hillside terrain without excessive cutting and filling on minimum size lots permitted in said area. This assurance shall be the responsibility of the developer and shall consist of the submission of a development plan in triplicate to the City Clerk. Within thirty (30) days after receipt of the development plan, the City Council shall act on said plan. Such action shall consist of approval, rejection, approval with conditions, or rejection with recommendations.

2. The basis for requirements for street and roadway widths and design shall be the topography of the land and the density of development of the proposed number of dwellings to be served by said street or roadway.
3. Street grades for minor residential streets may be increased to a maximum of twenty (20) per cent.
4. The dedicated width of any two-way street may be reduced to forty (40) feet with a minimum pavement width of twenty-six (26) feet.
5. The dedicated width of any one-way street shall not be reduced to less than thirty (30) feet, with a minimum pavement width of not less than twenty (20) feet.
6. The foregoing reductions may be applied only in the case of subdivisions or sections thereof in which all lots have an area of one-half (½) acre or more, or where it can be shown by the subdivider, to the satisfaction of the Planning Commission, that the topography or the small number of lots served and the probable future traffic development justify a narrower width.
7. Curb, gutter and sidewalk may be modified or omitted at the discretion of the Planning Commission, provided adequate means of caring for roadway drainage are provided.
8. A public service easement greater than 8 feet in width adjacent to the street may be required by the Planning Commission as a condition of approval of the Tentative Subdivision Map in order to accommodate landscaping, utilities or slope banks.

(Based on Sec. 7.15, Ord. 358, as amended by Sec. 1, Ord. 423)

§ 2-4.03 Neighborhood Facilities: Reservation of Sites. The subdivider shall reserve sites, appropriate in area and location, for necessary and desirable residential facilities such as public schools, parks and playgrounds, and shopping centers. Such sites shall be located in accordance with the principles and standards of this chapter, the Zoning Ordinance, the General Plan and the Annexation policies of the City. If not dedicated to the public by the subdivider, such sites shall be reserved by the subdivider for a period of not less than one (1) year pending purchase.

(Based on Sec. 7.16, Ord. 358, as amended by Sec. 3, Ord. 369)

§ 2-4.04 Same: Determination of Need. The neighborhood facilities needed shall be determined on the basis of the estimated number of families in the area to be served by the facilities.

(Based on Sec. 7.17, Ord. 358)

§ 2-4.05 Same: Service Area. Service areas determining the need for residential facilities at the district or community level are subject to special determination, based on the General Plan. The "Planning Neighborhood" will normally provide the basis for estimating the number of families to be served by facilities at the local level. A "Planning Neighborhood" may be identified by the following characteristics:

1. It is bounded by major thoroughfares or other substantial land use or natural barriers to pedestrian traffic.
2. It is usually not over a mile in extent in any direction.
3. It contains a minimum of five hundred (500) families.

(Based on Sec. 7.18, Ord. 358)

§ 2-4.06 Same: Principles and Standards. The following principles and standards are intended to serve as a general guide in determining the residential facilities for which sites normally will be required.

1. An elementary school site of approximately ten (10) acres will be required for each 600 families, more or less. Such school site shall be central to the population to be served and shall not be located on a major thoroughfare.
2. Whenever possible, playground and neighborhood recreation areas shall be developed in conjunction with elementary school sites. A park site, if required, shall not normally be less than five (5) acres in area, and such sites shall specifically include areas with natural advantages for park development.
3. A site of approximately 4 to 6 acres including off-street parking and landscaping will normally be required for a local shopping center to serve a population of about 1,500 to 2,000 families.

(Based on Sec. 7.19, Ord. 358)

§ 2-4.07 Non-Residential Subdivisions: Conformance to General Plan. The street and lot layout of a non-residential subdivision shall be appropriate to the land use for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the General Plan and required in the Zoning Ordinance.

(Based on Sec. 7.20, Ord. 358)

§ 2-4.08 Same: Types. Non-residential subdivisions shall include industrial tracts, and may include neighborhood, community and central business district commercial tracts.

(Based on Sec. 7.21, Ord. 358)

§ 2-4.09 Same: Principles and Standards. The subdivider shall demonstrate to the satisfaction of the Planning Commission that the street parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.

3. Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.
4. Special requirements may be imposed by the City with respect to the installation of public utilities including water, sewer and storm water drainage.
5. Residential areas shall be protected from potential nuisance by including extra depth in parcels backing up on existing or potential residential development and providing a permanently landscaped buffer strip when necessary.
6. Streets carrying non-residential traffic shall not normally be extended to the boundaries of adjacent existing or potential residential areas or connected to streets intended for predominantly residential traffic.
7. Subdivisions for proposed commercial development shall specifically designate all areas proposed for vehicular circulation and parking, for pedestrian circulation, and for buffer strips and other landscaping.

(Based on Sec. 7.22, Ord. 358)

§ 2-4.10 Planned Unit Developments. Nothing contained herein shall be construed as precluding the approval of Planned Unit Developments as provided in the Zoning Ordinance. A tentative map, which may also constitute the exhibit that must accompany any necessary zoning action, shall be prepared in the form specified in the preceding sections of this chapter, with the additions or revisions to the normal form which may be deemed necessary by the Review Board. Each tentative map shall designate the type of Planned Unit which is contemplated in accordance with one of the following designations:

1. Planned Unit Development--Type I: A Type I Planned Unit Development is one which may be considered a planned unit in keeping with the spirit and intent of the Zoning Ordinance, but one wherein the outstanding characteristic, when compared to a conventional subdivision, is merely the mixture of various land uses and densities within the boundaries of the subdivision. It is not intended that a Type I Planned Unit Development will be in conflict with this chapter, and consideration of any departure from the conventional must include adherence to the applicable provisions of the Zoning Ordinance and Article 9 of this chapter.

2. Planned Unit Development--Type II: It is intended that a Type II Planned Unit Development be a more radical departure from the conventional subdivision. While the burden of the proposal for a Type II Planned Unit Development is placed upon the subdivider in terms of establishing new concepts, it is suggested that he make every effort to coordinate closely the development of a proposal with the City staff and the Review Board prior to the filing of a tentative map, in order that such map may be basically in agreement with the views of the City prior to the preparation of a tentative map to the detail required elsewhere in this chapter. In order to provide examples of, but not limit the possible methods of varying from the norm in a Type II Development, the following list is intended to represent items which may

vary in context from the requirements regarding these items as stated elsewhere in this chapter:

a. Lot dimensions and areas
b. Street widths
c. Sidewalk requirements
d. Block lengths
e. Front, side and rear yard requirements
f. Access to public streets
g. Basic concepts of street pattern and design.

The basic criteria which will govern the applicability of the Type I and Type II Unit Development provisions of this chapter in residential areas is that of average population density. The average population density of a planned unit development will be no higher than that which could be obtained under the General Plan and the specific zoning of the property. However, this density may be increased in certain portions of a subdivision provided there are sufficient areas utilized for parks and other open spaces, large lots and other amenities, in order to allow the total development to conform to the average density requirement. Consideration of any departure from the requirements of this chapter regarding Type II Planned Unit Developments must include adherence to the applicable provisions of the Zoning Ordinance and Article 9 of this chapter.

(Based on Sec. 7.23, Ord. 358)

§ 2-4.14 Minimum Requirements. The subdivider shall improve, or agree to improve, all streets, thoroughfares, public ways or easements in the subdivision and adjacent thereto required to serve the subdivision. No permanent public improvement work shall be commenced until improvement plans and profiles have been approved by the City Engineer and necessary bonds and insurance have been posted. Improvements shall be installed to permanent line and grade and to the satisfaction of the City Engineer and in accordance with the Standard Specifications and details unless modified by the Planning Commission at the time of approval of the tentative map. The minimum improvements which the subdivider normally shall make, or agree to make at the cost of the subdivider, prior to acceptance and approval of the final subdivision map by the City shall be:

1. Grading, curbs and gutter, paving, drainage and drainage structures necessary for the proper use and drainage of streets, highways and ways for the public safety. (Subject to maximum obligations set forth in Section 2-3.42 of this Code.)
2. Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property, treating upstream areas as though fully improved and with downstream facilities adequate to accommodate the design flow. Natural and artificial watercourses shall be placed in closed conduits where the flow requires a 48-inch concrete pipe or less. All permitted ditches and channels shall be fenced with chain link fence unless specifically exempted. Design of access bottom width and shoulder width shall be such that the drainage facility may be adequately and efficiently maintained. Channels shall be lined when required by the City Engineer.
3. Street name and traffic control signs as determined by the City Engineer.
4. Sidewalks where required.
5. Fire hydrants and water system with mains of sufficient size and having a sufficient number of outlets to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection.
6. Sanitary sewer facilities and connections for each lot.
7. Street lighting facilities, as determined by the Planning Commission at the time of approval of the tentative map.
8. Street trees.
9. Public Utilities: Communications, electric power and light. All telephone, telegraph, communications, electric power and light utilities shall be installed underground with pad-mounted transformers for electric power, and all such installations shall be in the public street right-of-way or public service easement, unless another method of installation is approved by the Planning Commission at the time of approval of the Tentative Subdivision Map. Such determination by the Planning Commission may be initiated either by the Planning Commission or the subdivider, and the findings of the Planning Commission shall be based upon economic and practical feasibility and the best interests of the public health, safety and welfare.

10. Landscaping of the dividing island between thoroughfare and frontage road and between thoroughfare and back-up lot fence, including an adequate permanent system for continued irrigation.
11. Provisions shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the California State Public Utilities Commission for the establishment and improvement of such crossings.

(Based on Sec.8.01, Ord. 358, as amended by Sec. 1, Ord. 475)

§ 2-4.15 Completion. A complete improvement plan "as built" shall be filed with the City Engineer upon completion of said improvements. Said "as built" plans to be in duplicate tracings on cloth at a scale of 1" equals 40', or 1" equals 50 feet, on 24" x 36" sheets with 2" left margin. Upon receipt and acceptance of said "as built" plan, the City Engineer will recommend formal acceptance by the City Council.

(Based on Sec. 8.02, Ord. 358)

§ 2-4.16 Benchmarks. Elevations on Pleasanton City datum shall be shown on the "as built" improvement plans for all monuments in the subdivision.

(Based on Sec. 8.03, Ord. 358)

§ 2-4.17 Installation of Utility Facilities. Services from public utilities where provided and from water mains and sanitary sewers shall normally be made available for each lot in such manner as will eliminate the necessity for disturbing the street pavement, gutter, sidewalk and curb when service connections are made.

(Based on Sec. 8.04, Ord. 358)

Article 9

Requirement of Filing All Surveys

§ 2-4.21 All registered engineers and licensed surveyors making ground surveys within the boundaries of the City of Pleasanton shall file with the City Clerk of the City of Pleasanton two (2) certified copies of said survey.

(Based on Sec. 1, Ord. 251)

§ 2-4.22 The City Clerk shall keep an accurate record of surveys so filed. Said surveys shall be open to inspection by the public during all business hours.

(Based on Sec. 2, Ord. 251)

Article 10

Dedication of Public Park Land, the Payment of Fees, or a Combination Thereof

§ 2-4.26 Conformance with General Plan. The neighborhood park and recreational facilities for which dedication of land and/or the payment of a fee is required by this chapter are in accordance with the recreational element of the General Plan of the City of Pleasanton, adopted on the first day of March, 1965.

(Based on Sec. 2, Ord. 439)

§ 2-4.27 Procedure. As a part of the procedure for approval of a tentative subdivision map or in consideration of a minor subdivision application, the Planning Commission shall determine the area and location of land to be dedicated, or the amount of the fees required, or a combination of both, as required by this chapter. The dedication of land, or the payment of fees, or a combination of both, shall be fixed and incorporated in a resolution of approval of said tentative subdivision map or application for a minor subdivision.

Land dedicated pursuant to this chapter shall be by notation, on the final subdivision map or minor subdivision application, or by separate instrument delivered to the City prior to recording of the final subdivision map or instruments creating a minor subdivision.

Where fees are payable, such shall be paid upon approval of the final subdivision map or application for minor subdivision, or at such other time as may be fixed by the City Council, but in no event later than the date of acceptance of public improvements within said subdivision by the City.

(Based on Sec. 3, Ord. 439)

§ 2-4.28 Parks: Principles and Standards. As a condition of approval of a final subdivision map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for neighborhood park or recreational purposes according to the following standards:

a. Land. Land shall be dedicated to the City at the following rates and ratios for each 100 lots in the subdivision:

Housing Type and Building Site Area	Acres/100 Lots or Dwelling Units
R-1 (Single Family) 6500 to 40,000	2.00
R-M (Multi-Family) 4000	1.70
R-M (Multi-Family) 2500	1.80
R-M (Multi-Family) 2000	1.60
R-M (Multi-Family) 1500 and under	1.50
Mobile Home Lot	1.50

In the event that multiple dwellings are permitted within the subdivision, then the maximum number of such dwelling units allowable in the subdivision together with the number of single family or mobile home lots therein shall be used as the multiple. In the event the area dedicated herein is bounded or abutted by street frontage, an additional sum shall be payable equal to the cost of the improvement thereof with curb, gutter, drains, lights, sidewalk, matching pavement and street trees to full City standards. Provided, however, in lieu of such payment the subdivider may, at the time of approval of the final subdivision map, obligate himself by condition to said map to install said subdivision improvements.

b. Fees. When a fee in lieu of land has been imposed in the approval of a tentative map, a fee shall be paid for each lot or dwelling unit in the subdivision in amounts as set forth in the resolution establishing fees and charges for various municipal services of the City of Pleasanton. In the event that multiple dwellings are permitted within the subdivision, then the maximum number of such dwelling units allowable in the subdivision together with the number of single-family or mobile home lots therein shall be used as the multiple. In addition to such sums, a further amount shall be paid equal to the cost of public improvements to full City standards (one-half of a secondary street as such is shown in Attachment No. 1 to Ordinance No. 358). The City Engineer shall keep and maintain a current schedule of standard unit costs for public works improvements. Such schedule shall be used as the reference to establish such additional amounts. Said fee schedule shall be maintained on an annual basis and may be revised each calendar year. (Amended by Ord. 787)

c. Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less. However, in larger subdivisions the City Council may require the dedication of land, the payment of fees, or both, provided that any option selected shall not create a cost to the subdivider greater than that computed by use alone of (a) or (b) above.

d. Subdividers of lands subject to annexation agreements existing at the date of adoption of Ordinance No. 439, February 7, 1966, shall receive a credit against dedications and fees provided above for all such contractual obligations. this credit shall be calculated according to the General Plan standards and the value of land and improvements at the effective date of annexation, with such credits to be shared proportionately where several subdividers file final maps for lands included in one annexation agreement.

e. Upon recommendation of the Planning Commission and the Recreation and Park Commission, the City Council may, in its discretion, grant a credit against land or fees required by this chapter, under all the following circumstances:

(1) Where said subdivision constitutes an entire neighborhood.
(2) Where private neighborhood recreation facilities are constructed.
(3) Where said private neighborhood recreation facilities are granted to a non-profit corporation controlled by the homeowners within said subdivision.
(4) Where adequate deed restrictions insure the continued existence of said non-profit corporation, and the continued use of said private recreation facilities by all residents of the subdivision.

f. The provisions of Subsection (b) hereof as they relate to the amount of the fee which may be required in lieu of the dedication of park land shall be reviewed annually in order to determine whether the amount of said fee is consistent with the value of land as determined by the ratio developed for land dedication in Subsection (a) hereof.

(Based on Sec. 4, Ord. 439, as amended by Secs. I and II, Ord. 556, and by Ord. 680 and Ord. 787)

2-4.29 Commencement of Construction. At the time of approval of the final subdivision map, the City shall specify when construction of the park or recreational facilities shall begin.

(Based on Ord. 439)

2-4.30 Non-residential Subdivisions. The provisions of this chapter shall not apply to non-residential subdivisions.

(Based on Ord. 439)

2-4.31 Dwelling Units Not Part of Subdivision. In order to insure that all residential dwelling units pay their share of the park and recreation land and facility burden generated by their construction and thus protect and promote the health and general welfare of the residents of the City of Pleasanton, an applicant for a permit to construct a residential dwelling unit (including but not limited to a single-family or multi-family dwelling unit or mobile home lot) shall dedicate land, pay a fee in lieu thereof, or a combination of both, for park and recreational facilities to proceed pursuant to the same standards as if a subdivision map were required.

(Based on Ord. 680)

Article 11

Modification and Appeal

§2-4.34 Modification of Provisions. Whenever the land involved in any subdivision is of such size or shape, is subject to title limitations, is affected by topographical conditions, or is devoted to such use that it is impossible, impractical or undesirable to conform fully to these regulations, or whenever the applicable provisions of Section 2-4.10 of this chapter are met, the Planning Commission may permit modification thereof as may be reasonably necessary to conform to the spirit and purpose of the Subdivision Map Act and this chapter. Any action of the Commission relating to modifying the provisions of this chapter shall be subject to the same right of appeal to the City Council as any other determination of the Commission relating to subdivision maps. No modification granted under the provisions of this chapter shall be construed as a modification of any other City ordinance, particularly the Zoning Ordinance.

(Based on Sec. 9.01, Ord. 358)

§ 2-4.35 Referral of Proposed Modification. Each proposed modification shall be referred to the appropriate officer who shall transmit to the Commission his written recommendation, which shall be reviewed, prior to the granting of any modification.

(Based on Sec. 9.02, Ord. 358)

§ 2-4.36 Report of Modification. In the event any modification is made, a written statement of said modification shall be transmitted to the Council at the time of approval of the subdivision map.

(Based on Sec. 9.03, Ord. 358)

§ 2-4.37 Appeal. If the subdivider is dissatisfied with any action of the Planning Commission with respect to the tentative map, he may, within fifteen (15) days after such action, appeal to the City Council for a public hearing thereon. The City Council shall hear the appeal upon notice to the subdivider and the Planning Commission, unless the subdivider consents to a continuance, within ten (10) days or at its next succeeding regular meeting. The City Council may sustain, overrule or modify any ruling or determination of the Planning Commission, and may make such findings as are not inconsistent with the provisions of the Subdivision Map Act or of this chapter.

(Based on Sec. 9.04, Ord. 358)

§ 2-4.38 City Council Review. If a tentative map is approved or conditionally approved, the Director of Housing and Community Development shall immediately make a written report to the City Council. Within ten (10) days, or at its next succeeding regular meeting after receipt of said report, the Council may review the map and conditions imposed by the Planning Commission. If the Council decides to review the map and conditions, it shall hear the matter upon written notice mailed by the City Clerk to the subdivider and the Planning Commission, unless the subdivider consents to a continuance, within fifteen (15) days or at its next succeeding regular meeting. At that hearing

the Council may add, modify or delete conditions when the Council determines that such changes are necessary to insure that the tentative map conforms to zoning conditions imposed upon the property and applicable provisions of this chapter and of the subdivision map act of this state (Business and Professions Code, Section 11500 et.seq.). If the Council does not act within the time limit set forth in this chapter, the tentative map shall be deemed to have been approved or conditionally approved as set forth in the Planning Commission report unless the time for acting upon the tentative map has been extended by mutual consent of the subdivider and the City Council.

Compliance

§ 2-4.41 Voidability of Deeds or Contracts. Any deed of conveyance, sale or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one (1) year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee, or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell; or his assignee, heir or devisee.

(Based on Sec. 10.1, Ord. 358)

TITLE II - ZONING AND DEVELOPMENT

Chapter 2

ZONING

Article 1

General

§ 2-5.01 Objectives. This chapter is to protect and to promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, this chapter is designed to achieve the following objectives:

a. To provide a precise guide for the physical development of the City in such a manner as to achieve progressively the arrangement of land uses depicted in the General Plan adopted by the City Council.
b. To foster a harmonious, convenient, workable relationship among land uses.
c. To promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions.
d. To insure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the City as a whole.
e. To prevent excessive population densities and overcrowding of the land with structures.
f. To promote a safe, effective traffic circulation system.
g. To foster the provision of adequate off-street parking and off-street truck-loading facilities.
h. To facilitate the appropriate location of community facilities and institutions.
i. To promote commercial and industrial activities in order to strengthen the City's tax base.
j. To protect and enhance real property values.
k. To safeguard and enhance the appearance of the City.

(Based on Sec. 1.101, Ord. 520)

§ 2-5.02 Nature of this Chapter. This chapter shall consist of a zoning map designating certain districts and a set of regulations controlling the uses of land; the density of population; the bulk, locations, and uses of structures; the areas and dimensions of sites; the appearance of certain uses, structures, and signs; requiring provision of usable open space, screening and landscaping, and off-street parking and off-street loading facilities; and controlling the location, size, and illumination of signs. The zoning map shall be maintained on file in the office of the Zoning Administrator.

(Based on Sec. 1.102, Ord. 520)

§ 2-5.03 Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. No provision of this chapter is intended to repeal, abrogate, annul, impair, or interfere with any existing ordinance of the City of Pleasanton, except as specifically repealed herein, provided that where this chapter imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open spaces about structures, or greater areas or dimensions of sites, or greater restrictions on signs than is imposed or required by an existing ordinance, this chapter shall control.

This chapter is not intended to abrogate, annul, impair, or interfere with any deed restriction, covenant, easement, or other agreement between parties, provided that where this chapter imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open spaces about structures or greater areas or dimensions of sites than is imposed or required by deed restriction, covenant, easement, or other agreement, this chapter shall control.

(Based on Sec. 1.103, Ord. 520)

§ 2-5.04 Application. This chapter shall apply to all property owned by private persons, firms, corporations, or organizations except public streets and alleys. It shall also apply to property owned by the City of Pleasanton; by any agencies of the City of Pleasanton; or by any local agency required to comply with this chapter by State law. However, this chapter shall not apply to property owned by the United States of America or any of its agencies; by the State of California or any of its agencies or political subdivisions not required by State law to comply with the City's Zoning Chapter; or by any city (other than the City of Pleasanton), county or rapid transit district. All exempted agencies are urged to submit their proposed projects to the permit and review procedures set forth in this chapter and to cooperate in meeting the goals and objectives of this code and the Pleasanton General Plan.

This chapter shall apply to structures and signs extending into or above streets or alleys, to railroad rights-of-way, to electric and communications distribution and service wires where prescribed in the district regulations; provided, however, that the routes or proposed electric or gas transmission lines shall be submitted to the Planning Commission for approval prior to the acquisition of right-of-way thereof. Upon review of the utility company's application and the Planning Director's proposed conditions for route approval, the Planning Commission may set a public hearing for purposes of considering alternate routes, or modifying any conditions vital to the public interest, which in the opinion of the Planning Commission requires a public hearing.
(Based on §1.104, Ord. 520, as amended by Ord. 814)

§ 2-5.05 Districts. The districts established by the zoning regulations shall be as follows:

A Agricultural District

R Residential Districts

- R-1-40,000 One-family residential district 40,000 square feet minimum site area per dwelling unit.
- R-1-20,000 One-family residential district, 20,000 square feet minimum site area per dwelling unit.
- R-1-10,000 One-family residential district, 10,000 square feet minimum site area per dwelling unit.
- R-1-8,500 One-family residential district, 8,500 dquare feet minimum site area per dwelling unit.
- R-1-7,500 One-family residential district, 7,500 square feet minimum site area per dwelling unit.
- R-1-6,500 One-family residential district, 6,500 square feet minimum site area per dwelling unit.
- RM-4,000 Multi-family residential district, 8,000 square feet minimum site area, 4,000 square feet site area per dwelling unit.
- RM-2,500 Multi-family residential district, 7,500 square feet minimum site area, 2,500 square feet site area per dwelling unit.

RM-2,000 Multi-family residential district, 10,000 square feet minimum site area, 2,000 square feet site area per dwelling unit.
RM-1,500 Multi-family residential district, 10,500 square feet site area per dwelling unit.

O Office District

C Commercial Districts
- C-N Neighborhood Commercial District
- C-C Central Commercial District
- C-R Regional Commercial District
- C-S Commercial Service District
- C-F Freeway Interchange Commercial District
- C-A Automobile Commercial District

I Industrial Districts
- I-P Industrial Park District
- I-G General Industrial District

Q Rock, Sand and Gravel Extraction District

P Public and Institutional District

S Study District

RO Residential Overlay District

PUD Planned Unit Development District. Any use permitted by this chapter may be approved.

CO Civic Overlay District

HPD Hillside Planned Development District (Ord. 763)

(Based on Ord. 520, amended by Ord. 763)

§ 2-5.06 District Boundaries. Wherever any uncertainty exists as to the boundary of a district as shown on the zoning map, the following regulations shall control:

a. Where a boundary line is indicated as following a street or alley, it shall be construed as following the right-of-way line thereof.
b. Where a boundary line is indicated as following a watercourse, it shall be construed as following the center line thereof.
c. Where a boundary line follows or coincides approximately with a lot line or a property ownership line, it shall be construed as following the lot line or property ownership line.
d. Where a boundary line is not dimensioned and is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zoning map.
e. Where further uncertainty exists, the City Planning Commission, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the zoning map and the objectives of this chapter and the purposes set forth in the district regulations.

(Based on Ord. 520)

§ 2-5.07 Conformity Required.

a. No site or structure shall be used or designated for use for any purpose or in any manner other than in conformity with the regulations for the district in which the structure or use is located.

b. No structure shall be erected and no existing structure or use shall be moved, altered, or enlarged except in conformity with the regulations for the district in which the structure or use is located.

c. No yard space provided in compliance with the regulations for the district in which it is located shall be deemed to provide a yard space for any other structure, and no yard or usable open space on one site shall be deemed to provide a yard space or usable open space for a structure on any other site.

d. No yard, court, or usable open space shall be used, encroached upon, or reduced in any manner except in conformity with the regulations for the district in which the yard, court, or open space is located.

e. No site held in one ownership at the time of the adoption of Ordinance No. 520, April 3, 1968, or at any time thereafter shall be reduced in any manner below the minimum area, frontage, width, or depth prescribed for the district in which the site is located.

(Based on Ord. 520)

§2-5.07.01 Household pets. The keeping or maintenance of any household pet or pets or any other animal or animals in such manner, number or kind as to cause damage or hazard to persons or property in the vicinity or to generate offensive noise, dust, or odor, shall not be permitted.

(Based on Ord. 621)

§ 2-5.08 Public Hearing Time and Notice. The Zoning Administrator shall set the time and place of public hearings required by this chapter to be held by the City Planning Commission, or the Board of Adjustment, provided that the Commission or the Board may change the time or place of a hearing. The City Clerk shall set the time and place of public hearings required by this chapter to be held by the City Council, provided that the Council may change the time or place of a hearing. Public hearings shall be held not more than 40 days after submission of the application or the appeal from a decision unless the applicant or appellant shall consent to an extension of time. Notice of a public hearing shall be given not less than 10 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation in the City of Pleasanton. When the hearing concerns a matter other than an amendment to the text of this chapter or a General Plan amendment, notice also shall be given by posting in conspicuous places close to the property affected or by mailing a notice of the time and place of the hearing to the applicant, if any, and to all persons whose names appear on the latest adopted tax roll of Alameda County as owning property in the vicinity of the area that is the subject of the hearing. The Zoning Administrator shall determine the number and location of posted notices or the area within which property owners are to be notified by mail. Failure to post or mail notices shall not invalidate the proceedings.

(Based on Sec. 1.109, Ord. 520)

§ 2-5.09 City Council Review. Within 15 days following a decision of the Planning Commission or the Board of Adjustment on a matter on which a public hearing is required by this chapter, or at its next regular meeting, whichever is later, the City Council may elect to review the action of the Commission or the Board of Adjustment. If the Council elects to review an action and declines to confirm the decision, a public hearing shall be held by the Council. The hearing shall be set and notice given as prescribed in Sec. 2-5.08 of this code.

(Based on Sec. 1.110, Ord. 520)

§ 2-5.10 Appeal to Board of Adjustment, City Planning Commission, or City Council. Where this chapter provides for an appeal of a decision by the

Zoning Administrator, the Building Inspector, the Board of Adjustment, the Board of Design Review, or the City Planning Commission, the appeal shall be filed within 15 days of the date of the decision being appealed and shall be filed with the Secretary in the case of an appeal to the Board of Adjustment or the Commission and with the City Clerk in the case of an appeal to the City Council. The appeal shall be made on a form approved by the Commission and shall state specifically wherein it is claimed there was an error or abuse of discretion by the person or body making the decision or wherein a decision following a public hearing is not supported by the evidence in the record.

(Based on Sec. 1.111, Ord. 520)

§ 2-5.11 Public Hearing on Appeal. The body designated by this chapter to hear an appeal shall hold at least one public hearing within 40 days of the date when the appeal was filed. The hearing shall be set and notice given as prescribed in Sec. 2-5.08 of this code.

(Based on Sec. 1.112, Ord. 520)

§ 2-5.12 Action on Appeal. Within 40 days following the closing of a public hearing on an appeal, the body hearing the appeal shall render its decision. A decision by the Board of Adjustment or the Planning Commission shall become final 15 days after it is made, unless appealed, and a decision by the City Council shall be final immediately after it is made. If an appealed decision is reversed or modified, the body hearing the appeal shall, on the basis of the record transmitted and such additional evidence as may be submitted, make the findings required by this chapter as prerequisite to granting the application or shall specifically decline to make such findings.

(Based on Sec. 1.113, Ord. 520)

BREAKDOWN OF CATEGORIES IN

TITLE II, CHAPTER 2, Article 2

DEFINITIONS

Pages 43 through 50

§2-5.16	Explanation of "words" and "terms" as used in this article.		
§2-5.17	a.	Access corridor	
	b.	Alley	
	c.	Alter	Page 43
	d.	Block	
	e.	Building	
§2-5.18	a.	Business sign	
	b.	Charitable institution	
	c.	Court	Page 44
	d.	Depth	
	e.	District	
§2-5.19	a.	Drive-in	
	b.	Driveway	
	c.	Dwelling	Page 44
	d.	Dwelling unit	
	e.	Family	
§2-5.20	a.	Floor area, basic	
	b.	Floor area, gross	
	c.	Frontage	Pages 44 and 45
	d.	Garbage or carport	
	e.	Garage repair	

Article 2

Definitions

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

§ 2-5.16

a. The word "City" shall mean the City of Pleasanton, Alameda County, California. The words "City Council" and "Council" shall mean the City Council of the City of Pleasanton. The words "City Planning Commission", "Planning Commission", and the "Commission" shall mean the Planning Commission duly appointed by the City Council. The words "Board of Adjustment" shall mean a committee of the City Planning Commission established as prescribed in Article 26 (Variances), and the words "Board of Design Review" shall mean a committee of the City Planning Commission established as prescribed in Article 19 (Design Review).

b. The words "City Clerk" shall mean the City Clerk of the City of Pleasanton, and the word "Secretary" shall mean the Secretary of the City Planning Commission, Board of Adjustment, and Board of Design Review. The words "Building Inspector" shall mean the Building Inspector of the City of Pleasanton, the words "Director of Public Works" shall mean the Director of Public Works of the City of Pleasanton, the words "Zoning Administrator" shall mean the Zoning Administrator of the City of Pleasanton or his deputy designated by the City Manager of the City of Pleasanton, the words "City Attorney" shall mean the City Attorney of the City of Pleasanton, and the words "Chief of Police" shall mean the Chief of Police of the City of Pleasanton.

(Based on Sec. 1.105.1, Ord. 520)

§ 2-5.17

a. Access corridor. A portion of the site providing access from a street and having a minimum dimension less than the required site width, except that no portion of a site having side lot lines radial to the center of curvature of a street from the street property line to the rear lot line shall be deemed an access corridor. The area of an access corridor shall not be included in determining the area of a site.

b. Alley. A public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

c. Alter. To make a change in the supporting members of a structure, such as bearing walls, columns, beams, or girders, which will prolong the life of the structure.

d. Block. The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse, or city boundary.

e. Building. Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, chattels, or property of any kind.

(Based on Sec. 1.105.2, Ord. 520)

§ 2-5.18

a. Business sign. A sign devoted to directing attention to a business, profession, commodity, or service that is the primary business, profession, commodity, or service sold, manufactured, conducted, or offered on the site on which the sign is located.
b. Charitable institution. A nonprofit institution devoted to the housing, training, or care of children, or of aged, indigent, handicapped, or underprivileged persons, but not including lodging houses, or dormitories providing temporary quarters for transient persons, organizations devoted to collecting or salvaging new or used materials, or organizations devoted principally to distributing food, clothing, or supplies on a charitable basis.
c. Court. An unoccupied open space on the same site with a building, which is bounded on three or more sides by exterior building walls.
d. Depth. The horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines.
e. District. A portion of the City within which the use of land and structures and the location, height, and bulk of structures are governed by this chapter.

(Based on Sec. 1.105.3, Ord. 520)

§ 2-5.19

a. Drive-in. An establishment selling food or beverages to customers, some or all of whom customarily consume their purchases outdoors in or near their cars.
b. Driveway. A private road, the use of which is limited to persons residing or working on the site and their invitees, licensees and business visitors, and which provides access to off-street parking or loading facilities.
c. Dwelling. A one-family or multi-family dwelling other than mobile homes, automobile trailers, hotels, motels, labor camps, camp cars, tents, railroad cars, and temporary structures.
d. Dwelling unit. One or more rooms with a single kitchen, designed for occupancy by one family for living and sleeping purposes.
e. Family. An individual or two or more persons related by blood, marriage or adoption, or a group of not more than five persons, not including servants, who need not be related, living as a single housekeeping unit.

(Based on Sec. 1.105.4, Ord. 520)

§ 2-5.20

a. Floor area, basic. The total amount of gross floor area a building contains, expressed as a percentage of the total area of the lot.

b. Floor area - gross. The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same site excluding: basement or cellar areas used only for storage; space used for off-street parking or loading; steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three sides. Unless excepted above, floor area includes but is not limited to elevator shafts and stairwells measured at each floor (but not mechanical shafts), penthouses, enclosed porches, interior balconies and mezzanines.

c. Frontage. The property line of a site abutting on a street, other than the side line of a corner lot. Frontage shall be measured as the shortest distance between the points at which the side property lines intersect the street property line.

d. Garage or carport. A Class I accessory structure or a portion of a main structure, having a permanent roof, and designed for the storage of motor vehicles.

e. Garage, repair. A structure or part thereof where motor vehicles or parts thereof are repaired or painted.

(Based on Sec.1.105.5, Ord.520)

2-5.21

a. Garage parking. A structure or part thereof used for the storage, parking or servicing of motor vehicles, but not for the repair thereof.

b. Garden Center. A site or structure where, in addition to the services offered by a nursery, flora materials, garden accessories (such as lawn and garden furniture, statuary, swimming pool supplies and equipment, irrigation supplies, greenhouses, lawn mowers, etc.) and landscape and garden construction and bulk materials (such as decking, decorative rock, tan bark, paving stones, bender board, etc.) may be sold and garden or landscape related services (such as lawn mower sharpening and repair, garden equipment rental, etc.) may be offered.

c. Habitable room. A room meeting the requirements of the Uniform Building Code, for sleeping, living, cooking or dining purposes excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

d. Home occupation. The conduct of an art or profession, the offering of a service, the conduct of a business, or the handcraft manufacture of products in a dwelling in accord with the regulations prescribed in Article 20 (Home Occupations

e. Hotel. (See motel)

f. Illumination, diffused. Illumination by means of light which travels through a material other than the bulb or tubing necessary to enclose the light source so that the light is spread evenly over the surface of the diffusing material.

2-5.21(Cont.)

g. Illumination, direct. Illumination by means of light which travels directly from its source to the viewer's eye.

h. Illumination, indirect. Illumination by means only of light cast upon an opaque surface from a concealed source.

i. Household pet. Means any animal of a domesticated species kept inside a dwelling or any dog or cat kept on the same premises by the occupant of a dwelling. The term shall not be deemed to include any rabbit, fowl, pigeon, sheep, goat, hog or other livestock kept in the open or in an accessory structure.

(Based on Sec.1.105.6,Ord.520, amended by Ord.621 on 1/11/71 and Ord.823 on 7/11/77)

2-5.22

a. Intersection, street. The area common to two or more intersecting streets.

b. Junk yard. A site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards and similar uses; excepting a site on which such uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this article. An establishment for the sale, purchase or storage of used cars or salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junk yard.

c. Kennel. Any premises, except where accessory to a permitted or conditional agricultural use, where any combination of dogs or cats totaling four or more animals four months of age or older, are kept.

d. Living room. The principal room designed for general living purposes in a dwelling unit. Each dwelling unit shall have a living room.

e. Lodging house. A dwelling in which lodging or lodging and meals are provided for compensation for more than three but not more than 15 persons other than members of the resident family, excepting a nursing home as defined in this article.

(Based on Sec. 1.105.7, Ord. 520)

2-5.23

a. Lot. (See site).

b. Lot, corner. A site bounded by two or more adjacent street lines which have an angle of intersection of not more than 135 degrees.

2-5.23 (Cont.)

c. Lot, double frontage. An interior lot having frontage on two parallel or approximately parallel streets. For the purpose of determining front yard requirements, each frontage from which access is permitted shall be deemed a front lot line.

d. Lot, interior. A lot other than a corner lot.

e. Lot, key. The first interior lot to the rear of a reversed corner lot.

(Based on Sec. 1.105.8, Ord. 520)

2-5.24

a. Lot, reversed corner. A corner lot the side line of which is substantially a continuation of the front property line of the first lot to its rear.

b. Lot line, front. A line separating an interior lot from a street, or a line separating either the narrower or the wider street frontage of a corner lot from a street at the option of the owner.

c. Lot line, rear. A lot line, not a front or side lot line, which is generally opposite the front lot line, and is not necessarily a straight line.

d. Lot line, side. Any lot line which is not a front lot line or a rear lot line.

e. Motel or hotel. A structure or portion thereof or a group of attached or detached structures containing completely furnished individual guest rooms or suites, occupied on a transient basis for compensation, and in which more than 60 per cent of the individual guest rooms and suites are without kitchens or cooking facilities.

(Based on Sec. 1.105.9, Ord. 520)

2-5.25

a. Motor vehicle wrecking yard. A site or portion of a site on which the dismantling or wrecking of used vehicles, whether self-propelled or not, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence outside a fully enclosed structure of three or more used motor vehicles which are not capable of operating under their own power shall constitute prima facie evidence of a motor vehicle wrecking yard.

b. Multi-family dwelling. A structure containing more than one dwelling unit, designed for occupancy or occupied by more than one family.

c. Non-conforming sign. A sign, outdoor advertising structure, or display or any character, which was lawfully erected or displayed, but which does not conform with standards for location, size or illumination for the district in which it is located by reason of adoption of amendment of this chapter, or by reason of annexation of territory to the City.

2-5.25 (Cont.)

d. Non-conforming structure. A structure which was lawfully erected, but which does not conform with the standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district 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.

e. Non-conforming use. 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.

f. Nursery. 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.

(Based on Sec. 1.105.10, Ord. 520 and amended by Ord.823 on 7/11/77)

2-5.26

a. Nursery school. A school for five or more pre-elementary school age children, or use of a site or portion of a site for a group day-care program for five or more children other than those resident on the site, including a day nursery, play group or after-school group.

b. Nursing home. 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.

c. Off-street loading facilities. 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.

d. Off-street parking facilities. 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.

e. Oriel window. A window which projects from the main line of an enclosing wall of a building and is carried on brackets or corbels.

(Based on Sec. 1.105.11, Ord. 520)

2-5.27 a. Outdoor advertising structure. A structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any advertising sign may be placed.

b. Patio, covered. 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.

c. Plant shop. A use located wholly within a structure where the principal activity is the retail sale of indoor plants.

d. Pre-existing. In existence prior to the effective date of Ordinance No. 520, May 3, 1968.

e. Radioactive materials uses. Any use which would require the user to obtain a specific license for activities specified in Parts 30, 40, 50, or 70, Title 10 Code of Federal Regulations, or equivalent requirements of the State of California. Activities exempted or permitted by general license are excluded from this definition except for exemptionf for common carriers listed in paragraphs 30.13 and 70.12, Title 10, Code of Federal Regulations.

f. Railroad right-of-way. A strip of land on which railroad tracks, switching equipment and signals are located, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, yards or other uses are located.

g. Service station. A place where gasoline or any other motor fuel, lubricating oil or grease for the operation of motor vehicles is offered for sale to the public and deliveries are made directly into the vehicle, including sale of accessories, performance of minor repairs and lubrication, and the washing of automobiles where no chain conveyor or blower is used.

2-5.28 a. Sign. Any lettering or symbol made of cloth, metal, paint, paper, wood or other material of any kind whatsoever placed for advertising, identification, or other purposes on the ground or on any bush, tree, rock, wall, post, fence, building, structure, vehicle, or on any place whatsoever. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever beyond the boundaries of a site.

b. Sign area. The area of a sign shall be computed as the entire area within a single continuous rectilinear perimeter or not more than eight straight lines enclosing the extreme limits of writing, representation, emblem, or design, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Sign supports shall not be included in determining sign area unless they are an integral part of the display. The area of a sign or the total area of all signs on a site shall be the total area that would be visible, whether legible or not, to an off-site observer having an unobstructed view of the site from any single point within a horizontal distance of 100 feet from the site boundary at an elevation not more than 100 feet above the site boundary.

and every person to whom a permit to construct any residential unit in the City of Pleasanton is issued and every person to whom a permit to connect to sewer and water lines to service a mobile home lot in a mobile home park in the City of Pleasanton is issued shall pay to the City of Pleasanton such tax at the rate specified in the resolution establishing fees and charges for various municipal services.

(Based on Ord. 666 as amended by Ord. 680 & 857)

§ 1-6.63 Time of Payment and Refunds. The residential construction tax herein required to be paid shall be due and payable upon issuance by the City of Pleasanton of a building permit for the construction of any residential dwelling unit or upon issuance by the City of Pleasanton of a permit to connect to sewer and water lines to service a mobile home lot in a mobile home park, and no such permit shall be issued until said tax is paid; provided, however, that there shall be a refund of such tax to the person who paid such in the event that the building permit or permit to connect to sewer and water lines to service a mobile home lot in a mobile home park expires, within the meaning of § 302(d) of the Uniform Building Code, 1970 Edition Volume I, if within thirty (30) days after the date of such expiration written application for such refund is filed by the person who paid such tax setting forth in full the facts showing that such permit has expired.

(Based on Ord. 666)

§ 1-6.64 Place of Payment. The residential construction tax herein shall be paid to the Department of Community Development of the City of Pleasanton and shall be transmitted thereby to the Finance Officer of the City of Pleasanton.

(Based on Ord. 666)

§ 1-6.65 Exceptions. There are excepted from the residential construction tax herein the following:

a. Construction of a residential dwelling unit which is a replacement for a unit being removed from the same lot or parcel but only to the extent that said replacement does not result in the creation of additional bedrooms.

b. Construction of an addition to an existing dwelling unit.

(Based on Ord. 666 as amended by Ords. 680, 856 and 869)

c. Sign subdivision. Any sign located either on or off a subdivision tract which indicates the direction to or advertises the location existence, or sale of a subdivision or any part thereof.

d. Single ownership. Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation or partnership, individually, jointly, in common, or in any other manner whereby the property is or will be under unitary or unified control.

e. Site or lot. A parcel of land or a portion thereof, considered as a unit, devoted to or intended for a use or occupied by a structure or a group of structures that are united by a common interest or use. A site or lot shall have frontage on a street.

f. Repealed by Ord. 958, adopted 2-10-81.

§ 2-5.29

a. Site area. "The total horizontal area included within the property lines of a site, exclusive of the area of access corridors, streets, portions of the site within future street plan lines. Provided however, all lots in subdivisions with acute angles less than 45° formed by adjacent sides shall be discouraged by the Planning Commission at the time of Tentative Map Approval."

b. Street. A throughfare right-of-way, dedicated as such or acquired for public use as such, other than an alley, which affords the principal means of access to abutting land.

c. Structure. Anything constructed or erected which requires a location on the ground, including a building or a swimming pool, but not including a fence or a wall used as a fence if the height does not exceed six feet, or access drives or walks.

d. Structure, accessory Class I. A subordinate structure, the use of which is appropriate, subordinate, and customarily incidental to that of the main structure or the main use of the land, and which is located on the same site with the main structure or use. Class I accessory structures shall include those accessory structures designed for possible habitation and include covered patios, garages and carports, any covered or enclosed area with a height greater than six feet and an area greater than 80 square feet.

e. Structure, accessory Class II. A subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or Class I accessory structure, or the main use of the land, and which is located on the same site with the main structure or use. Class II accessory structures shall include those accessory structures not designed for habitation, and include plant shelters and lath area and tool storage sheds with a height no greater tban six feet and an area no greater than 80 square feet.

f. Structure, main. A structure housing the principal use of a site or functioning as the principal use.

(Based on Ord. 520, amended by Ord. 717, and 958)

§ 2-5.30

a. Swimming pool. A pool, pond, lake or open tank capable of containing water to a depth greater than one and one-half feet at any point, including therapeutic pools and hot tubs. All pools shall be deemed Class II Accessory Structures. (Ord. 831)

b. Trailer. A mobile home or similar portable structure having no foundation other than wheels, jacks, or skirtings, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

c. Trailer park. A site or portion of a site which is used or intended to be used by persons living in trailers or mobile homes on a permanent or transient basis.

d. Transmission lines. An electric power line bringing power to a receiving substation or a distribution substation.

e. Use. The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged or for which either a site or a structure is or may be occupied or maintained.

§ 2-5.31

a. Use, accessory. A use which is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

b. Usable open space. Open space meeting the requirements of Article 3 of this chapter in section titled "Usable Open Space".

c. Width. The horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

d. Yard. An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward or from the floor level of the structure requiring the yard upward except as otherwise provided in this chapter, including a front yard, side yard, rear yard, or space between structures.

e. Yard, front. A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

§ 2-5.32

a. Yard, rear. A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site.

b. Yard, side. A yard extending from the rear line of the required front yard or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site.

(Based on Ord. 520)

§2-5.35a Basic Requirements for all Districts.

The following Zoning Schedule prescribes the basic site, yard, bulk, usable open space, and screening and landscaping regulations that shall apply in the districts as indicated in the schedule. These basic requirements are defined and supplemented by additional requirements and exceptions prescribed in subsequent sections of this article.

ZONING SCHEDULE: Site Area, Yard Space, Bulk, Coverage, and Usable Open Space Requirements

Districts	Minimum Lot Size			Minimum Yards Sec. 2.104			Site Area Per Dwelling Unit	Group Usable Open Space Per Dwelling Unit Sec. 2.110	Basic Floor Area Limit - Per Cent of Site Area	Maximum Height of Main Structure Sec. 2.108	Class I Accessory Structures Sec. 2.107		
	Area	Width Sec. 2.101.3	Depth	Front	One Side; Both Sides Sec. 2.103	Rear Sec. 2.103					Maximum Height Sec. 2.108	Minimum Distance to Side Lot Line	Minimum Distance to Rear Lot Line
A	5 ac.	200 ft.	--	30 ft.	20 ft.; 100 ft.	50 ft.	--	--	--	30 ft.	30 ft.	30 ft.	50 ft.
R-1-40,000	40,000 sq. ft.	150 ft.	150 ft.	30 ft.	5 ft.; 50 ft.	30 ft.	40,000 sq. ft.	--	25%	30 ft.	15 ft.	20 ft.	20 ft.
R-1-20,000	20,000 sq. ft. Sec. 2.101.2	100 ft.	125 ft. Sec. 2.101.4	25 ft.	5 ft.; 20 ft.	25 ft.	20,000 sq. ft.	--	30%	30 ft.	15 ft.	3 ft.	3 ft.
R-1-10,000	10,000 sq. ft. Sec. 2.101.2	80 ft.	100 ft. Sec. 2.101.4	23ft.	5 ft.; 20 ft.	20 ft.	10,000 sq. ft.	--	40%	30 ft.	15 ft.	3 ft.	3 ft.
R-1-8,500	8,500 sq. ft. Sec. 2.101.2	75 ft.	100 ft. Sec. 2.101.4	23ft.	5 ft.; 15 ft.	20 ft.	8,500 sq. ft.	--	40%	30 ft.	15 ft.	3 ft.	3 ft.
R-1-7,500	7,500 sq. ft. Sec. 2.101.2	70 ft.	100 ft. Sec. 2.101.4	23ft.	5 ft.; 14 ft.	20 ft.	7,500 sq. ft.	--	40%	30 ft.	15 ft.	3 ft.	3 ft.
R-1-6,500	6,500 sq. ft. Sec. 2.101.2	65 ft.	100 ft. Sec. 2.101.4	23ft.	5 ft.; 12 ft.	20 ft.	6,500 sq. ft.	--	40%	30 ft.	15 ft.	3 ft.	3 ft.
RM-4,000	8,000 sq. ft.	70 ft.	100 ft. Sec. 2.101.4	20ft.	7 ft.; 16 ft.	30 ft.	4,000 sq. ft. Sec. 2.101.1e	--	40%	30 ft.	15 ft.	3 ft.	3 ft.
RM-2,500	7,500 sq. ft.	70 ft.	100 ft. Sec. 2.101.4	20ft.	8 ft.; 20 ft.	30 ft.	2,500 sq. ft. Sec. 2.101.1e	400 sq. ft.	50%	30 ft.	15 ft.	3 ft.	3 ft.
,000	10,000 sq. ft.	80 ft.	100 ft. Sec. 2.101.4	20ft.	8 ft.; 20 ft.	30 ft.	2,000 sq. ft. Sec. 2.101.1a	250 sq. ft.	50%	40 ft.	15 ft.	3 ft.	3 ft.
RM-1,500	10,500 sq. ft.	80 ft.	100 ft. Sec. 2.101.4	20ft.	8 ft.; 20 ft.	30 ft.	1,500 sq. ft. Sec. 5.104 Sec. 2.101.1a	300 sq. ft.	50%	40 ft.	15 ft.	3 ft.	3 ft.
O	10,000 sq. ft.	80 ft.	100 ft.	30 ft.	10 ft.; 20 ft.	1 ft.	Dwellings not permitted		30%	30 ft.	15 ft.	3 ft.	3 ft.
C-N	3 ac. max. 5 ac. max.	300 ft.	300 ft.	30 ft.	20 ft.; 40 ft.	10 ft.	Dwellings not permitted		30%	30 ft.	15 ft.	20 ft.	10 ft.
C-C	--	--	--	-- Sec. 2.107	-- Sec. 2.107	--	1,000 sq. ft. Sec. 7.102b Sec. 2.101.1e	150 sq. ft.	300%	40 ft. Sec. 2.108.2a		--	--
C-R	See §2-7.07 (Ord. 843)						Dwellings not permitted						
C-S	10,000 sq. ft.	80 ft.	100 ft.	10 ft.	--	10 ft.	Dwellings not permitted		10%	40 ft.	40 ft.	--	10 ft.
C-F	20,000 sq. ft.	100 ft.	100 ft.	20 ft.	20 ft.; 40 ft.	10 ft.	Dwellings not permitted		40%	40 ft.	40 ft.	20 ft.	10 ft.
C-A	10 ac.	300 ft.	300 ft.	20 ft.	20 ft.; 40 ft.	10 ft.	Dwellings not permitted		40%	40 ft.	40 ft.	20 ft.	10 ft.
I-P	20,000 sq. ft.	140 ft.	140 ft.	25 ft.	20 ft.; 40 ft.	15 ft.	Dwellings not permitted		50%	40 ft.	40 ft.	20 ft.	25 ft.
I-G-20,000 I-G-40,000 I-G-3 AC	20,000 sq. ft. 40,000 sq. ft. 3 ac.	100 ft. 150 ft. 200 ft.	150 ft. 200 ft. 300 ft.	25 ft. 25 ft. 25 ft.	10 ft.; 20 ft. 10 ft.; 20 ft. 20 ft.; 40 ft.	15 ft. 15 ft. 50 ft.	Dwellings not permitted		100%	40 ft. Sec. 2.108.2a		10 ft. 10 ft. 20 ft.	25 ft. 25 ft. 50 ft.
Q	50 ac.	--	--	100 ft.	100 ft.; 200 ft. Sec. 9.104	100 ft.	--	--	--	40 ft. Sec. 2.108.2a		100 ft. Sec. 9.104	100 ft.
P	Sec. 10.101.a												
S	Sec. 11.105.												
O	Article 12 See requirements for underlying zoning districts.												
PUD	See §2-5.35(b) (Ord. 931)												
CO	Article 14 See requirements for underlying zoning districts.												

§ 2-5.35(b). Modifications to the Basic Requirements of PUD, C, O, and I Districts.

(1) For properties zoned PUD, the basic site requirements shall be established in conjunction with the approval of the final development plan as set forth in Article 14.

(2) Properties in the C, O, and I Districts may be subdivided for purposes of lease, sale or finance without regard to the basic site requirements for the applicable district when all of the following are met:

(a) the property either has been developed previously or has had project approval granted by the City;

(b) the development as built or as approved meets the basic requirements of Article 3, (Site, Yard, Bulk, Usable Open Space and Screening and Landscaping Regulations), Article 16 (Off-Street Parking Facilities)* as required by the applicable zoning district or as modified by appropriate City action;

(c) appropriate access, off-street parking, and loading berths are provided to each lot in the subdivision through easements or other devices, said appropriateness to be determined by the City;

(d) provision has been made to ensure maintenance of the access ways and other "public" areas in a manner acceptable to the City; and

(e) all buildings either proposed to be built or existing, shall meet the applicable provisions of the building and fire codes as determined by the City.

Any other conditions may be placed on such commercial or industrial subdivisions as may be necessary to protect the public health, safety and welfare.

(Based on Ord. 931)

*and Article 17 (Off-Street Loading Facilities)

BREAKDOWN OF CATEGORIES IN
TITLE II, CHAPTER 2, ARTICLE 3

SITE, YARD, BULK, USABLE OPEN SPACE AND SCREENING AND LANDSCAPING REGULATIONS

Pages 50a - 61

TITLE II, CHAPTER 2, ARTICLE 3
Breakdown of Categories...

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Article 3

Site, Yard, Bulk, Usable Open Space and Screening and Landscaping Regulations

§ 2-5.36 Site Area and Dimensions: Requirements and Exceptions.

1. Measurement

a. Required front, side, and rear yards shall be measured as the minimum horizontal distance from the property line of the site or street right-of-way line to a line parallel thereto on the site; provided that where a specific street plan has been adopted by the City Council, site area and required yards shall be measured from the plan line, and no provision of this chapter shall be construed to permit a structure or use to extend beyond such line; and provided further that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line drawn on the boundary of the additional width required for street purposes abutting the site.

b. No site shall have less than 35 feet of frontage.

c. On an irregular site, required yards shall be measured in the manner prescribed by the Zoning Administrator.

d. On a lot having a width that exceeds its depth and which is served by an access corridor, the longer dimension may be considered the depth for purposes of measuring front, side, and rear yards.

e. If after dividing the area of a site in an RM or C-C district by the site area required per dwelling unit, a remainder equal to or greater than 90 percent of the area required for an additional dwelling unit is obtained, one additional dwelling unit may be located on the site, provided that all other applicable yard, open space, bulk, and parking regulations are met.

(Based on Sec. 2.101.1, Ord. 520)

2. Hillside Sites in R-1 Districts.

a. In the R-1-6,500, R-1-7,500, R-1-8,500 and R-1-10,000 districts, for each one foot difference in elevation greater than ten feet between points A and B as described in this article, the minimum required site area shall be increased by ten per cent except that a site in excess of 13,000 square feet shall not be required in the R-1-6,500 district, a site in excess of 15,000 square feet shall not be required in the R-1-7,500 district, a site in excess of 17,000 square feet shall not be required in the R-1-8,500 district, and a site in excess of 20,000 square feet shall not be required in the R-1-10,000 district.

b. In the R-1-20,000 and R-1-40,000 Districts, for each one foot difference in elevation greater than 20 feet between points A and B, as described in this article, the minimum required site area shall be increased by ten percent (10%).

c. On any lot point A is a point at which either projected side lot line intersects the edge of the street pavement as shown on a preliminary or tentative subdivision map or on plans approved by the Director of Public Works or the existing pavement or traveled way. Point B is a point on the lot on an arc 100 feet distant from point A with the greatest difference in natural grade.

d. On a site having a difference in elevation of more than ten feet between points A and B as described in this article, the natural grade shall not be disturbed or natural vegetation removed on more than 5,000 square feet if the site is in the R-1-10,000 district or more than 7,500 square feet if the site is in the R-1-20,000 or R-1-40,000 districts, provided that vegetation other than trees more than six inches in diameter may be removed from additional area if replaced by planting of equal coverage and ground-holding ability, and provided that vegetation may be removed from additional area in accord with a plan approved by the Board of Design Review to thin out excessively heavy growth in order to foster improved growth conditions, to remove diseased plant material, or to eliminate a hazardous condition.

e. All properties placed in a hillside planned development (H-P-D) District shall be developed pursuant to the provisions of Article 32 of this chapter.

(Based on Sec. 2.101.2, Ord. 520) (Amended by Ord. 763

3. Width of Corner Lots. Corner lots shall have extra width in addition to the width prescribed in the zoning schedule at least equal to the width of the minimum interior side yard prescribed for a main structure in the district and in no case shall the lot be less than 80 feet.

(Based on Sec. 2.101.3, Ord. 520)

4. Depth Adjoining Freeway or Railroad in R Districts. In an R District, no site rearing on a freeway or railroad right-of-way shall have a depth of less than 130 feet.

(Based on Sec. 2.101.4, Ord. 520)

5. Non-Conforming Site. A site having an area, frontage, width, or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and valid tentative subdivision map or a recorded subdivision map, or for which a deed or valid contract of sale was of record prior to the effective date of Ordinance No. 520, and which had a legal area, frontage, width, and depth at the time that the subdivision map, deed, or contract of sale was recorded, may be used for a permitted use or a conditional use in the district in which it is located but shall be subject to all other regulations for the district.

(Based on Sec. 2.101.5, Ord. 520)

§ 2-5.37 Front Yards: Requirements and Exceptions. In addition to the regulations prescribed in the Zoning Schedule of §2-5.35, the following regulations shall apply:

a. The minimum front yard for a garage, carport, or off-street parking space required to serve a dwelling in the R-1-6,500, R-1-7,500, R-1-8,500, R-1-10,000, and RM districts shall be 23 feet in order to accommodate a car outside the garage, carport or parking space without encroaching upon the sidewalk, provided that where a garage or carport entered parallel to the street from which it has access, the front yard for the garage or carport may be 15 feet.

(Based on Ord. 520, amended by 567 and 708)

b. Where sites comprising 40 percent of the frontage in a R district on a block are improved with buildings, the minimum front yard shall be the average of the minimum front yard depths for structures other than garages or carports on each developed site in the district on the block. In computing the average, a depth 10 feet greater than the minimum required front yard shall be used for any site having a greater yard depth.

c. No fence, hedge, or other screen planting in a required front yard shall exceed two and one-half feet in height except that the higher decorative structures or planting screens incorporated into an identifiable landscaping scheme may be located in a required front yard provided that:

1. no such structure or screen shall exceed six feet in height except decorative gate archways which may be maximum of eight feet in height;

2. the total lineal dimensions of all such structures and/or screens shall not exceed 20% of the lot frontage; and

3. no structure on the property provided for herein shall occupy any easement for public utility purposes.

In addition, no structure or planting of any type shall pose a traffic sight obstruction as regulated in §2-5.40. (Ord. 855)

(Based on Ord. 520, as amended by Ords. 567, 708 and 855)

§ 2-5.38 Side and Rear Yards: Requirements and Exceptions. In addition to the regulations prescribed in the Zoning Schedule of Ordinance No. 520, the following regulations shall apply:

a. On the street side of a corner lot the side yard shall not be less than twice the depth of the minimum side yard prescribed for the district, except that a side yard in excess of the required front yard depth shall not be required, and a side yard less than 10 feet shall not be permitted.

b. On a reversed corner lot the minimum rear yard may be not less than the minimum side yard prescribed for the district if the side yard adjoining the street is not less than the required front yard on the adjoining key lot, or 15 feet, whichever is greater.

c. Where the side or rear lot line of the site of a use other than a residential use in a district other than an R District adjoins an R District, the minimum side or rear yard shall be 10 feet greater than the minimum yard prescribed in the Zoning Schedule of Ordinance No. 520 provided that where the side or rear lot lines of a site in an I-G District adjoins an R District, the minimum side or rear yard shall be 50 feet.

d. On the side street of a corner lot, the minimum side yard for a garage, carport, or off-street parking space required to serve a dwelling in an R District shall be 20 feet, provided that if the garage, carport, or off-street parking space is entered parallel to the street, the minimum side yard shall be the same as the side yard otherwise required on the site.

e. At the time of the initial construction, principal structures in the R-1-8,500, R-1-7,500, R-1-6,500 and RM-4000 Districts may encroach into otherwise required rear yards to within fifteen (15) feet of the rear lot line provided that there remains a single unobstructed open space with an area equal to 120% of the area obtained by multiplying the required rear yard dimension by the minimum lot width prescribed for these zoning districts. This unobstructed open area may be located in a side yard and/or in the area between the principal structure and the rear lot line and shall have a minimum dimension of not less than fifteen (15) feet.

Additions to principal structures in the R-1-8,500, R-1-7,500, R-1-6,500 and RM-4,000 Districts may encroach into otherwise required rear yards to within fifteen (15) feet of the rear lot line provided that there remains a single unobstructed open space with an area equal to 80% of the area obtained by multiplying the required rear yard dimension by the minimum lot width prescribed for these zoning districts. This unobstructed area may be located in a side yard and/or in the area between the principal structure and the rear lot line and shall have a minimum dimension of not less than fifteen (15) feet.

No structure referred to in the Section projecting into the required rear yard shall exceed one story in height. (This subsection Ord. 956)

f. Fences, walls and hedges not over six feet in height, and walks, driveways and retaining walls may occupy a required side or rear yard except that fences, walls and hedges in the side yard on the street side of a corner lot may not exceed 30 inches in height and no such structure or hedge shall pose a traffic site obstruction. (This subsection Ord. 855)

§ 2-5.39 Yards and Courts Related to Height of a Structure. In addition to the yards prescribed in Zoning Schedule of Ordinance No. 520, the following regulations shall apply:

a. In an R-1 District, main structures exceeding 15 feet in height shall be separated by a distance of at least 20 feet; provided, however, portions of two structures, only one of which is in excess of 15 feet in height, shall be separated by at least 17 feet. Accessory structures exceeding

15 feet in height shall be separated by a distance of at least 20 feet from any structure greater than 15 feet in height; accessory structures exceeding 15 feet in height shall be separated by a distance of at least 17 feet from any structure less than 15 feet in height.

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 the Zoning Schedule of Ordinance No. 520, and sloping away from the side property line 5 feet for each additonal 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 6 feet, except that accessory structures in the rear yards or in one sideyard may be closer than 6 feet if all the requirements of the Building and Fire Code are met and if such structures are not closer than 3 feet to any side or rear property line.

d. For structures of variable height (e.g. split level houses) height shall mean, for the purpose of this section, the height of that portion of the structure nearest to the second structure.

(Based on Ord. 520, amended by Ord. 795)

§ 2-5.40 Traffic Sight Obstructions. Except in a C-C District, on a corner lot, no 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 three feet above established grade at the edge of the street pavement on plans approved by the Director of Public Works or the existing 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.

(Based on Ord. 520)

§ 2-5.41 Projections into Yards.

1. Architechural 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 3 feet.

(Based on Ord. 520)

2. 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.

(Based on Ord. 520)

3. Porches and Steps. Unroofed porches, steps, decks, and terraces 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.

(Based on Ord. 520)

4. Balconies Over Six Feet Above Ground. Balconies, decks, terraces, and other similar unroofed structures at a height including railing more than six feet above the leval 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.

(Based on Ord. 520)

5. Open Stairways. Open, unenclosed fire escapes and fire-proof 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.

(Based on Ord. 520)

6. Covered Patios. Covered patios attached to a main structure and enclosed on more than one side may project not more than eight (8) feet into a required rear yard and five (5) feet into a required side yard within thirty-five (35) feet of the rear lot line, provided that the required side yard shall not be reduced to less than five (5) feet. Covered patios attached to a main structure and opened on three sides may come to within five (5) feet of the rear and side property lines of property within any residential zone.

(Based on Ord. 520, amended by Ord. 710)

7. Underground Structures. Covered underground structures may project without limit into any required yard provided that they shall not have a height of more than 2.5 feet and provided that their surfaces are landscaped.

(Based on Ord. 520)

§ 2-5.42 Projections Over Public Property. Projections into public rights-of-way shall be regulated by the Building Code and by Article 18 (Signs) of this chapter, 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 Ordinance 341 (Encroachment Ordinance).

(Based on Ord. 520)

§ 2-5.43 Height Limits.

1. Measurement. 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 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.

(Based on Ord. 520)

2. Exceptions.

a. In a C-C, I-G, or Q District the Board of Adjustment may permit structures exceeding the heights prescribed in the Zoning Schedule of Ordinance No. 520, after finding that the City will be equipped to provide adequate fire protection and that adjoining properties will not be adversely affected. A decision by the Board may be appealed to the City Council as prescribed in §2-5.10 (Appeal to Board of Adjustment, City Planning Commission, or City Council)

(Based on Ord. 520, amended by Ord. 843)

b. Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, radio and television aerials and antennas, transmission towers, fire towers, and similar structures and necessary mechanical 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. Utility poles and towers shall not be subject to the height limits prescribed in the district regulations.

(Based on Ord. 520)

§ 2-5.44 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 the Zoning Schedule of Ordinance 520, 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 §2-5.39 (Yards and Courts Related to Height of a Structure). The minimum distance between an accessory structure containing a habitable 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 §2-5.39.

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 Board of Design Review, within the area between the front yard and the front of a structure in an R District. (Ord. 579)

e. Swimming pools shall comply with the applicable class II accessory Structure regulations of this chapter and in addition shall be subject to the requirements of Chapter 11 (Swimming Pools), Title II (Zoning and Development). (Ord. 520, 570, & 831)

§ 2-5.45 Usable Open Space.

a. Each dwelling unit in the R-M and C-C district shall have group or private usable open space as prescribed in Zoning Schedule or Ordinance No. 520, provided that in the R-M District each dwelling unit shall have private usable open space of at least the minimum area specified by subsection (c). 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 shall 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 builbing 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 above ground 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. Above ground 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.

(Based on Ord. 520)

§ 2-5.46 Screening and Landscaping.

1. Materials and Maintenance. Except as otherwise required by the provisions of this article, 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 permanentaly 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.

(Based on Ord. 520)

2. Screening of Parking and Loading Facilities in Adjoining or Opposite an 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.

(Based on Ord. 520)

3. Screening of Uses Adjoining R-1 Districts. 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.

(Based on Ord. 520)

4. 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.

5. Screening of Open Uses. A use not conducted within a completely enclosed structure shall have screening of a height specified by the Board of Design Review 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 Board finds that topographic or other physical conditions or the characteristics of the use make screening unnecessary or ineffective for protection of the adjoining or opposite district.

(Based on Ord. 520)

6. Landscaping of Parking Facilities. In an O, C-N, C-C, I-P, or P District, not less than five percent of the area with a line drawn around the outer edges of the area occupied by vehicles shall be landscaped with trees and other plant materials suitable for ornamentation. Landscaped areas shall be distributed throughout the parking area. In addition, a landscaped area not less than five feet in depth shall be located at the property lines adjoining the street frontages of the site except for necessary drives and walks.

(Based on Ord. 520, amended by Ord. 843)

7. Landscaping of Trailer Parks. Where a trailer park adjoins a street, an area 20 feet in depth except for necessary drives and walks shall be landscaped with materials suitable for ensuring privacy and ornamenting the site.

(Based on Ord. 520)

8. Additional Landscaping in O and I-P Districts. In an O or an I-P District the required front yard and required side yard on the street side of a corner lot except for the area occupied by necessary drives and walks, shall be landscaped with trees and other plant materials suitable for ornamentation.

(Based on Ord. 520)

9. Landscaping of Buffers in Q Districts. Landscaped buffers required by Article 10, (Minimum Standards), shall include an earth berm, having a crest not less than 10 feet above natural grade at the boundary of the Q District unless the Design Review Board finds that the berm is not necessary for sight or sound buffering. The entire buffer shall be planted with trees and other materials to effectively prevent transmission of noise and dust and growth of weeds. Planting in the portion of the buffer within 50 feet of the protective fence required by Article 10 (Minimum Standards Relating to Fencing) shall consist of closely spaced trees and shrubs attaining a height of at least 20 feet, with evergreen foliage sufficient to completely screen extraction operations from view.

(Based on Ord. 520)

§ 2-5.47 Types of Vehicles and Parking Locations Permitted in R Districts.

a. Except as specified in a use permit authorizing a conditional use, no truck or bus larger than one ton capacity and no trailer longer than 25 feet shall be parked or stored on a site.

b. No off-street parking space provided in compliance with Article 16 (Schedule for Dwellings and Lodgings) shall be located in a required front yard or in a required side yard on the street side of a corner lot.

c. Except as specified in a use permit authorizing a conditional use, no more than one vehicle, other than automobiles, shall be stored on a site in an R-1 or RM-4,000 District except in an enclosed garage.

d. No vehicle shall be parked or stored except in conformity with the requirements of §2-5.40 (Traffic Sight Obstructions).

(Based on Ord. 520, amended by Ord. 580)

e. No trailer, camper or boat shall be parked or stored in a front yard; provided further, however, that, in addition, a trailer, camper or boat may not be parked or stored in the side-street side yard of a corner lot.

(Based on Ord. 520, amended by Ord. 580)

f. No trailer, camper, or boat shall be parked or stored in the area between the front yard and the front of a structure or in a side yard, unless adequately screened from view from the street as determined by the Board of Design Review.

(Based on Ord. 520, amended by Ord. 694)

(Based on Ord. 520, amended by Ord. 520, 580, & 694

Article 4

Agricultural District

§ 2-6.00 Purposes. In addition to the objectives prescribed in Sec. 2-5.01 (Objectives), the A agricultural district is included in the Zoning Ordinance to achieve the following purposes:

a. To permit the conduct of certain agricultural pursuits on land in the City.

b. To prevent premature urban development of certain lands which eventually will be appropriate for urban uses, until the installation of drainage works, streets, utilities, and community facilities makes orderly development possible.

c. To ensure adequate light, air, and privacy for each dwelling unit, and to provide adequate separation between dwellings and facilities for housing animals.

d. To permit certain non-agricultural uses that are incompatible with intensive urban development to locate in undeveloped portions of the City.

(Based on Sec. 3.100, Ord. 520)

§ 2-6.01 Required Conditions.

a. All uses shall comply with the regulations prescribed in Article 3 (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

b. No use shall be permitted and no process, equipment, or materials shall be employed which is found by the City Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibrations, illumination, glare, unsightliness, or traffic, or to involve any hazard of fire or explosion, provided that permitted agricultural pursuits conducted in accord with good practice shall not be deemed a nuisance.

(Based on Sec. 3.101, Ord. 520)

§ 2-6.02 Permitted Uses. The following uses shall be permitted:

a. One-family dwellings and farm employee housing for persons employed on the premises. Not more than one dwelling unit, other than farm employee housing, shall be permitted on each site.

b. Field and truck crops and horticultural specialties.

c. Home occupations conducted in accord with the regulations prescribed in Article 20 (Home Occupations).

d. Livestock and poultry raising for private, non-commercial use, and private kennels and stables, provided that any building or enclosure in which animals or fowl, except household pets, are contained shall be at least 100 feet from any R, O, C, I-P, or P district. (Amended by Ord. 621, 1-13-71)
e. Nurseries, green houses and botanical conservatories.
f. Orchards and vineyards.
g. Accessory structures and uses located on the same site with a permitted use including barns, stables, coops, tank houses, storage tanks, windmills, other farm outbuildings, private garages and carports, on guest house or accessory living quarters without a kitchen for each dwelling on the site, storehouses, garden structures, greenhouses, recreation rooms and hobby shops, and storage of petroleum products for the use of persons residing on the site.
h. Administrative offices for on site and off site agricultural activities which are clearly ancillary to the agricultural pursuits taking place on the site. (Based on Ord. 520 as amended by Ord. 730, 7-22-74)

§ 2-6.03 Conditional Uses:

The following uses shall be permitted upon the granting of a use permit, in accord with the provisions of Article 25 (Conditional Uses).

a. Agricultural processing plants and wineries.
b. Airports and heliports.
c. Animal sales yards.
d. Apiaries.
e. Automobile and motorcycle racing stadiums and drag strips.
f. Cemeteries, crematories, and columbariums.
g. Charitable institutions and social service and social welfare centers.
h. Churches, convents, monasteries, parish houses, parsonages, and other religious institutions.
i. Commercial kennels.
j. Commercial and private recreation facilities.
k. Dairies and processing of dairy products.
l. Drive-in theaters.
m. Fertilizer plants and yards.
n. Fur farms and rabbit raising.
o. Garbage and refuse incineration.
p. Gas and oil wells.
q. Golf courses and golf driving ranges.
r. Guest ranches.
s. Hospitals, sanitariums, and nursing homes.
t. Labor camps.
u. "Hog and livestock raising, not including feed lots where more than 50% of the feed is imported."
v. Nursery schools.
w. Poultry raising, egg processing, and hatcheries.
x. Private schools and colleges.
y. Public utility and public service pumping stations, power stations, equipment buildings, installations, and service yards, drainage ways and structures, water reservoirs, percolation basins, well fields, storage tanks, and railroad facilities found by the City Planning Commission to be necessary for the public health, safety, or welfare.

z. Riding academies and stables.
aa. Rifle and pistol ranges.
bb. Roadside stands for the sale of agricultural produce grown on the site.
cc. Sanitary landfill operations.
dd. Slaughterhouses.
ee. Veterinarians' offices
ff. Accessory structures and uses located on the same site as a conditional use.
gg. Wood sales and storage yards for unmilled lumber

(Based on Ord. 520 as amended by Ord. 730, 7/22/74.)

§ 2-6.04 Off-Street Parking. Off-street parking facilities shall be provided for each use as prescribed in Article 16 (Off-Street Parking Facilities).

(Based on Sec. 3.104, Ord. 520)

§ 2-6.05 Off-Street Loading. Off-street loading facilities shall be provided for each use as prescribed in Article 17 (Off-Street Loading Facilities).

(Based on Sec. 3.105, Ord. 520)

§ 2-6.06 Signs. No signs, outdoor advertising structure, or display of any character shall be permitted, except as prescribed in Article 18 (Signs)

(Based on Sec. 3.106, Ord. 520)

§ 2-6.07 Design Review. Conditional uses shall be subject to design review as prescribed in Article 19 (Design Review). Applicants are advised to confer with the Zoning Administrator before preparing detailed plans.

(Based on Sec. 3.107, Ord. 520)

R-1 One Family Residential Districts

§ 2-6.11 Purposes. In addition to the objectives prescribed in Sec.2-5.01 (Objectives), the R-1, one-family residential districts are included in the Zoning Ordinance to achieve the following purposes.

a. To reserve appropriately located areas for family living at reasonable population densities consistent with sound standards of public health and safety.
b. To ensure adequate light, air, privacy, and open space for each dwelling.
c. To protect one-family dwellings from the lack of privacy associated with multi-family dwellings.
d. To provide space for semi-public facilities needed to complement urban residential areas and for institutions that require a residential environment.
e. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them.
f. To preserve the natural beauty of hillsides and avoid slide and drainage problems by encouraging retention of natural vegetation and discouraging improperly controlled mass grading.
g. To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks.
h. To protect residential properties from the hazards, noise, and congestion created by commercial and industrial traffic.
i. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectional influences.
j. To protect residential properties from fire, explosion, noxious fumes, and other hazards.

(Based on Sec. 4.100, Ord. 520)

§ 2-6.12 Required Conditions.

a. All uses shall comply with the regulations prescribed in Article 3 (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

2-6.12(a) Prohibited Uses. The following uses shall not be permitted.

a. Any use not specifically or conditionally permitted by this Article.
b. Barbed wire fences or any fence which has attached to it, for purposes of prohibiting people or animals from climbing the same, barbed wire regardless of type, with the following exceptions:
    1. Where this Chapter specifically allows for the keeping of horses.
    2. Where property, although zoned for residential use, has not yet developed pursuant to that zoning and, thus, a great deal of open acreage still remains and is used for the keeping of horses and other animals included in the Agricultural District, such usage becoming non-confirming as a result of the change in zoning.
C. Any process, equipment or material which has been determined by the Planning Commission to be detrimental or harmful to the public health, safety or welfare or injurious to property. This determination shall be made at a public hearing set and noticed pursuant to Section 2-5.03 and shall be subject to review by or appeal to the City Council as set forth in Section 2-11.10.

(Based on Ord. 520, as amended by Ord. 707)

2-6.13 Permitted Uses

The following uses shall be permitted:

a. One-family dwellings in which not more than two paying guests may be lodged or boarded.

b. Raising of fruit and nut trees, vegetables and horticultural specialties.

c. Temporary subdivision sales offices conducted in accord with the regulations prescribed in Article 21 (Temporary Subdivision Sales Offices).

d. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house or accessory living quarters without a kitchen, storehouse, garden structures, greenhouses, recreation rooms and hobby areas within an enclosed structure.

e. Private stable for the keeping of two horses on a site not less than 40,000 square feet in area, except that one additional horse may be kept for each additional 40,000 square feet of site area, provided that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling on the site, or closer than 100 feet to any other dwelling.

f. Household pets.

(Based on Sec.4.102,Ord.520-amended by Ord.621 & Ord.831 on 9/13/77)

2-6.14 Conditional Uses. The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 25 (Conditional Uses):

a. Charitable institutions.

b. Churches, convents, monasteries, parish houses, parsonages and other religious institutions.

c. Golf courses.

d. Nursery schools.

e. Nursing homes for not more than three patients.

f. Private recreation parks and swim clubs.

g. Private non-profit schools and colleges, not including art, craft, music, dancing, business, professional or trade schools and colleges.

h. Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures reservoirs, percolation basins, well fields and storage tanks, found by the City Planning Commission to be necessary for the public health, safety or welfare.

i. Accessory structures and uses located on the same site as a conditional use.

j. Home occupations conducted in accord with the regulations prescribed in Article 20 (Home Occupations).

k. Rabbits or fowl consistent with the provisions of 2-5.07.01.

(Based on Sec.4.103,Ord.520,amended by Ord.685).

l. Any grading requiring a permit by Section 7006 of the Building Code of the City of Pleasanton on property having a weighted incremental slope, as defined in Art.32 of this chapter, of 10% or greater. This subsection shall not apply to any recorded lot or to any property on which an approved tentative map exists at the effective date of this ordinance.(Added by Ord.763-7/28/75)

2-6.15 Off-Street Parking. Off-street parking facilities shall be provided for each use as prescribed in Article 16 (Off-Street Parking Facilities).

(Based on Sec. 4.104,Ord.520)

§ 2-6.16 Off-Street Loading. Off-street loading facilities shall be provided for each use as prescribed in Article 17 (Off-Street Loading Facilities).

(Based on Sec. 4.105, Ord. 520)

§ 2-6.17 Signs. No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 18 (Signs).

(Based on Sec. 4.106, Ord. 520)

§ 2-6.18 Design Review. Conditional uses shall be subject to design review as prescribed in Article 19 (Design Review).

(Based on Sec. 4.107, Ord. 520)

Article 6

RM Multi-Family Residential Districts

2-6.22 Purposes. In addition to the objectives prescribed in Sec. 2-5.01 (Objectives), the RM Multi-Family residential districts are included in the Zoning Ordinance to achieve the following purposes:

a. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with sound standards of public health and safety.
b. To preserve as many as possible of the desirable characteristics of the one-family residential district while permitting higher population densities.
c. To ensure adequate light, air, privacy and open space for each dwelling unit.
d. To provide space for semi-public facilities needed to complement urban residential areas and space for institutions that require a residential environment.
e. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them.
f. To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks.
g. To protect residential properties from the hazards, noise and congestion created by commercial and industrial traffic.
h. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences.
i. To protect residential properties from fire, explosion, noxious fumes and other hazards.

(Based on Sec. 5.100, Ord. 520)

2-6.23 Required Conditions.
All uses shall comply with the regulations prescribed in Article 3 (Site,Yard, Bulk, Usable Open Space and Screening and Landscaping Regulations).

(Based on Sec. 5.101, Ord. 520 and amended by Ord. 707 on 9/12/73)

2-6.24 Permitted Uses. The following uses shall be permitted:

a. One-family dwellings in which not more than three paying guests may be lodged or boarded.

b. Multi-family dwellings.
c. Combinations of attached or detached dwellings including duplexes, multi-family dwellings, dwelling groups, row houses and town houses.
d. Nursing homes for not more than three patients.
e. Accessory structures and uses located on the same site as a permitted use.
f. Not more than two weaned household pets excepting fish and caged birds.

(Based on Sec. 5.102,Ord.520 and amended by Ord.621 & Ord.831-9/13/77)

2-6.25 Conditional Uses.
The following conditional uses shall be permitted upon the granting of a use permit, in accord with the provisions of Article 25 (Conditional Uses):

a. Charitable institutions.
b. Churches, convents, monasteries, parish houses, parsonage and other religious institutions.
c. Golf courses.
d. Hospitals and sanitariums, not including hospitals and sanitariums for mental, drug addict or liquor addict cases.
e. In the RM-1500 district only, lodging houses.
f. In the RM-1500 district only, motels.
g. Nursery schools.
h. Private recreation parks and swim clubs.
i. Private schools and colleges, not including art, craft, music, dancing, business, professional or trade schools and colleges.
j. Private non-commercial clubs and lodges, not including hiring halls.
k. Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, reservoirs, percolation basins, well fields and storage tanks found by the City Planning Commission to be necessary for the public health, safety or welfare.
l. Trailer parks in accord with the regulations prescribed in Article 22 (Trailer Parks).
m. Accessory structures and uses located on the same site as a conditional use.
n. Home occupations conducted in accord with the regulations prescribed in Article 20 (Home Occupations).

(Based on Sec. 5.103, Ord.520, amended by Sec.II, Ord.540)

2-6.25(a) Prohibited Uses. The following uses shall not be permitted:

a. Any use not specifically or conditionally permitted by this article.
b. Barbed wire fences or any fence which has attached to it, for purposes of prohibiting people or animals from climbing the same, barbed wire regardless of type, with the following exceptions:
   1. Where this Chapter specifically allows for the keeping of horses.

2. Where property, although zoned for residential use, has not yet developed pursuant to that zoning and, thus, a great deal of open acreage still remains and is used for the keeping of horses and other animals included in the Agricultural District, such usage becoming non-conforming as a result of the change in zoning.

c. Any process, equipment or material which has been determined by the Planning Commission to be detrimental or harmful to the public health, safety or welfare or injurious to property. This determination shall be made at a public hearing set and noticed pursuant to Section 2-5.08 and shall be subject to review by or appeal to the City Council as set forth in Section 2-11.10.

(Based on §4 Ordinance No. 707, adopted 9/12/73.)

§ 2-6.26 RM-1,500 District: Reduced Site Area Per Dwelling Unit with Parking Under or Within Structure. In an RM-1,500 district where all required parking is located under or within the same structure as the dwelling units served, one dwelling unit shall be permitted for each 1,200 square feet of site area.

(Based on Sec. 5.104, Ord. 520)

§ 2-6.27 Underground Utilities. Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the Director of Public Works finds, upon application by the property owner, that compliance is not feasible or economically justifiable, he 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.

(Based on Sec. 5.105, Ord. 520)

§ 2-6.28 Off-Street Parking. Off-street parking facilities shall be provided for each use as prescribed in Article 16 (Off-Street Parking Facilities).

(Based on Sec. 5.106, Ord. 520)

§ 2-6.29 Off-Street Loading. Off-street loading facilities shall be provided for each use as prescribed in Article 17 (Off-Street Loading Facilities).

(Based on Sec. 5.107, Ord. 520)

§ 2-6.30 Signs. No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 18 (Signs).

(Based on Sec. 5.108, Ord. 520)

§ 2-6.31 Design Review. All permitted uses except one family dwellings, and all conditional uses shall be subject to design review as prescribed in Article 19 (Design Review). Applicants are advised to confer with the Zoning Administrator before preparing detailed plans.

(Based on Sec. 5.109, Ord. 520)

Article 7

O Office District

§ 2-6.35 Purposes. In addition to the objectives prescribed in Sec.2-5.01 (Objectives), the O Office district is included in the Zoning Ordinance to achieve the following purposes:

a. To provide opportunities for offices of a semi-commercial character to locate outside of commercial districts.
b. To establish and maintain in portions of the City the high standards of site planning, architecture, and landscape design sought by many business and professional offices.
c. To provide adequate space to meet the needs of modern offices, including off-street parking of automobiles and, where appropriate off-street loading of trucks.
d. To provide space for semi-public facilities and institutions that appropriately may be located in office districts.
e. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.
f. To protect offices from the noise, disturbance, traffic hazards, safety hazards, and other objectionable influences incidental to certain commercial uses.
g. To protect offices from fire, explosion, noxious fumes, and other hazards.

(Based on Sec. 6.100, Ord. 520)

§ 2-6.36 Required Conditions.

a. All uses shall comply with the regulations prescribed in Article 3 (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).
b. All professional pursuits and businesses shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas.
c. No use shall be permitted, and no process, equipment, or material shall be employed which is found by the City Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or truck traffic, or to involve any hazard of fire or explosion.

(Based on Sec. 6.101, Ord. 520)

§ 2-6.37 Permitted Uses.

The following uses shall be permitted:

a. Offices of the following types:
   Administrative headquarters and executive offices.
   Business offices including wholesaling establishments without stock, and not including the retail sale of any commodity on the premises.
   Business service offices including employment agencies, accountants, notaries, stenographic, addressing, computing, and related services.

Consulting service offices, business and professional.
Design professions offices not including retail sales on the premises.
Insurance offices.
Investment service offices.
Legal service offices.
Medical, dental and related health services offices including laboratories rendering services only and not involving the manufacture, fabrication, or sale of any article or commodity other than those incidental to the services provided.
Public utility consumer service offices.
Real estate, title company, and related service offices.
Research service offices, analytical and scientific, nor involving the manufacture, fabrication, procession, or sale of products on the premises.
Travel agencies.

b. Prescription pharmacies, provided that at least 80% of the interior display area shall be used for the preparation and sale of prescription or trade drugs.
c. Charitable institutions.
d. Churches and other religious institutions.
e. Private non-commercial clubs and lodges.
f. Mortuaries.
g. Nursing homes.
h. Parking facilities improved in conformity with the standards prescribed in Article 16 relating to Standards for Off-Street Parking Facilities.
i. Any other use which is determined by the City Planning Commission, as provided in Article 24 (Determination as to Uses Not Listed), to be similar to the uses listed in this section.
j. Accessory structures and uses located on the same site as a permitted use.

(Based on Ord. 520, amended by Ord. 690)

§ 2-6.38 Conditional Uses. The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 25 (Conditional Uses):

a. Hospitals and sanitariums, not including hospitals or sanitariums for mental, drug addict, or liquor addict cases.
b. Restaurants including on-sale liquor and soda fountains, not including drive-in establishments or establishments providing entertainment.
c. Private schools and colleges, including music and dance studios not less than 150 feet from an R District.
d. Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, reservoirs, percolation basins, well fields, storage tanks, and transmission lines found by the City Planning Commission to be necessary for the public health, safety, or welfare.
e. Accessory structures and uses located on the same site as a conditional use.
f. Barbershops. (Ord. 683)
g. Financial institutions including banks, savings and loan associations, finance companies, credit unions and related services. (Ord. 690)

(Based on Ord. 520, amended by Ord. 863 and 690)

§ 2-6.39 Underground Utilities. Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the Director of Public Works finds, upon application by the property owner, that compliance is not feasible or economically justifiable, he 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.

(Based on Sec. 6.104, Ord. 520)

§ 2-6.40 Off-Street Parking. Off-street parking facilities shall be provided for each use as prescribed in Article 16 (Off-Street Parking Facilities).

(Based on Sec. 6.105, Ord. 520)

§ 2-6.41 Off-Street Loading. Off-street loading facilities shall be provided for each use as prescribed in Article 17 (Off-Street Loading Facilities).

(Based on Sec. 6.106, Ord. 520)

§ 2-6.42 Signs. No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 18 (Signs)

(Based on Sec. 6.107, Ord. 520)

§ 2-6.43 Design Review. All permitted and conditional uses shall be subject to design review as prescribed in Article 19 (Design Review). Applicants are advised to confer with the Zoning Administrator before preparing detailed plans.

(Based on Sec. 6.108, Ord. 520)

Article 8

C Commercial Districts

§ 2-7.00 Purposes. In addition to the objectives prescribed in Sec.2-5.01 (Objectives), the C Commercial districts are included in the Zoning Ordinance to achieve the following purposes:

a. To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses, offering commodities and services required by residents of the City and its surrounding market area.
b. To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other.
c. To provide space for community facilities and institutions that appropriately may be located in commercial areas.
d. To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas.
e. To minimize traffic congestion and to avoid overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.
f. To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses.
g. To protect commercial properties from fire, explosion, noxious fumes, and other hazards.

(Based on Sec. 7.100, Ord. 520)

§ 2-7.01 Special Purposes of C-N Neighborhood Commercial District.

a. To provide appropriately located areas for retail stores, offices, and personal service establishments patronized primarily by residents of the immediate area.
b. To permit development of neighborhood shopping centers of the size and in the appropriate locations shown on the General Plan, according to standards that minimize adverse impact on adjoining residential uses.

(Based on Sec. 7.100.1, Ord. 520)

§ 2-7.02 Special Purposes of C-C Central Commercial District.

a. To maintain compactness and encourage more intensive development in Pleasanton's central business district.
b. To maximize the efficiency of the central district by limiting or prohibiting uses that break the continuity of commercial frontage or are incompatible with an attractive pedestrian shopping area.
c. To facilitate the establishment of assessment districts for provision of off-street parking facilities by limiting or prohibiting drive-in type uses that would not benefit substantially from public off-street parking facilities.

(Based on Sec. 7-100.2, Ord. 520)

§ 2-7.03 Special Purposes of C-R Regional Commercial District.

a. To provide a large site at an appropriate location for a major shopping center drawing trade from the entire Amador-Livermore Valley.

b. To ensure that a major center will be developed in accord with high standards of site planning, architecture, and landscape design.

c. To minimize the adverse effect of major commercial facilities on nearby dwellings.

(Based on Sec. 7.100.3, Ord. 520)

§ 2-7.04 Special Purposes of C-S Commercial Service District.

a. To provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts.

b. To provide sites for businesses that typically are not found in shopping centers, that usually have relatively large sites providing off-street parking, and that attract little or no pedestrian traffic.

(Based on Sec. 7.100.4, Ord. 520)

§ 2-7.05 Special Purposes of C-F Freeway Interchange Commercial District.

a. To provide appropriately located areas for establishments catering to freeway travelers and tourists.

b. To enhance the appearance of certain entrances to the City, and to protect motel and restaurant patrons from nuisances by limiting or prohibiting certain commercial service uses that often are unsightly or have nuisance features.

c. To provide appropriately located areas for establishments that generally require large sites and do not require close proximity to other commercial uses.

(Based on Sec. 7.100.5, Ord. 520)

§ 2-7.06 Special Purpose of the C-A Automobile Commercial District.

a. To provide an opportunity for automobile dealers and closely related businesses to benefit from the proximity and high design standards possible in a shopping center type of automotive district.

(Based on Sec. 7.100.6, Ord. 520)

§ 2-7.07 Required Conditions.

a. All uses shall comply with the regulations prescribed in Article 3 (Site, Yard, Bulk, Usable Open Space and Screening and Landscaping Regulations) except in the C-R District where the Design Review Board and/or Planning Commission shall establish such regulations on a case-by-case basis in accordance with the purposes of Article 19 (Design Review). (Based on Ord. 520 as amended by Ord. 843)

b. All uses, except as indicated below, shall be conducted entirely within a completely enclosed structure. Uses include, but are not limited to, all business transactions, services, processes, and displays, but do not include off-street parking and loading areas.

(1) Certain uses which by their nature require and ordinarily include outdoor activities (whether services, processes, display, or whatever) may conduct aspects of the business outside of a completely enclosed structure. Such uses include the following and such other similar uses as determined by the Zoning Administrator:

(a) service stations
(b) outdoor dining areas as part of a restaurant
(c) nurseries
(d) garden shops
(e) Christmas tree sales lots
(f) lumber yards
(g) utility substations and equipment installations
(h) amusement parks
(i) auto sales, rental, or leasing
(j) boat sales
(k) drive-in theaters
(l) outdoor art and craft shows
(m) outdoor recreation and sports facilities
(n) equipment rental yards
(o) drive-in restaurants
(p) stone and monument yards
(q) commercial storage yards
(r) mobile home sales
(s) truck and trailer sales

Such uses shall require design review and/or use permit approval pursuant to the procedures of this chapter.

(2) Temporary outdoor uses may be permitted pursuant to Section 2-10.25 of Article 21 (Temporary Uses) of this Chapter.

(Based on Ord. 1051)

c. In a C-N district all products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced.

d. No use shall be permitted, and no process, equipment, or material shall be employed which is found by the City Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic, or to involve any hazard of fire or explosion. No exterior illumination closer than 200 feet to the boundaries of a site or interior illumination closer than 10 feet to a window within 200 feet of the boundary of a site and visible beyond the boundary of a site, whether related to a sign or not, shall exceed the intensity permitted by Article 18 regarding Illumination.

(Based on Sec. 7.101, Ord. 520)

§ 2-7.08 Permitted and Conditional Uses

a. The following uses shall be permitted uses or conditional uses in a C District where the symbol "P" for permitted use, "C" for conditional use, or "TC" for temporary conditional use appears in the column beneath the C district.

[Note: * - Uses which are part of a completely enclosed mall complex, all activities take place entirely indoors.

** - Uses on peripheral sites physically separated from a central enclosed mall.]

	CR* (m)	CR** (p)	CN	CC	CS	CF	CA
-Accessory uses and structures, not including warehouses, located on the same site as a permitted use	P	P	P	P	P	P	P
-Accessory uses and structures located on the same site as a conditional use		C	C	C	C	C	C
-Ambulance services				C	P		
-Amusement parks					C		
-Antique stores				P			
-Appliance sales and repair, provided repair services shall be incidental to retail sales	P	P		P	P		
-Art galleries and artists' supply stores	P	P	P	P			
-Auction rooms				C	C	C	
-Automobile racing stadiums and drag strips					C		
-Automobile rental, sales and or leasing; no service	P			P	C	C	P
-Automobile repairing, overhauling, and painting		C			C		P
-Automobile sales and service including new and used car sales		P			C	C	P

	CR* (m)	CR** (p)	CN	CC	CS	CF	CA
-Automobile supply stores	P	P		P	P		P
-Automobile upholstery and top shops					C		P
-Automobile washing, including use of mechanical conveyors, blowers and steam cleaners (Ord. 793)		C			C		C
-Automobile washing, self service					C		
-Barber shops and beauty shops	P	P	P	P			
-Bars, not part of restaurants and where complete meals are not served	C	C		C		C	
-Beauty shops including massage services	C	C	C	C			
-Bicycle shops	P	P	P	P	P		
-Blacksmiths shops, not less than 300 ft. from an R or O District				C	C		
-Boat sales, service, and repair					C	C	P
-Boat sales, no service or repair	P			P			
-Bookbinding				C	C		
-Bookstores and rental libraries	P	P	P	P			
-Bottling works					C		
-Bowling alleys	P	C		C	C		
-Building materials sales		C			C		
-Bus depots, provided buses shall not be stored on site and no repair work shall be conducted on site		P		P	P	P	
-Candy stores	P	P	P	P			
-Card rooms and pool halls	P	C		C			

	CR* (m)	CR** (p)	CN	CC	CS	CF	CA
-Carpet, drapery and floor covering stores (Ord. 765)	P	P	C	P	P		
-Carpet and rug cleaning and dyeing					C		
-Catalog stores	P	P		P			
-Catering establishments	P	P	P	P	P		
-Charitable institutions and operations, including but not limited to lodging housing or dormitories providing temporary quarters for transient persons, organizations devoted to collecting or salvaging new or used materials, or organizations devoted principally to distributing food, clothing and other supplies on a charitable basis and other similar charitable operations				C	C		
-Christmas tree sales lots	P	TC	TC	TC	TC	TC	TC
-Churches, parsonages, parish houses, monasteries, convents and other religious institutions				C			
-Circuses, carnivals and other transient amusement enterprises	P	TC	TC	TC	TC	TC	TC
-Clothing and costume rental establishment	P	P	P	P			
-Clothing, shoe and accessory stores	P	P	P	P			
-Columbariums and crematories, not less than 300 ft. from an R District					C		
-Dairy products plants					C		
-Dairy products manufacturing for retail sale on premises only	P			C	P		
-Dance halls (where no liquor is served)	P	C		C			

	CR* (m)	CR** (p)	CN	CC	CS	CF	CA
-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 theatres					C		
-Drug stores 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 service	P	P	C	C	C		
-Florists (Ord. 740)	P	P	P	P			
-Food lockers	P			C	P		
-Food markets including supermarkets, convenience markets and specialty stores (Ord. 810)	P	P	C	C			
-Freight forwarding terminals (Ord. 696)					C		
-Furniture stores	P	P		P	P	P	
-Furniture upholstery shops				C	C		
-Games arcades, including electronic and mechanical pinball machines, video games and similar uses (Ord. 878)	P	P	C	C			
-Garden centers, including plant nurseries (Ord. 823)	P	C			C	C	

	CR* (m)	CR** (p)	CN	CC	CS	CF	CA
-Gift shops	P	P	P	P			
-Glass replacement and reapir shops				C	P		
-Guards' living quarters (Ord. 818)					C		
-Gunsmiths (Ord. 740)	P	P		P			
-Gymnasiums and health clubs	P	C	C	C	P		
-Gymnasiums and health clubs including massage			C	C	C		
-Hardware stores (Ord. 942)	P	P	C	P	P		
-Heating and air conditioning shops					C		
-Hobby shops (Ord. 740)	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 ft. from an R or O District					C		
-Laboratories		P		P	P		
-Laundry plants					C		

	CR* (m)	CR** (p)	CN	CC	CS	CF	CA
-Laundries and dry cleaners where service is provided	P	P	P	P	P		
-Laundries, self service		P	P	P			
-Leather goods and luggage stores	P	P	P	P			
-Linen supply services					P		
-Liquor stores	P	P	P	P			
-Locksmiths (Ord. 740)	P	P	P	P			
-Lumber yards, not including planing mills or saw mills not less than 300 ft. from an R or O District					C		
-Machinery sales					P		
-Massage studios		C		C			
-Medical and orthopedic appliance stores	P	P		P			
-Meeting halls	P	C		C	C	C	
-Miniature golf	P	C					
-Motorcycle sales, no service or repair	P			P			P
-Motorcycle sales and service					C	C	C
-Motuaries				C	P		
-Music stores	P	P	P	P			
-Music and dance studios	P	C	C	C			
-Newstands	P	P	P	P	P		
-Office buildings (Ord. 773)		P	C	P			
-Office supply and business machine stores	P	P		P			

	CR* (m)	CR** (p)	CN	CC	CS	CF	CA
-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 Article 16 of this Chapter				C			
-Pest control shops				C	P		
-Pet and bird stores	P	P	C	P	P		
-Photographic studios	P	P	P	P			
-Photographic supply stores	P	P	P	P	P		
-Picture framing shops (Ord. 740)	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		
-Post offices	P	P	C	P			
-Prefabricated structur sales					C		
-Printing, including also lithographing and engraving and other reproduction services				C	P		
-Private clubs and lodges				C	C		

	CR* (m)	CR** (p)	CN	CC	CS	CF	CA
-Private Museums				C	C		
-Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, reservoirs, percolation basins, well fields, storage tanks and transmission lines found by the City Planning Commission to be necessary for the public health, safety or welfare		C	C	C	C	C	
-Radioactive materials uses as defined in subsection 2-5.27(a) of this Chapter (Ord. 935)					C		
-Radio and television broadcasting studios	P	P	C	P	P		
-Record and recording and sound equipment stores	P	P	C	P			
-Recreation and sports facilities, indoor	P	C		C	C		
-Recreation and sports facilities, indoor, including massage service				C	C		
-Recreation and sports facilities, outdoor, including race tracks, golf driving ranges, skateboard parks, riding stables, etc.					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 §2-7.08b) see also "guards' living quarters," and Article 22, Trailers and Trailer Parks				P	C	C	

	CR* (m)	CR** (p)	CN	CC	CS	CF	CA
-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 (Ord. 730)	P	P		P	P		
-Schools and colleges including trade, business, music and art schools, but not including general purpose or nursery schools	P	C		C	C		
-Scientific instrument shops	P	P		P	P		
-Second-hand stores and pawn shops				C			
-Service stations not less than 60 ft. from an R District not including trailer rental, provided all operations except the sale of gasoline and oil and the washing of cars shall be conducted within a building enclosed on at least three sides, and provided that the minimum site area shall be 20,000 sq. ft. Sales shall be limited to petroleum products and automotive accessories and tobacco, soft drinks, candy and gum		C	C	C	C	C	C
-Service stations not less than 60 ft. from an R District, including truck and trailer rental, provided all operations except the sale of gasoline and oil, and rental storage shall be conducted within a building enclosed on at least three sides and provided that the minimum site area shall be 20,000 sq.ft. Sales shall be limited to petroleum products, automotive accessories, food and beverages (except alcoholic beverages) and small consumer convenience items such as magazines, newspapers, etc					C	C	

	CR* (m)	CR** (p)	CN	CC	CS	CF	CA
-Sheet metal shops					C		
-Shoe repair shops (Ord. 740)	P	P	P	P			
-Shoe stores	P	P	P	P			
-Shooting galleries, indoors	P			C	P		
-Sign painting shops	P			C	P		
-Skating rinks, indoors	P	P			P	C	
-Specialty stores selling those items normally sold in department stores	P	P		P			
-Sporting goods stores	P	P	P	P			
-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 ft. from any R or O District					C		
-Swimming pool sales, supplies and/or service (Ord. 774)	P		C	C	P	C	
-Tailor or dressmaking shops	P	P	P	P			
-Taxidermists	P	P		P	P		
-Taxi-cab stands		P	P	P	P	P	P
-Television and radio sales and repair shops	P	P	P	P	P		
-Theatres and auditoriums	P	P	C	P		C	

	CR* (m)	CR** (p)	CN	CC	CS	CF	CA
-Tire sales and service, not including retreading and recapping or mounting of heavy truck tires		C		C	P		P
-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 mobile home parks in accordance with the regulations prescribed in Article 22 of this Chapter					C	C	
-Truck, trailer and/or R.Vs., sales and service					C	C	P
-Truck scales					P	C	
-Trucking terminals, not less than 150 ft. from an R or O District					C		
-Variety stores	P	P	P	P			
-Vending machine sales and service					P		
-Veterinarians' offices and small animals hospitals, including short-term boarding of animals and incidental care such as bathing and trimmings provided all operations are conducted entirely within a completely enclosed building which complies with specifications for sound-proff construction which shall be prescribed by the Chief Building Inspector				C	P		
-Veterinarians' offices and small animal hospitals including operations not conducted within an entirely enclosed building, not less than 300 ft. from an R or O District					C		

	CR* (m)	CR** (p)	CN	CC	CS	CF	CA
-Warehouses except for the storage of fuel or flamable 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			

(Based on Ord. 520 as amended by Ordinances - 696, 730, 740, 765, 773, 774, 793, 810, 823, 874, 878, 935 & 942 - adjusted on January 13, 1981)

b. Multi-family dwellings shall be permitted in the C-C district provided that there shall be not less than 1,000 square feet of site area per dwelling unit, and provided that dwelling units not located above a permitted non-residential use shall be subjected to the requirements for usable open space per dwelling unit of the RM-1,500 district.

Yards and courts at and above the first level occupied by dwelling units shall be as required by §2-5.39 (Yards and Courts Related to Height of a Structure), except that where no side or rear yard is required for a non-residential use on the site, no side or rear yard need be provided except adjoining walls with openings.

c. Any other use which is determined by the City Planning Commission, as provided in Article 24, (Determination as to Uses Not Listed), to be similar to the uses listed in this section shall be a permitted use or a conditional use in the districts in which the uses to which it is similar are permitted uses or conditional uses.

(Based on Sec. 7.102-b & c, Ord. 520)

§ 2-7.09 Underground Utilities. Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the Director of Public Works finds, upon application by the property owner, that compliance is not feasible or economically justifiable, he 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.

(Based on Sec. 7.103, Ord. 520)

§ 2-7.10 Off-Street Parking. Off-street parking facilities shall be provided for each use as prescribed in Article 16 (Off-Street Parking Facilities).

(Based on Sec. 7.104, Ord. 520)

§ 2-7.11 Off-Street Loading. Off-street loading facilities shall be provided for each use prescribed in Article 17 (Off-Street Loading Facilities) except in the C-R District where the Design Review Board and/or Planning Commission shall establish regulations on a case-by-case basis in accordance with the purposes of Article 19 (Design Review).

(Based on Ord. 520 as amended by Ord. 843)

§ 2-7.12 Signs. No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 18 (Signs).

(Based on Sec. 7.106, Ord. 520)

§ 2-7.13 Design Review. All permitted and conditional uses shall be subject to design review as prescribed in Article 19 (Design Review). Applicants are advised to confer with the Zoning Administrator before preparing detailed plans.

(Based on Sec. 7.107, Ord. 520)

I Industrial Districts

2-7.17 Purposes. In addition to the objectives prescribed in Sec. 2-5.01 (Objectives), the I Industrial Districts are included in the Zoning Ordinance to achieve the following purposes:

a. The provisions of this article shall be administered and enforced in a manner to clearly establish the objectives and to express the desire of the City, community organizations and civic groups to locate industrial development in the Pleasanton area.

b. To reserve appropriately located area for industrial plants and related activities.

c. To protect areas appropriate for industrial use from intrusion by dwellings and other inharmonious uses.

d. To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic and other objectionable influences, and from fire, explosion, noxious fumes, radiation and other hazards incidental to certain industrial uses.

e. To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationship to each other.

f. To provide adequate space to meet the needs of modern industrial development, including off-street parking and truck loading areas and landscaping.

g. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and agricultural districts.

h. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

i. Deleted by Ordinance 821, adopted on June 13, 1977.

(Based on Sec.8.100,Ord. 520, amended by Ord.692 on 3/19/73)

2-7.18 Special Purposes of the I-P(Industrial Park) District.

a. To establish and maintain high standards of site planning, architecture and landscape design that will create an environment attractive to the most discriminating industries and research and development establishments seeking sites in Northern California.

b. To provide locations for industries that can operate in close proximity to commercial and residential uses with minimum mutual adverse impact.

c. To protect light industrial and related uses from nuisances associated with heavy industrial uses.

(Based on Sec.8.101, Ord.520)

2-7.18a Special Purpose of the I-G (General Industrial) District. To provide locations where industries that are incompatible with most other land uses can operate with minimum restriction and without adverse effect on other uses.

(Based on Sec.8.102,Ord. 520)

2-7.18b Special Purpose of the L-I (Light Industrial) District. To provide locations for industries that are more restrictive in terms of use than the I-G District and can operate in relatively close proximity to commercial and residential uses with a minimum of adverse effects.

(Based on Ord. 608 adopted 8/31/70)

2-7.19 Required Conditions. All uses shall comply with the regulations prescribed in Article 3 of this chapter and with the additional regulations prescribed in this section. The Zoning Administrator may require submission of evidence of ability to comply with the required conditions or of maintenance of the required conditions as prescribed in Article 27 regarding Determination of Compliance with Required Conditions.

(Based on Sec. 8.103, Ord. 520)

1. Noise. In an I-P or L-I District, no use except a temporary construction operation shall be permitted which creates, at any point beyond the boundaries of the site, noise of a maximum sound pressure level greater than the values given in the following table. In an I-G District no use except a temporary construction operation shall be permitted which creates, at any R or O district houndary, noise of a maximum sound pressure level greater than the values given in the following table. The sound pressure levels shall be measured in decibels 0.002 dynes per square centimeter with a sound level meter and associated octave band filter conforming to standards prescribed by the American Standards Association.

Octave Band (Cycles Per Second)	Maximum Permitted Sound Pressure Level (Decibels)
Below 75	72
75 - 149	67
150 - 299	59
300 - 599	52
600 - 1,199	46
1,200 - 2,399	40
2,400 - 4,799	34
4,800 and above	32

(Based on Sec.8.103.1, Ord.520 and amended by Ord.608 on 8/31/70)

2. Emissions. No use shall be permitted which creates any emission which endangers human health, can cause damage to animals, vegetation or other property, or which can cause soiling at any point beyond the boundaries of the site. All uses that emit any of the air contaminents listed in the Bay Area Air Pollution Control District's Regulation 2, shall comply with the regulations contained therein. (Based on Sec.8.103.2,Ord.520)

3. Odor. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the site in an I-P or L-I District or beyond the boundaries of the district in an I-G District when diluted in the ratio of one volume of odorous air to four volumes of clean air.

(Based on Sec. 8.103.3, Ord. 520 and amended by Ord.608 on 8/31/70)

4. Vibration. No use except a temporary construction operation shall be permitted which creates vibration sufficient to cause a displacement of .003 of one inch beyond the boundaries of the site.

(Based on Sec. 8.103.4, Ord.520 and amended by Ord.608 8/31/70)

5. Heat and Cold, Glare, Electrical Disturbance. No use except a temporary construction operation shall be permitted which creates changes in temperature or direct or sky-reflected glare, detectable by the human senses without the aid of instruments beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site. No exterior illumination closer than 200 feet to the boundaries of a site or interior illumination closer than 10 feet to a window within 200 feet of the boundary of a site and visible beyond the boundary of a site, whether related to a sign or not, shall exceed the intensity permitted by Article 18 relating to Illumination.

(Based on Sec. 8.103.5, Ord.520)

6. Radiation. No use shall be permitted which emits dangerous radioactivity.

(Based on Sec. 8.103.6, Ord. 520)

7. Insect Nuisance. No use shall be permitted which creates insect nuisance beyond the boundaries of the site.

(Based on Sec. 8.103.7, Ord. 520)

8. Disposal of Industrial Waste. All uses shall comply with regulations prescribed by City of Pleasanton ordinance.

(Based on Sec. 8.103.8, Ord. 520)

2-7.20 Permitted Uses. The following uses shall be permitted:

1. I-P (Industrial Park) District.
   a. Light industrial and related uses, including only:

      Manufacturing, assembling, compounding, packaging and processing of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fibre and synthetic fibre, fur, glass, hair, ink, horn, leather, paint (not employing a boiling process), paper,

plastics, precious or semi-precious metals or stones, rubber and synthetic rubber, shell, straw, textiles, tobacco and wood (not including a planing mill or a sawmill).

Manufacture and assembly of business machines including electronic data processing equipment, accounting machines, calculators, typewriters and related equipment.

Manufacture and assembly of communications and testing equipment.

Manufacture of cutlery, hardware and hand tools; die and pattern making; metal stamping and extrusion of small products such as custom jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.

Manufacture and assembly of electrical supplies such as coils, condensers, crystal holders, insulation, lamps, switches and wire and cable assembly, provided no noxious or offensive fumes or odors are produced.

Manufacture of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments, musical instruments and cameras and photographic equipment except film.

Assembly of small electric appliances such as lighting fixtures, irons, fans, toasters and electric toys, but not including refrigerators, washing machines, dryers, dishwashers and similar home appliances.

Assembly of electrical equipment such as radio and television receivers, phonographs and home motion picture equipment, but not including electrical machinery.

Laboratories, commercial, testing, research, experimental or other, including pilot plants.

General office uses (including computer centers) where no office user shall have less than 2,000 square feet of usable space.

Photographic processing.

Printing, lithographing and engraving.

Publishing.

b. Incidental services for employees on a site occupied by a permitted use.

c. Watchmen's living quarters only when incidental to and on the same site with a permitted use.

d. Parking lots improved in conformity with the standards prescribed in Article 16 relating to Standards for Off-Street Parking Facilities.

e. Any other use which is determined by the City Planning Commission as provided in Article 24 (Determination as to Uses Not Listed) would be similar or compatible with the industrial park concept.

f. Accessory structures and uses located on the same site as a permitted use.

(Based on Sec.8.104.1,Ord.520, amended by Ord.692 on 3/19/73; Ord. 817 on 4/11/77 and Ord.821 on 6/13/77)

2. I-G (General Industrial)District.

a. All uses permitted in Sec. 2-7.20(1), I-P (Industrial Park District) permitted uses.

b. General industrial and related uses, including only:

Aircraft and aircraft accessories and parts manufacture.

Automobile, truck and trailer accessories and parts manufacture.

Automobile, truck and trailer assembly.

Bag cleaning.

Bakeries.

Battery manufacture.

Boat building.

Boiler works.

Bottling works.

Box factories and cooperage.

Breweries and distilleries.

Building materials manufacture and assembly, including composition wallboards, partitions, panels and pre-fabricated structures.

Can and metal container manufacture.

Candle manufacture, not including rendering.

Carpet and rug manufacture.

Cement products manufacture, including concrete mixing and batching.

Chemical products manufacture, provided no hazard of fire or explosion is created, including adhesives, bleaching products, bluing, calcimine, dyestuffs (except aniline dyes), essential oils, soda and soda compounds, and vegetable gelatin, glue and size.

Clay products manufacture including brick, fire brick, tile, pipe, vitreous china, fine earthenware and porcelain electrical supplies.

Cold storage plants.

Cork manufacture.

Dairy products plants.

Firearms manufacture.

Flour, feed and grain mills.

Food products manufacture, including such processes as cooking, dehydrating, roasting, refining, pasteurization, and extraction involved in the preparation of such products as casein, cereal, chocolate and cocoa products, cider and vinegar, coffee, glucose, milk and dairy products, molasses and syrups, oleomargarine, pickles, rice, sauerkraut, sugar, vegetable oils and yeast.

Freight forwarding terminals.

Glass and glass products manufacture.

Graphite and graphite products manufacture.

Gravel, rock and cement yards.

Hair, felt and feathers processing.

Ice manufacture.

Insecticides, fungicides, disinfectants and similar industrial and household chemical compounds manufacture.

Jute, hemp, sisal and oakum products manufacture.

Laundry and cleaning plants.

Leather and fur finishing and dyeing, not including tanning and curing.

Machine tools manufacture, including metal lathes, metal presses, metal stamping machines and woodworking machines.

Machinery manufacture, including heavy electrical, agricultural, construction and mining machinery and light machinery and equipment such as air conditioning, commercial motion picture equipment, dishwashers, dryers, furnaces, heaters, refrigerators, ranges, stoves, ovens, and washing machines.

Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, perfumes, perfumed toilet soap (not including refining or rendering of fats or oils), and toiletries.

Manufacturing, canning, and packing of food products, including fruits and vegetables but not including meat products, pickles, sauerkraut, vinegar or yeast, dehydrating of garlic or onions, or refining or rendering of fats or oils.

Manufacture and maintenance of electric and neon signs, commercial advertising structures, and light sheet metal products including heating and ventilating ducts and equipment, cornices, eaves and the like.

Match manufacture.

Mattress manufacture.

Meat products processing and packaging, not including slaughtering and glue and size manufacture.

Metal finishing and plating.

Metal alloys and foil manufacture, including solder, pewter, brass, bronze and tin, lead and gold foil.

Metal casting and foundries, not including magnesium foundries.

Motor and generator manufacture.

Motor testing of internal combustion motors.

Painting, enameling and lacquering shop.

Paper products manufacture, including shipping containers, pulp goods, carbon paper and coated paper stencils.

Paraffin products manufacture.

Plastics manufacture.

Porcelain products manufacture, including bathroom and kitchen fixtures and equipment.

Precious metals reduction, smelting and refining.

Public utility and public service pumping stations, equipment buildings and installations, service yards, power stations, drainage ways and structures, reservoirs, percolation basins, well fields, storage tanks, and transmission lines.

Railroad equipment manufacture, including railroad car and locomotive manufacture.

Railroad stations, repair shops and yards; bus depots.

Repair shops.

Rubber products manufacture, including tires and tubes.

Sandblasting.

Sheet metal shops.

Shoe polish manufacture.

Starch and dextrine manufacture.

Steel products manufacture and assembly, including steel cabinets, lockers, doors, fencing and furniture.

Stone products manufacture and stone processing, including abrasives, stone screening, and sand and lime products (excluding asbestos).

Structural steel products manufacture, including bars, girders, rails and wire rope.

Textile bleaching.

Textile, knitting and hosiery mills.

Trucking terminals.

Warehousing, not including the storage of fuel or flammable liquids.

Welding shops.

Wholesale business establishments.

Wood and lumber processing and woodworking, including planing mills, sawmills, excelsior, plywood, veneer and wood preserving treatment.

Woodworking shops; cabinet shops.

Wool scouring and pulling.

c. Any other use which is determined by the City Planning Commission, as provided in Article 24 (Determination as to Uses Not Listed), to be similar to the uses listed in this section.

(Based on Sec.8.104.2,Ord.520, amended by Ord.817 on 4/11/77)

3. Bakeries.

Beverage distributors.

Blacksmith Shops.

Blueprint and photostat shops.

Bookbinding.

Building materials yards.

Cabinet shops.

Carpenter shops.

Clothes cleaning and dyeing.

Cold storage plants.

Contractors, equipment, rental and storage areas.

Dairy products plants.

Electrical repair shops.

Feed and fuel stores.

Freight forwarding terminals.

Frozen food distributors.

Heating and ventilating shops.

Ice storage houses.

Kennels, not less than 300 ft. from an R or O District.

Laundry plants.

Lumber yards, not including planing mills or sawmills.

Machinery sales and rental.

Mattress repair shops.

Packing and crating.

Parcel delivery service including repair shop facilities.

Prefabricated structure sales.

Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, reservoirs, percolation basins, well fields, storage tanks, and transmission lines.

Storage yard for commercial and/or recreational vehicles.

Tire sales and service, including retreading and recapping.

Truck terminals.

Warehouses, except for the storage of fuel and flammable liquids.

Wholesale establishments.

(Based on Ord.608 adopted on 8/31/70 and amended by Ord.823 on 7/11/77)

2-7.21 Conditional Uses. The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 25 (Conditional Uses).

1. I-P (Industrial Park) District.

a. Accessory structures and uses located on the same site as a conditional use.

b. Garden Centers.

c. Motion picture production.

d. Nurseries.

e. Public or private recreation facilities.

f. Public utility and public service pumping stations, equipment buildings and installations, service yards, power stations, drainage ways and structures, reservoirs, percolation basins, well fields, storage tanks and transmission lines.

g. Radioactive materials uses as defined in subsection 2-5.27(e) of this Chapter.

h. Restaurants and soda fountains, not including drive-in establishments.

i. Service stations, not including trailer rental, providing all operations except the sale of gasoline and oil and the washing of cars shall be within a building enclosed on at least three sides.

j. Warehousing (not including the storage of fuel or flammable liquids).

k. Wood sales and storage yards for unmilled lumber.

(Based on Sec.8.105.1,Ord.520, amended by Ord.604 7/13/70; Ord.730 7/22/74; Ord.817 4/11/77; Ord.823 7/11/77 and Ord.845 2/28/78)

2. I-G (General Industrial) District

a. Any use listed as a conditional use in Sec.2-7.21(1) (I-P Industrial Park District).

b. The following uses, provided that the City Planning Commission shall make a specific finding that the use will conform with each of the required conditions prescribed for uses in the I-G District in Sec. 2-7.19 (Required Conditions), in addition to the findings prescribed in Article 25 related to Findings:

Airports and heliports.

Asphalt and asphalt products manufacture.

Cement, lime, gypsum and plaster of paris manufacture.

Chemical products manufacture including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxyline, rayon yard, and carbolic, hydrochloric, picric and sulphuric acids.

Drive-in theaters. (Ord. 817)

Drop forges.

Explosives manufacture and storage.

Fertilizer manufacture.

Film manufacture.

Gas and oil wells.

Incineration of garbage and refuse.

Junk yards.

Linoleum and oil cloth manufacture.

Manure, peat and topsoil processing and storage.

Motor Vehicle wrecking yards.

Nuclear (Deleted by Ord. 935)

Paint manufacture including enamel, lacquer, shellac, turpentine and varnish.

Paper mills.

Petroleum and petroleum products storage.

Radioactive material uses as defined in subsection 2-5.27(e) of this Chapter. (Ord. 935)

Rifle and pistol ranges.

Rolling mills.

Rubber manufacture or processing including natural or synthetic rubber and gutta-percha.

Sanitary fill operations.

Soap manufacture including fat rendering.

Steam plants.

Storage of used building materials.

Storage yard for commercial (exclusive of contractors' or construction) and/or recreational vehicles. (Ord. 817)

2-7.21 I-G (General Industrial) District - Continued

Tanneries and curing and storage of rawhides.

Trade schools.

c. Accessory structures and uses located on the same site as a conditional use.

(Based on Sec.8.105.2,Ord.520, amended by Ord.809 2/14/77 and Ord.817 on 4/11/77)

3. L-I (Light Industrial) District.

Auction establishments including outdoor display.

Bottling works.

Carpet and rug cleaning and dyeing.

Garden centers.

Sheet metal shops.

(Based on Ord. 608 adopted on 8/31/70 and amended by Ord.823 on 7/11/77)

2-7.22 Underground Utilities. In the I-P, I-G and L-I Districts, electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the Director of Public Works finds, upon application by the property owner, that compliance is not feasible or economically justifiable, he 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.

(Based on Sec. 8.106, Ord.520, amended by Ord.546 on 2/10/69 and Ord.608 on 8/31/70)

2-7.23 Off-Street Parking. Off-street parking facilities shall be provided for each use as prescribed in Article 16 (Off-Street Parking Facilities).

(Based on Sec.8.107, Ord.520)

2-7.24 Off-Street Loading. Off-street loading facilities shall be provided for each use as prescribed in Article 17 (Off-Street Loading Facilities).

(Based on Sec.8.108, Ord.520)

2-7.25 Signs. No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 18 (Signs).

(Based on Sec. 8.109, Ord. 520)

2-7.26 Design Review. All permitted and conditional uses shall be subject to design review as prescribed in Article 19 (Design Review). Applicants are advised to confer with the Zoning Administrator before preparing detailed plans.

(Based on Sec. 8.110, Ord. 520)

Article 10

Q Rock, Sand, and Gravel Extraction District

§ 2-7.30 Purposes. In addition to the objectives prescribed in Sec. 2-5.01 (Objectives), the Q Rock, Sand, and Gravel Extraction District is included in the Zoning Ordinance to achieve the following purposes:

a. To protect the natural resources in the City and assure that their utilization is not prejudiced by the intrusion of incompatible uses.
b. To indicate clearly to all interested parties the portions of the City that have been designated for rock, sand, and gravel extraction and processing subject to compliance with the standards of this Chapter.
c. To protect properties and uses not in the Q District from nuisances incidental to extraction, processing, and hauling rock, sand, and gravel.
d. To ensure that general re-use plans for sites used for rock, sand, and gravel extraction and processing are maintained and effectuated.

(Based on Sec. 9.100, Ord. 520)

§ 2-7.31 Required Conditions. All uses shall comply with the regulations prescribed in Article 3, (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations), and with the following additional regulations of the I-G District: Sec. 2-7.19(1)(Noise); Sec. 2-7.19(2)(Emissions); Sec. 2-7.19(3)(Odor); Sec. 2-7.19(4)(Vibration); Sec. 2-7.19(5)(Heat and Cold, Glare, Electrical Disturbance); Sec. 2-7.19(6)(Radiation); Sec. 2-7.19(7) (Insect Nuisance); 2-7.19(8)(Disposal of Industrial Waste).

(Based on Sec. 9.101, Ord. 520)

§ 2-7.32 Permitted Uses. The following uses shall be permitted:

a. Any use permitted in the A Agricultural District except dwellings.

(Based on Sec. 9.102, Ord. 520)

§ 2-7.32a Conditional Uses. The following conditional uses shall be permitted upon the granting of a use permit, in accord with the provisions of Article 25 (Conditional Uses):

a. Mining, quarrying, excavating, extracting, harvesting, sorting, crushing, reducing, washing, refining, or other processing of rock, sand, gravel, stone, earth, or other mineral, subject to the conditions prescribed in Sec. 2-7.33.
b. Watchmen's living quarters when incidental to and on the same site as a conditional use.
c. Airports and heliports.
d. Agricultural processing plants.
e. Asphalt and asphalt products manufacture.
f. Automobile and motorcycle racing stadiums and drag strips.
g. Cement and concrete products manufacture, including concrete mixing and batching.
h. Commercial and private recreation facilities.
i. Drive-in theaters.

j. Dwellings accessory to an agricultural use.
k. Garbage and refuse incineration.
l. Gas and oil wells, exportation, production, and related facilities.
m. Golf courses and golf driving ranges.
n. Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, reservoirs, percolation basins, water well fields, water storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare.
o. Riding academies and stables.
p. Rifle and pistol ranges.
q. Sanitary fill operations.
r. Accessory structures and uses located on the same site as a conditional use.

(Based on Sec. 9.103, Ord. 520)

§ 2-7.33 Special Conditions Applying to Rock, Sand, Gravel Extraction and Processing. In addition to the data required by Article 25 (Conditional Uses), the applicant for a use permit for rock, sand, or gravel extraction or processing shall submit the data required by this section. Before granting a use permit the City Planning Commission shall make the findings required by Article 25 relating to Findings, and shall approve the plans required by this section.

1. Plan and Operating Data Required. An application for a use permit shall be accompanied by a general plan including all property owned by the applicant in a contiguous Q District showing:
   a. Location and extent of all extraction areas, together with typical cross-sections and proposed sequence and phases of operation in each area.
   b. Location of fences and buffers, grading and planting plan for all buffer strips, and proposed sequence and dates for installation of landscaping.
   c. General location and configuration of storage areas for topsoil, other overburden, silt, extracted material, and waste.
   d. Location and design of all processing facilities, including outline specifications for equipment to be used sufficiently detailed to indicate compliance with the required conditions.
   e. Description of all harvesting procedures including outline description of equipment to be used sufficiently detailed to indicate compliance with the required conditions.
   f. Location, width, and surfacing of all roads and parking and loading areas that will be maintained for three months or longer.
   g. Proposed hours of operation.
   h. Proposed haul routes within the City.
   i. Additional data necessary to evaluate the proposal.

(Based on Sec. 9.104.1, Ord. 520)

2. General Plan for Re-use Required. An application for a use permit shall be accompanied by a plan including all property owned by the applicant in a contiguous Q District showing the proposed use of each portion of the property following termination of extractive activities, together with typical cross-sections and proposed

sequence of development. The re-use general plan shall include at least as much detail as the General Plan of the City of Pleasanton concerning proposed land uses, circulation, and public facilities, and shall indicate the method and extent of refilling any pit or quarry, and proposals for the removal of stockpiles, waste, buildings, accessory structures, and equipment, and redistribution of topsoil.

(Based on Sec. 9.104.2, Ord. 520)

3. Term of Use Permit; Review Required. Use permits shall be issued for a specific term and shall be subject to the requirements of Article 25 relating to Suspension and Revocation. The permittee shall submit a written report no less than every five years from the date of the permit approval to the City Planning Commission. Any additional report may be made by the permittee. Failure to submit such report after notification by the Zoning Administrator, given three months prior to expiration, shall cause automatic suspension of use permit as prescribed in Article 25 relating to Suspension and Revocation. The report shall be accompanied by all of the plans and data for an initial application required at the date of the report. All information shall be up-to-date and shall describe and illustrate the permit holder's current proposals and time schedules for use and re-use of the site. (A use permit subject to written report as prescribed in this section may not be revoked except as prescribed in Article 25 relating to Suspension and Revocation.) Conditions may be deleted or added by mutual agreement between City and permittee to achieve the purpose prescribed in Article 2-7.30 of this Chapter.

(Based on Sec. 9.104.3, Ord. 520)

4. Pre-Existing Uses: Terms of Review. Use permits for pre-existing uses including uses in annexed territory regulated by this article shall expire on the date specified by the permit. Pre-existing uses shall be reviewed by the City Planning Commission at the time of annexation or within five years of the effective date of Ordinance No. 520, May 3, 1968. At the time of review of a permit for a pre-existing use, the Planning Commission may modify the terms of the permit, deleting conditions or making the conditions more restrictive and increasing the burden of the permit holder to achieve the purposes of Section 2-7.30 (Purposes), in accord with the following procedure.
   a. The permit holder shall be notified of the proposed restrictions.
   b. A public hearing shall be held in accord with Sec. 2-5.08 (Public Hearing Time and Notice).
   c. The Planning Commission shall find that restrictions to be imposed are necessary to protect the public health, safety, and welfare.
   d. A reasonable time period shall be allowed prior to the effective date of new restrictions necessitating amortization of existing investment.

e. A reasonable termination date shall be set for uses for which no expiration date was specified in the pre-existing use permit.

(Based on Sec. 9.104.4, Ord. 520)

5. Minimum Standards. The following standards shall be considered minimum standards. Where appropriate the City Planning Commission may prescribe higher standards and may regulate additional aspects of rock, sand, or gravel extraction or processing as a condition of granting a use permit.

a. Landscaped buffers planted and maintained as prescribed in Sec. 2-5.46 (9)(Landscaping of Buffers in Q Districts) shall be provided adjoining the boundary of a Q District. Where the Q District adjoins or is across the street from an R, O, C-N, C-C, C-R, or PUD District, the buffer shall have an average depth of 200 feet and a minimum depth of 150 feet. Where the Q District adjoins or is across a street from a C-S or an I District, the buffer shall have a minimum depth of 50 feet. Where the Q District adjoins an A or an S District, a strip having an average depth of 200 feet and a minimum depth of 150 feet shall be held for use as a buffer, but need not be improved until the zoning map is amended to reclassify the property adjoining or across the street, at which time the buffer shall be improved as required by this section. The depth of a buffer adjoining or across the street from a P District shall be determined by the Commission. Where the Q District adjoins a freeway, railroad, arroyo, or flood control channel, the minimum depth of the buffer shall be 50 feet. Buffers shall be improved and planted sufficiently in advance of nearby extraction operations to allow the trees and other plant materials to attain sufficient height and mass to provide effective buffering.

b. Final cut slopes in any pit or quarry shall not exceed the normal angle of repose of the excavated materials, and shall not exceed one foot horizontal to one foot vertical.

c. Temporary cut slopes steeper than one foot horizontal to one foot vertical shall be no closer to a property line than 25 feet plus the vertical depth of the cut, shall be no closer to a public street right-of-way than 50 feet plus the vertical depth of the cut, and shall be no closer to a stream or channel than 100 feet plus the vertical depth of the cut.

d. The excavation of a pit or quarry shall be conducted in such a manner as to prevent accumulation of polluted water or natural seepage to the maximum extent possible but not precluding the use of pits for recharge purposes.

e. Dikes and other barriers and drainage structures shall be provided where necessary to prevent silting of drainage channels or storm drains in the area surrounding the excavation.

f. Where required by the Commission, final cut slopes shall be treated to prevent erosion, topsoil shall be replaced on such slopes to support vegetation, and suitable ground cover shall be planted and maintained for a period sufficient to provide vegetation of a density and ground-holding capacity that will prevent erosion.

g. Material used for refilling a pit or quarry, including overburden removed from elsewhere on the site, shall be of a quality determined suitable to prevent contamination of the ground water either during operations or upon completion or termination of operations.

h. Quarry or pit excavations that penetrate near or into a water bearing stratum shall be conducted in such a manner that such stratum will not be subject to pollution or contamination either during operations or subsequent to termination. The Commission may prescribe the maximum depth of a pit or quarry in relation to the depth of any aquifier described and defined in publications of the State Department of Water Resources.

i. Fencing shall be provided and maintained surrounding all areas being excavated to prevent unauthorized access in accord with the requirements and specifications of the Public Works Department. Such fencing shall be located no closer than 10 feet from the top edge of a proposed cut slope.

j. All reasonable control measures shall be employed to reduce dust in the processing and transportation operations. Haulage roads shall be paved, oiled, or watered, and shall be maintained in a dust-free condition. Access roads shall have pavement at least 24 feet wide and shall extend from the public street to the permanent public scale but not less than 500 feet.

k. Vehicles hauling excavated material shall be loaded in such a manner as to prevent spilling the material while in transit. The Commission may designate which public streets may be used in hauling excavated material, and may prohibit the use of any other street.

l. No explosives shall be used except as expressly permitted by the Commission.

m. Adequate provision shall be made for protection of pits and quarries from overflow from adjacent streams by the construction of levees and other devices to prevent flooding. No obstruction shall be placed in any stream unless authorized by the Alameda County Flood Control and Water Conservation District.

n. Except during emergencies, or when equipment repairs must be made, all extractive or processing operations shall be conducted only during the hours approved by the Commission.

(Based on Sec. 9.104.5, Ord. 520)

§ 2-7.34 Off-Street Parking. Off-street parking facilities shall be provided for each use as prescribed in Article 16 (Off-Street Parking Facilities).

(Based on Sec. 9.105, Ord. 520)

§ 2-7.35 Off-Street Loading. Off-street loading facilities shall be provided for each use as prescribed in Article 17 (Off-Street Loading Facilities). (Based on Sec. 9.106, Ord. 520)

§ 2-7.36 Signs. No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 18 (Signs).

(Based on Sec. 9.107, Ord. 520)

§ 2-7.37 Design Review. All conditional uses shall be subject to design review as prescribed in Article 19 (Design Review). Applicants are advised to confer with the Zoning Administrator before preparing detailed plans.

(Based on Sec. 9.108, Ord. 520)

Article 11

P Public and Institutional District

§ 2-7.41 Purposes. In addition to the objectives prescribed in Sec. 2-5.01 (Objectives), the P Public and Institutional District is included in the zoning ordinance to provide a procedure for the orderly establishment of public facilities, expansion of their operations, or change in the use of lands owned by governmental agencies and for the orderly establishment of quasi public institutional uses.

(Based on Sec. 10.100, Ord. 520)

§ 2-7.42 Required Conditions.

a. All uses shall comply with the regulations prescribed in Article 3 (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations). Each yard space shall be not less than the yard required in the district adjoining or directly across a street from each property line, but the City Planning Commission may require larger yards and may prescribe limits to height, bulk, or coverage as a condition of a use permit in order to ensure compatibility with adjoining uses.

b. No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or truck traffic, or to involve any hazard of fire or explosion.

(Based on Sec. 10.101, Ord. 520)

§ 2-7.43 Permitted Uses. Each use and structure existing in the P District at the time of adoption of Ordinance No. 520, May 3, 1968, is hereby declared to be a conforming use and structure.

(Based on Sec. 10.102, Ord. 520)

§ 2-7.44 Conditional Uses. The following conditional uses shall be permitted upon the granting of a use permit, in accord with the provisions of Article 25 (Conditional Uses):

a. Agricultural experiment facilities.
b. Airports.
c. Animal shelters.
d. Churches, convents, monasteries, parish houses, parsonages, and other religious institutions.
e. Fairgrounds
f. Hospitals.
g. Parks, playgrounds, golf courses, zoos, and other public recreation facilities.
h. Public buildings and grounds

i. Public schools including nursery schools, elementary schools, junior high schools, high schools, and colleges and private schools of similar natures.
j. Public pumping stations, power stations, equipment buildings and installations, corporation yards, drainage ways and structures, reservoirs, percolation basins, well fields, storage tanks, and sewage treatment plants.
k. Required off-street parking facilities located on a site separated from the use which the facilities serve, as prescribed by Article 16 relating to Location of Off-Street Parking Facilities.
l. Any other public or quasi-public use which the Planning Commission determines is similar in nature to those listed above and which will not be detrimental to the proper development and maintenance of surrounding land uses.
m. Convalescent hospitals, convalescent homes, and rest homes.

(Based on Sec. 10.103, Ord. 520, as amended by Ord. 540)

§ 2-7.45 Temporary Conditional Use. The following conditional use shall be permitted upon the granting of a temporary conditional use permit in accord with the provisions of §2-10.25, Article 21 (Temporary Uses) of this chapter:

outdoor sales in City parks to benefit only charitable or nonprofit organizations.

(Based on Sec. 2, Ord. 1051)

§ 2-7.46 Underground Utilities. Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the Director of Public Works finds, upon application by the owner, that compliance is not feasible or economically justifiable, he shall permit different service arrangements. The property owner, other than the City, shall comply with the requirements of this section without expense to the City and shall make the necessary arrangements with the public utility involved.

(Based on Sec. 10.104, Ord. 520)

§ 2-7.47 Off-Street Parking. Off-street parking facilities shall be provided for each use as prescribed in Article 16 (Off-Street Parking Facilities).

(Based on Sec. 10.105, Ord 520)

§ 2-7.48 Off-Street Loading. Off-street loading facilities shall be provided for each use as prescribed in Article 17 (Off-Street Loading Facilities).

(Based on Sec. 10.106, Ord. 520)

§ 2-7.49 Signs. No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 18 (Signs).

(Based on Sec. 10.107, Ord. 520)

§ 2-7.50 Design Review. All uses shall be subject to design review as prescribed in Article 19 (Design Review). Applicants are advised to confer with the Zoning Administrator before preparing detailed plans.

(Based on Sec. 10.108, Ord. 520)

Article 12

S Study District

§ 2-8.01 Purposes. In addition to the objectives prescribed in Sec. 2-5.01 (Objectives), the S Study District is included in the zoning ordinance to achieve the following purposes:

a. To provide a district into which newly annexed territory that has not been prezoned shall be automatically classified pending study and reclassification to an A, R, O, C, I, Q, P, or PUD District.
b. To permit review of each development proposal in areas where changing conditions or inadequacy of existing zoning regulations indicate the need for special study and possible amendments to Ordinance No. 520.

(Based on Sec. 11.100, Ord. 520)

§ 2-8.02 Annexed Territory.

a. All territory which is annexed to the City and has not been prezoned shall be automatically classified in the S Study District.
b. Within 60 days after territory is automatically classified in an S District, the Zoning Administrator shall submit to the City Planning Commission a written report recommending in which zoning district the territory should be classified in order to carry out the objectives of Ordinance No. 520.
c. Within 30 days after receipt of the report, the City Planning Commission shall initiate an amendment to reclassify the territory as prescribed in Article 28 (Amendments).

(Based on Sec. 11.101, Ord. 520)

§ 2-8.03 Reclassification to S District. The City Planning Commission or the City Council may initiate reclassification of any property from any other district to an S District, in accord with the provisions of Article 28 (Amendments), provided that the Commission or the Zoning Administrator is conducting or intends to conduct studies within a reasonable time for the purpose of initiating a further amendment to Ordinance No. 520 that would affect the property reclassified to an S District. Prior to recommending or adopting an ordinance establishing an S District, the Commission or Council shall specify the length of time expected to be required for study. An ordinance reclassifying property to an S District shall cause the property to be reclassified to another specified zoning district or to revert to its former zoning classification one year after the effective date.

(Based on Sec. 11.102, Ord. 520)

§ 2-8.04. Required Conditions. No use shall be permitted and no process, equipment, or material shall be employed which is found by the City Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibrations, illumination, glare, unsightliness, or traffic, or to involve any hazard of fire or explosion, provided that agricultural pursuits pre-existing or authorized by conditional use permit and conducted in accord with good practice shall not be deemed a nuisance.

(Based on Sec. 11.103, Ord. 520)

§ 2-8.05 Permitted Uses. No use, structure, or sign lawfully occupying a site immediately prior to its classification as an S District shall become non-conforming by reason of being classified in an S District.

(Based on Sec. 11.104, Ord. 520)

§ 2-8.06 Conditional Uses. Any use permitted by this chapter, either as a permitted use or as a conditional use may be permitted or extended, or any structure may be altered or enlarged upon the granting of a use permit in accord with the provisions of Article 25 (Conditional Uses), provided that in order to allow reasonable time for special study, no application for a use permit shall be accepted for a use other than a use permitted in an R District or an extension of an existing use until property has been reclassified to an S District for 60 days . The use permit shall require that the use comply with the provisions of Article 3 (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations), and Article 18 (Signs) for a district specified by the use permit, or substitute regulations shall be prescribed by the use permit.

(Based on Sec. 11.105, Ord. 520)

§ 2-8.07 Off-Street Parking. Off-street parking facilities shall be provided for each use as prescribed in Article 16 (Off-Street Parking Facilities).

(Based on Sec. 11.106, Ord. 520)

§ 2-8.08 Off-Street Loading. Off-street loading facilities shall be provided for each use as prescribed in Article 17 (Off-Street Loading Facilities). (Based on Sec. 11.107, Ord. 520)

§ 2-8.09 Signs. No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 18 (Signs).

(Based on Sec. 11.108, Ord. 520)

§ 2-8.10 Design Review. All uses except one-family dwellings and two-family dwellings shall be subject to design review as prescribed in Article 19 (Design Review). Applicants are advised to confer with the Zoning Administrator before preparing detailed plans.

(Based on Sec. 11.109, Ord. 520)

Article 13

RO Residential Overlay District

§ 2-8.14 Purposes. In addition to the objectives prescribed in Sec. 2-5.01 (Objectives) the RO Residential Overlay District is included in the zoning ordinance to achieve the following purposes:

a. To establish controls in addition to those established in Articles 3, 5 and 6 of this chapter in order to direct the development of large parcels of land in conformance with the residential development policies as set forth in the General Plan adopted by the City Council.

b. To ensure variety and a mixture of housing types, densities and lot sizes in large developments.

(Based on Sec. 12.100, Ord. 520)

§ 2-8.15 Initiation. An amendment to reclassify property to an RO District may be initiated by the owner, the City Planning Commission, or the City Council. It is the intent of this section that the Commission shall initiate RO districts in predominately undeveloped areas where the application of the requirements of this article would contribute toward achievement of the objectives prescribed in Sec. 2-5.01 (Objectives) and the purposes prescribed in Sec. 2-8.14 relating to Purposes.

(Based on Sec. 12.101, Ord. 520)

§ 2-8.16 Applicability.

a. The RO District shall be established only in conjunction with other districts, but shall not be combined with a PUD district. An RO district shall overlay whatever other district designation is applicable to the area in which the RO district is established.

b. The provisions of this article shall apply in RO districts, which districts shall also be subject to other provisions of this chapter including the provisions applicable to the particular district underlying an RO district provided that where regulations conflict, the provisions of this article shall control.

c. An application to amend Ordinance No. 520 so as to change district boundaries underlying an RO district shall not be construed as a request to change the boundaries of the RO district unless such change is specifically requested in the application.

d. The requirements of the RO district shall not apply to developed residential lots, to property included in a recorded final subdivision map or valid approved tentative subdivision map, or to annexed territory in which the development pattern has been specifically committed by an annexation agreement. The requirements of the RO district shall apply to property included in an expired tentative subdivision map. Parcels less than five acres on the effective date of Ordinance No. 520, May 3, 1968, may be exempted from the requirements of the RO district, provided that the

Planning Commission shall find that the exemption will not be detrimental to achievement of the purpose of this article.

(Based on Sec. 12.102, Ord. 520)

§ 2-8.17 Lot Size Regulations and Average Density. Where subdivision and initial development of land after the effective date of Ordinance No. 520, May 3, 1968, is proposed, the following lot size yard requirements and density controls shall apply in addition to those of the underlying district.

Basic Zoning Requirements		RO Requirements			
Basic Zoning	Minimum Lot Size	Average Lot Size Single Family Detached Dwelling	Average Gross Density Dwelling Units per Gross Residential Acre (See (Sec. 2-8.19)	Increase	Side Yd. Total Both Sides
R-1-40,000	40,000 sq.ft.	40,000 sq.ft.	1.0	--	Same
R-1-20,000	20,000 sq.ft.	20,000 sq.ft.	2.0	--	Same
R-1-10,000	10,000 sq.ft.	12,000 sq.ft.	2.8	5 ft.	23 ft.
R-1-8,500	8,500 sq.ft.	10,000 sq.ft.	3.6	5 ft.	21 ft.
R-1-7,500	7,500 sq.ft.	9,000 sq.ft.	4.1	5 ft.	19 ft.
R-1-6,500	6,500 sq.ft.	8,000 sq.ft.	4.7	5 ft.	17 ft.
RM-4,000	8,000 sq.ft.	--	--	--	Same
RM-2,500	7,500 sq.ft.	--	--	--	Same
RM-2,000	10,000 sq.ft.	--	--	--	Same
RM-1,500	10,000 sq.ft.	--	--	--	Same

(Based on Sec. 12.103, Ord. 520)

§ 2-8.18 Limitation of RO Requirements. The increased requirements set by the RO District in Section 2-8.17 above shall have no further force or effect upon an individual residential lot after construction and actual occupancy of the single family dwelling.

(Based on Sec. 12.103a, Ord. 520)

§ 2-8.19 Permitted Average Density. Within the limitations of minimum lot size of the underlying zoning and the average lot size established by Sec. 2-8.17, the average gross residential density established by Sec. 2-8.17 for the particular underlying Basic Zoning may be achieved by the establishment of small RM districts unless the Planning Commission finds that such districts in a particular area would be detrimental to the orderly development of the area and inconsistent with the purposes in Sec. 2-8.14.

(Based on Sec. 12.104, Ord. 520)

§ 2-8.20 Size and Location of RM Districts. RM districts should be located throughout the residential area on thoroughfares or collector streets, and should be used as transitional development between neighborhood commercial areas and R-1 residential areas. RM districts within a tract that are not used as transitional development shall not be larger than three acres per district and separation of districts shall be 300 feet or more. An RM

district used as a transitional development shall not exceed six acres. RM districts surrounded by R-1 districts shall be RM-4,000 or RM-2,500. RM districts used as transitional development shall be RM-4,000, RM-2,500, or RM-2,000.

(Based on Sec. 12.105, Ord. 520)

§ 2-8.21 Area Plan Requirement. In addition to the requirements established by Article 28 wherever an RO district is established, any subsequent application for change of the underlying zoning shall be accompanied by an area plan submitted for Planning Commission approval in conjunction with the rezoning request. Such area plan shall include lot patterns, street systems, location and size of RM districts, and density calculations to clearly demonstrate that the average gross residential densities prescribed in Sec. 2-8.17 have not been exceeded.

(Based on Sec. 12.106, Ord. 520)

Article 14

Planned Unit Development District (PUD)

§2-8.25 Creation. A zoning classification distinction is hereby created to be known as the Planned Unit Development (PUD) District.

§2-8.26 Purposes. The Planned Unit Development District is intended to accomplish the following purposes:

a. To encourage imagination and housing variety in the development of property of varying sizes and topography in order to avoid the monotony and, often destructive, characteristics of standard residential, commercial and industrial developments.

b. To provide a development procedure which will insure that the desires of the developer and the community are understood and approved prior to commencement of construction.

c. To insure that the goals and objectives of the City's General Plan are promoted without the discouragement of innovation by application of restrictive developmental standards.

d. To encourage efficient usage of small, odd-sized or topographically affected parcels difficult of development by themselves.

e. To accommodate changing market conditions and community desires.

f. To provide a mechanism whereby the City can designate parcels and areas requiring special consideration regarding the manner in which development occurs.

g. To encourage the establishment of open areas in residential, commercial and industrial developments and provide a mechanism for insuring that said areas will be beautified and/or maintained.

h. To complement the objectives of the Hillside Planned Development District (HPD) in areas not subject to the provisions of that zoning district.

§2-8.27 Permitted Uses. The Planning Commission and City Council may permit any use in the PUD District which is compatible with the purposes of this ordinance, the neighborhood and general vicinity of the proposed project, and in keeping with protection of the public health, safety and general welfare.

§2-8.28 Conditional Uses. Unless specific conditional uses are specified in the PUD plan, only the expansion, enlargement or alteration by area or usage of an interim use permitted by §2-8.34, herein, shall require a conditional use permit granted pursuant to Article 25 of this chapter.

§2-8.29 Development. Except as provided in §2-8.33, no property subject to this Article shall be developed in any way nor shall any grading permit be issued pursuant to the provisions of this Code until all provisions of this Article have been completed. As used in this Section, "developed" shall mean the submittal of any plans required by this Code prior to the commencement of construction of any improvements.

§2-8.30 Property Development Standard. In order to allow the greatest amount of flexibility in designing a project compatible with the physical features of the property, the uses intended to be developed thereon, and the objectives of this Article, no minimum property development standards shall apply to the PUD District. The Planning Commission and City Council shall determine appropriate amounts of landscaping, natural open space, parking, signing, distances between buildings, front yards and other development standards as are appropriate for the specific uses requested at the time of consideration of the PUD development plan required by §2-8.35. Said standards shall be included as conditions to any approved PUD development plan.

Landscaping shall include, but not be limited to, intensely planted and maintained areas. "Natural open space" shall mean land lacking any physical, above ground improvements, except for utility wires and poles, agricultural type fences or similar improvements, and unenhanced by plants, trees and shrubs, except those which are naturally existing and for agricultural purposes.

§2-8.31 Maintenance. No final subdivision map or parcel map shall be recorded until documents pertaining to the maintenance of common natural open space areas, common landscaped areas, and common recreational facilities located within the plan have been approved by the City Attorney. For non-residential developments, said maintenance shall pertain to all landscaped areas and recreational facilities not enclosed within a building. For residential developments, said maintenance shall apply to the privately owned natural open space, landscaped areas, and recreational facilities owned by or used in common by the residents.

The City shall be identified as a third party beneficiary to conditions, covenants, and restrictions placed upon a development, unless otherwise directed by the City Council or the City Attorney.

§2-8.32 Interpretation. Due to the flexibility and imagination desired in PUD developments, not every issue regarding future development and use of the property may be established as part of the initial approval of a development. Thus, the Director of Planning shall be charged with responsibility to determine if a change to the approved plan and/or conditions thereto is substantial. If after review of the plan and conditions the Director determines that the request is a substantial revision or change the request shall be presented to the Planning Commission and City Council in accordance with the applicable provisions of Article 1 of this chapter. If the change is not substantial the Director, after consulting with the City Attorney and Director of Engineering Services, may approve the change, subject to reasonable conditions, and advise the Planning Commission and City Council of said approval, in writing, within ten days of the approval.

If the Planning Commission, City Council, applicant or any interested citizen disagrees with the Director of Planning's determination or conditions of approval, a written appeal shall be filed with the Secretary to the Planning Commission within twenty calendar days of said action and a public hearing shall be held. The requisite notices of the public hearing shall be given pursuant to the provisions of Article 1 of this Chapter.

If the revision or change involves the construction of an improvement or betterment for which no specific development standard is established pursuant to this Article, the Director of Planning, Planning Commission and/or City Council shall apply the provisions of this Code which most closely represent the type of development which has been approved.

§2-8.33 Interim Uses. Any existing use of property zoned PUD (including property with an approved development plan) shall be subject to the provisions of Article 23 of this chapter pertaining to non-conforming uses. No expansion of a non-conforming land use, expansion of a non-conforming building, or addition of any new structures associated in any manner with an existing land use or building shall be allowed until a conditional use permit has been granted in accordance with Article 25 of this chapter of the Ordinance Code.

§2-8.34 Grading. Any land located within a PUD District which does not have an approved development plan shall not be graded or have fill placed upon it without first obtaining a conditional use permit pursuant to Article 25 of this Chapter.

§2-8.35 Development Plan

a. Purpose. The development plan is intended to provide to the City a comprehensive plan of the proposed development to insure that the intent and purposes of the Planned Unit Development District are effectuated. The development plan may proceed as a single program or in phases, but in either situation, it is part of the entire PUD zoning process.

b. Considerations. In recommending approval of, or in approving a PUD development plan, the Planning Commission and City Council should consider the following:

1. Whether the plan is in the best interests of the public health, safety and general welfare.

2. Whether the plan is consistent with the City's General Plan and any applicable specific plan.

3. Whether the plan is compatible with previously developed properties in the vicinity and the natural, topographic features of the site.

4. Whether any grading to be performed within the project boundaries takes into account the environmental characteristics of the property and is designed in keeping with the best engineering practices to avoid erosion, slides or flooding to have as minimal an effect upon the environment as possible.

5. Whether streets, buildings, and other man-made structures have been designed and located in such a manner as to compliment the natural terrain and landscape.

6. Whether adequate public safety measures have been incorporated into the design of the plan.

7. Whether plan conforms to the purpose of the Planned Unit Development District.

c. Conditions. In the recommendation of approval and in the approval of a PUD development plan, conditions may be imposed which are deemed necessary to protect the public health, safety and general welfare.

d. Required Data. Any development plan shall be accompanied by the following data prepared by a design team consisting of a registered civil engineer and either a licensed archiect, professional planner, or licensed building designer:

1. A site plan showing general locations of all streets, on-street and off-street parking, buildings and other man-made structures and where applicable any bicycle paths, riding trails, hiking trails; typical elevations of sufficient detail to show building heights, building materials, colors, textures, and general design; and a table listing land coverages by percentage and acreage for the following: landscaped areas and natural open space; coverage by buildings, parking (covered, open, off-street), streets, sidewalk; and where applicable, paths and recreational facilities;

2. A topographical map showing existing contours and proposed lot lines, which may be integrated with the site plan described above; the lot lines may be omitted if building locations on the site plan make proposed lot lines obvious. The topographical map shall be at a scale no smaller than 1 inch equals 100 feet showing contour lines existing prior to grading at an interval of not more than ten (10) feet. The Director of Planning, or his designated representative, may allow a reduction in the scale of the map or allow an increase in the contour interval when in his/her opinion the size of the parcel or its terrain requires such changes to make the map more meaningful. The Director may omit the requirement for a topographical map entirely for a parcel located on land having an average slope of less than 10%;

3. A grading plan showing increments of the depths of all cuts and fills in various colors or any similar display which shows the cuts, fills, and depths thereof and readily distinguishes between differing fills and depths; and a slope classification map showing, in contrasting colors, all land which has less than 10% slope, that land which has a slope between 10% and 20% and all land which has a slope greater than 20%. The Director of Planning, or his designated representative, may waive the slope classification map for properties which do not have significant land areas in excess of 10% slope;

4. The Director of Planning, or his designated representative, shall require, where appropriate, development profiles which show the relationship of the proposed project to any dominant geological or topographical features which may be on or in the vicinity of the proposed project;

5. On the site plan or on a separate plat show any tree(s), including size and species as defined in Section 2-17.03, Chapter 10, Title II of this Code and whether or not such tree(s) is to be removed or destroyed;

6. Sufficient dimensions to show right-of-way widths, pavement widths, street grades, whether streets are to be public or private, and all proposed frontage improvements on new and existing streets.

7. The Director of Planning, after consulting with the Director of Engineering Services, may require a current preliminary soils and geological report prepared by a registered civil engineer and/or a registered geologist when development is proposed in areas in excess of 10% average slope, there is known or suspected ground instability, high water table, or significant erosion. A geologic report shall always be prepared as required by Chapter 12 or Title II.

8. A detailed landscaping plan showing the natural open space, if any, which will remain upon completion of development, all existing trees and the precise boundaries of additional landscaping; the landscape plan shall include container size of all trees and shrubs, species of all plant material, evidence of an irrigation system (indicating whether manual or automatic), street furniture, and fencing materials, and where applicable, dimensions and locations.

9. Residential developments also shall include the following data:

   i. A calculation of the population density of the development.

   ii. The location of proposed dwelling units and types.

   iii. A calculation of the number of bedrooms to be constructed.

10. A specification of the permitted uses desired in the development plan. The Director of Planning, the Planning Commission, or City Council may require greater identification of specific uses.

11. Notwithstanding the requirements of this subsection, an applicant for a PUD development plan for the development of 2 (two) or more acres, which development will occur in stages, may submit general information relating to items 1 through 9 above for review for the entire project. Unless otherwise authorized by the City Council, each stage or phase of the project must be adjacent to any previously approved portion of the development plan and shall be reviewed by and approved by the Planning Commission and City Council, in accordance with the procedure set forth herein, together with the exact, complete and detailed information required by 1 through 9 above. No tentative subdivision map, building permit or other entitlement shall be approved or issued until such review and approval has been obtained.

e. Grading Control

1. Size and treatment. In order to keep all graded areas and cuts and fills to a minimum, to eliminate unsightly grading and to preserve the natural appearance and beauty of the property as far as possible as well as to serve the other specified purposes of this Article, specific requirements may be placed on the size of areas to be graded or to be used for building, and on the size, height and angles of cut slopes and fill slopes and the shape thereof. In appropriate cases, retaining walls may be required.

2. Restrictions. All areas indicated as natural open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise except as permitted by this subsection. Where applicable, drainage improvements, utility lines, riding trails, hiking trails, picnic areas, stables and similar public improvements and amenities may be placed in natural open space areas at the time of approval of a PUD development plan. Where natural open space is disturbed for public improvements, best engineering efforts shall be undertaken to make said improvements as unobtrusive as practicable and trenched areas (and similar ground disturbances) shall be treated so as to encourage rapid regeneration of the natural coverage.

3. Landscaping. The PUD development plan shall include the planting of newly created banks or slopes for erosion control or to minimize their visual effect.

§2-8.36 HPD Process. If a development is proposed pursuant to this Article, which also could develop under the provisions of the HPD Hillside Planned Development District, Article 32, of this Chapter, the developer shall submit with his application for PUD zoning and PUD development plan an explanation why the project is not requested for development pursuant to the Hillside Planned Development District.

§2-8.37 Procedure.

a. The placement of property into the PUD zoning district, may be initiated by the City Council, Planning Commission, property owner, an authorized representative or an option holder pursuant to the provisions of this chapter of the Ordinance Code.

b. The City Council, Planning Commission, applicant or general citizen may appeal any decision approving or disapproving a request for PUD zoning, development plan approval, or modification to a development plan pursuant to the provisions of this chapter of the Ordinance Code.

c. A PUD district zoning request and development plan may be processed concurrently or separately. If they proceed concurrently, only a single ordinance shall be required for approval. If they proceed separately, or if the PUD development plan proceeds in phases as provided by this Article, separate ordinances shall be required for each process and phase of the project. The ordinance(s) required by this subsection shall be processed in the same manner as any zoning ordinance.

d. No subdivision map shall be processed concurrently with a PUD zoning request or PUD development plan.

e. An applicant shall file a separate application for each non-contiguous parcel upon which consideration of PUD zoning and/or a development plan is desired.

For the purposes of this subsection, parcels shall be deemed to be non-contiguous if they are separated by roads, streets, utility easements or railroad rights-of-way, which, in the opinion of the Director of Planning, are of such a width as to:

1. destroy the unity of the proposed project or the ability of the parcel to be developed as a cohesive unit; or

2. otherwise create the impression that two separate parcels or projects are being developed.

Article 15

C-O Civic Overlay District

§ 2-9.02 Purpose. The C-O Civic Overlay District is reserved for the construction, use and occupancy of office, commercial and public buildings, and other uses compatible with the civic center character of the district.

(Based on Sec. 14.100, Ord. 532, amending Ord. 520)

§ 2-9.03 Establishment of District. A C-O Civic Overlay District may be combined with any other zoning district.

(Based on Sec. 14.200, Ord. 532, amending Ord. 520)

§ 2-9.04 Boundaries of District. The boundaries of the C-O District shall include those properties within the area bounded by Bernal Avenue; Main Street; Abbie Street; First Street; and Bernal Avenue Extension.

(Based on Sec. 14.300, Ord. 532, amending Ord. 520)

§ 2-9.05 Permitted Uses. Any use permitted in any district which is combined with a C-O District shall be permitted, subject to approval by the City Council of the plans for any building or structure to be erected or altered.

(Based on Sec. 14.400, Ord. 532, amending Ord. 520)

§ 2-9.06 Required Conditions. Each use, and incidental or accessory use permitted shall comply with the following standards notwithstanding any of the provisions of this chapter:

1. Each building shall be architecturally compatible with other buildings in the civic center district.
2. A minimum of ten per cent (10%) of each lot shall be devoted to landscaped area which shall be harmonious with adjacent open areas to enhance the architectural appearance of the building and adjacent buildings. Pedestrian walkways and landscaping and off-street parking areas shall not be included in determining the minimum area required to be landscaped.
3. The following criteria shall be applied to determine whether a proposed building would be architecturally compatible and whether the proposed landscaped area would meet the requirements of this section:
    a. The building shall maintain continuity in the use of materials such as will result in an integrated building so far as materials are concerned.
    b. The building and landscaping shall have scale and proportions which relate to its size, surroundings and use.
    c. The building and landscaping shall provide a sense of spaciousness relative to its relationship with open areas.
    d. There shall be a continuity of circulation, both pedestrian and vehicular, between the improvements on the lot and other improvements in the area and with existing and proposed streets.

e. Each development shall provide the necessary street trees as specified on the map describing the boundaries of the C-O District in Sec. 2-9.04.

4. All loading spaces required shall be located in the rear of any building; provided, however, that loading spaces for any building on the lot adjacent to Bernal Avenue Extension, Main Street, and Bernal Avenue, respectively, shall not be located adjacent to the side of any building facing Bernal Extension, Main Street or Bernal Avenue.
5. All public utilities shall be located and constructed underground.
6. Any fences constructed shall be of stone of a type subject to approval of the Planning Commission and subject to the specifications of the Department of Public Works of the City of Pleasanton.

(Based on Sec. 14.500, Ord. 532, amending Ord. 520)

§ 2-9.07 Use Permit; Conditions. In connection with the issuance of any use permit, the Planning Commission:

1. Shall determine and find that the proposed location, development plan, and architectural treatment comply with the standards contained in this section.
2. May attach to any use permit such conditions as it determines to be necessary to ensure compliance with the standards contained in this section, and that development of the proposed use will be compatible with the civic center character of this district.

(Based on Sec. 14.600, Ord. 532, amending Ord. 520)

§ 2-9.08 Uses Prohibited. The following uses are prohibited in a C-O District:

1. Storage of materials, supplies or equipment for commercial, industrial, or public utility purposes.
2. Electric transmission and distribution substations.

(Based on Sec. 14.700, Ord. 532, amending Ord. 520)

§ 2-9.09 Action by Planning Commission. Whenever an application is made for a building permit for the erection or alteration of any building or structure, any portion of which is within the C-O District, the plans therefor, so far as they relate to general exterior appearance, design, color and texture of surface materials or exterior construction of the height of the building or structure, shall be submitted by the Planning Director to the Planning Commission. Within twenty (20) days from the date that said plans are submitted, the Planning Commission shall render a report to the City Council with its recommendation concerning the proposed building alteration.

(Based on Sec. 14.800, Ord. 532, amending Ord. 520)

§ 2-9.10 Action by City Council. Within fifteen (15) days after receipt of the recommendation of the Planning Commission, the City Council shall either authorize the issuance of the building permit or require the applicant to meet additional requirements concerning the general exterior appearance, design, color and texture of surface materials or exterior construction,

or the height of the structure or structures. No building permit shall be issued for the erection or alteration of any building or structure in a C-O District without the approval of the City Council.

(Based on Sec. 14.900, Ord. 532, amending Ord. 520)

Article 16

Off-Street Parking Facilities

2-9.14 Purposes. In order to alleviate progressively or to prevent traffic congestion and shortage of curb spaces, off-street parking facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses. The number of parking spaces prescribed in this article or to be prescribed by the Zoning Administrator shall be in proportion to the need for such facilities created by the particular type of land use. Off-street parking areas are to be laid out in a manner that will ensure their usefulness, protect the public safety, and, where appropriate, insulate surrounding land uses from their impact.

(Based on Sec. 15.100, Ord. 520)

2-9.15 Basic Requirements.

a. Unless otherwise provided for by this article, at the time of initial occupancy, major alteration, or enlargement of sites, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street parking facilities for automobiles in accordance with the schedule of off-street parking space requirements prescribed in Sec. 2-9.16. For the purpose of this section the terms "major alteration" or "enlargement" shall mean a change of use or an addition which would increase the number of parking spaces required by not less than ten percent (10%) of the total number required. The number of parking spaces provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement, unless the pre-existing number is greater than the number prescribed in Sec. 2-9.16, in which instance the number in excess of the prescribed minimum shall be counted in calculating the number provided to serve the major alteration or enlargement.

b. If, in the application of the requirements of this article, a fractional number is obtained, one parking space shall be provided for a fraction of one-half or more, and no parking space shall be required for a fraction of less than one-half.

c. For a use not specified in Sec. 2-9.16, the number of off-street parking spaces required shall be determined by the Zoning Administrator, based, wherever possible, upon an analysis of other jurisdiction's experience with that type of use.

(Based on Sec. 15.101, Ord. 520, amended by Ord. 746 on 11/11/74 and Ord. 852 on 5/9/78)

2-9.16 Schedule of Off-Street Parking Space Requirements.

1. Dwellings and Lodgings

a. Single family dwelling units shall have at least two parking spaces.

b. Condominiums, community apartments and separately owned townhouses shall have at least two parking spaces per unit.

c. Apartment house parking requirements shall be computed as follows:

(1) For apartments with two bedrooms or less, a minimum of two spaces shall be required for each of the first four units; one and one-half spaces for each additional unit.

(2) For apartments with three or more bedrooms (or two bedrooms and a den convertible to a third bedroom), a minimum of two spaces per unit shall be required. Parking requirements for units having less than three bedrooms shall be computed separately from the requirements for units having three bedrooms or more and then added together.

(3) Visitor parking, in a ratio of one parking space for each seven units, shall be provided. All visitor parking spaces shall be clearly marked for this use. Visitor parking may be open or covered and does not count as part of the covered parking requirement described in Subparagraph (d) below.

d. At least one space per dwelling unit of the off-street parking required in Subparagraphs (a), (b) and (c) above, shall be located in a garage or carport.

e. Motels, hotels, lodging houses and private clubs providing guest sleeping accommodations shall have at least one space for each guest sleeping room or for each two beds, whichever is greater, plus at least one space for each two employees.

f. Trailer parks shall have a minimum of one space for each unit, plus at least one additional space for each three units, none of which shall occupy area designated for access drives.

(Based on Sec. 15.102.1, Ord. 520 and amended by Ord. 805 on 1/10/77)

2. Offices, Commercial Uses and Places of Public Assembly in the C-N and C-R Districts.

a. C-N District. One space for each 180 square feet of gross floor area, plus 10 spaces in addition to spaces occupied by cars being serviced on the site of each service station, plus additional spaces for each open use as prescribed by the Zoning Administrator.

b. C-R District. Parking requirements shall be established by the Design Review Board and/or Planning Commission on a case-by-case basis in accordance with the purposes of Article 19 (Design Review).

(Based on Sec. 15.102.2, Ord. 520 and amended by Ord. 843 on 1/24/78)

3. Office, Commercial and Industrial Uses NOT in the C-N or C-R Districts.

a. Food stores -- One space for each 150 sq.ft. of gross floor area.

b. Banks -- One space for each 150 sq.ft. of gross floor area, except floor area used for storage.

c. Retail stores except food stores and stores handling only bulky merchandise; personal service establishments including barber shops and beauty shops, cleaning and laundry agencies, and similar enterprises -- One space for each 300 sq.ft. of gross floor area, except for floor area used exclusively for storage or truck loading.

d. Commercial service enterprises, repair shops, wholesale establishments, and retail stores which handle only bulky merchandise such as furniture, household appliances, machinery, and motor vehicles -- One space for each 500 sq.ft. of gross floor area, except for floor area used exclusively for storage or truck loading.

e. Public and private business and administrative offices, and technical services offices (including, but not limited to, accountants, architects, attorneys, engineers, insurance, real estate and similar professions) -- One space for each 300 sq.ft. of gross floor area.

f. Medical and dental offices (including but not limited to chiropractors, dentists, optometrists, physicians and similar professions) -- One space for each 150 sq.ft. of gross floor area, or six spaces for each doctor, whichever is greater.

g. Restaurants, bars, soda fountains, cafes and other establishments for the sale and consumption on the premises of food or beverages -- One space for each three seats or each 200 sq.ft. of gross floor area, whichever is greater.

h. Service stations -- 10 spaces in addition to spaces occupied by cars being serviced.

i. Car washes -- One space for each two employees, plus reservoir spaces equal to five times the capacity of the laundry.

j. Manufacturing plants and other industrial uses, warehouses, storage buildings, and storage facilities combined with commercial or industrial uses -- One space for each employee on the maximum shift, or one space for each 300 sq.ft. of gross floor area.

k. Open uses and commercial and industrial uses conducted primarily outside of buildings -- One space for each employee on the maximum shift, plus the number of additional spaces prescribed by the Zoning Administrator.

l. Liquor stores -- One space for each 150 sq.ft. of gross floor area except for floor area used exclusively for storage and/or truck loading. For the purposes of this section liquor store shall mean - a business establishment the main function of which is the off-sale of liquor, wine and/or beer.

m. Veterinarians' Offices and small animal hospitals - one space for each 250 square feet of gross floor area.

(Based on Sec. 15.102.3, Ord. 520, as amended by Ord. 860 and 929)

4. Places of Assembly and Public Uses NOT in the C-N or C-R Districts.

a. Auditoriums, churches, private clubs and lodge halls, community centers, mortuaries, sports arenas and stadiums, theaters, auction establishments and other places of public assembly including church, school and college auditoriums -- One space for each six seats or one space for each 60 sq.ft. of floor area usable for seating if seats are not fixed, in all facilities in which simultaneous use is probable as

4. Places of Assembly...(Cont.)

determined by the Zoning Administrator. Where Sec.2-9.16 (5) (Educational Facilities) requires a greater number of spaces on the site of a church, school or college, that paragraph shall apply and the requirements of this paragraph shall be waived.

b. Bowling alleys and pool halls -- Five spaces for each alley; two spaces for each billiard or pool table.

c. Dance halls -- One space for each 50 sq.ft. of gross floor area used for dancing.

d. Hospitals, sanitariums, nursing homes and charitable and religious institutions providing sleeping accommodations -- Two spaces for each three beds, one space for each two employees, and one space for each staff doctor.

e. Libraries, museums, art galleries and similar uses -- One space for each 600 sq.ft. of gross floor area and one space for each employee.

f. Post offices -- One space for each 600 sq.ft. of gross floor area and one space for each employee.

g. Cemeteries, columbariums, and crematories -- One space for each employee, plus the number of additional spaces prescribed by the Zoning Administrator.

h. Public buildings and grounds other than schools and administrative offices -- One space for each employee, plus the number of additional spaces prescribed by the Zoning Administrator.

i. Public utility structures and installations -- One space for each employee on the maximum shift, plus the number of additional spaces prescribed by the Zoning Administrator.

j. Bus depots, railroad stations and yards, airports and heliports, and other transportation and terminal facilities -- One space for each employee, plus the number of additional spaces prescribed by the Zoning Administrator.

(Based on Sec. 15.102.4, Ord. 520)

5. Educational Facilities.

a. Schools and colleges, including public, parochial and private elementary and high schools, kindergartens and nursery schools -- One space for each employee, including teachers and administrators and one space for each four students in Grade 10 or above. Where Sec. 2-9.16 (4a) requires a greater number of spaces on the site of a school or college, that paragraph shall apply and the requirements of this paragraph shall be waived.

b. Business, professional, trade, art, craft, music and dancing schools and colleges -- One space for each employee, including teachers and administrators and one additional space for each two students 16 years or older.

(Based on Sec. 15.102.5, Ord. 520)

§ 2-9.17 Standards for Off-Street Parking Facilities. All off-street parking facilities, whether provided in compliance with Sec. 2-9.16 (Schedule of Off-Street Parking Space Requirements) or not, shall conform with the regulations prescribed in Sec. 2-5.46 (Screening and Landscaping) and with the following standards:

a. The minimum off-street parking dimensions shall be as follows:

(1) Parking spaces required to be located in a garage or carport shall not be less than twenty (20) feet in length and ten (10) feet in width and otherwise meeting the requirements for full-sized parking spaces.

(2) Full-sized parking spaces shall meet the minimum dimensions prescribed in the following table:

Description of Dimension	Parking Angle									
	0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
Parking Space width perpendicular to angle	9'	9'	9'	9'	9'	9'	9'	9'	9'	9'
Parking space dimension perpendicular to aisle	9'	14'6"	16'10"	18'8"	19'5"	20'	20'8"	20'9"	20'2"	19'
Parking space dimension parallel to aisle	23'	24'8"	17'	13'2"	12'	11'1"	9'10"	9'	9'	9'
Aisle width	12'	11'	11'	12'	13'6"	15'6"	18' 6"	19'6"	24'	25'

(3) Compact car parking spaces may be allowed in off-street parking facilities subject to approval by the City. Up to forty percent (40%) of the total parking spaces required may be compact car spaces, based upon the size, shape, and design of the off-street parking facility. Compact car spaces shall have minimum dimensions of 8.0 feet by 16.0 feet and may be angled as is allowed for full-sized parking spaces. Aisle width for compact car spaces shall be a minimum of twenty-one (21) feet for a 90° parking angle. For different angles, aisle width and other relevant dimensions shall be reduced proportionately from those shown in the table for full-sized parking spaces, subject to the approval of the City. Each compact car space shall be marked clearly with bold lettering no less than eight (8) inches in height "Compact Car Only."

(Based on Ord. 1048)

b. Sufficient aisle space for readily turning and maneuvering vehicles shall be provided on the site, except that no more than two parking spaces on the site of a dwelling or lodging house may be located so as to necessitate backing a vehicle across a property line abutting a street. Alleys may be used for maneuvering.

c. Each parking space shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley ithout moving another vehicle.

d. Entrances from and exists to streets and alleys shall be provided at locations approved by the Director of Public Works.

e. In an R (Residential) District, a drive providing access to off-street parking spaces shall not exceed twenty-four (24) feet in width, and there shall be not more than one (1) drive for each seventy (70) feet of frontage except on corner lots. If more than one drive is proposed on a corner lot, the Superintendent of Streets may approve an encroachment permit if he finds that the proposal is consistent with the objectives of this chapter and will not create an unsafe condition for pedestrians and drivers.

f. In an RM district, a pedestrian walk separated from a parking space, aisle, or access drive by at least four feet of landscaped space shall extend from the front lot line to each dwelling unit, and no parking space, aisle, or access drive shall be closer than six feet to an entrance to a dwelling unit or to a window opening into a habitable room having a floor level less than eight feet above the parking space, aisle or access drive.

g. No off-street parking space provided in compliance with Sec. 2-9.16 (1. Schedule for Dwellings and Lodgings) shall be located in a required front yard or in a required side yard on the street side of a corner lot, and not more than two spaces per site shall be located so as to necessitate use of a required front yard or a required side yard on the street side of a corner lot for backing.

h. The parking spaces, aisles and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water without damage to private or public properties, streets or alleys.

i. Bumper rails shall be provided at locations prescribed by the Zoning Administrator where needed for safety or to protect property.

j. If the parking area is illuminated, lighting shall be deflected away from residential sites so as to cause no annoying glare.

k. No repair work or servicing of vehicles shall be conducted on a parking area.

l. In R districts, parking of vehicles other than automobiles shall be regulated by Sec. 2-5.47(Types of Vehicles and Parking Locations Permitted in R Districts).

m. No off-street parking space shall be located on a portion of a site required to be landscaped with plant materials.

(Based on Sec. 15.103,Ord.520 and amended by Ord. 796 on 10/11/76)

2-9.18 Location of Off-Street Parking Facilities.

a. In all districts except the C-C and P districts, off-street parking facilities prescribed in Sec. 2-9.16 (Schedule of Off-Street Parking Space Requirements) shall be located on the same site as the use for which the spaces are required or on an adjoining site or a site separated only by an alley from the use for which the spaces are required.

b. In a C-C or P District, a use permit may be granted to permit off-street parking facilities prescribed in Sec. 2-9.16 (Schedule of Off-Street Parking Space Requirements) to be separated from the site of the use for which the spaces are required, if located within 300 feet of the site, measured by the shortest route of pedestrian access, provided that the Planning Commission shall find that the parking site is not in conflict with the Pleasanton Central District Development Plan adopted by the City Council.

(Based on Sec. 15.104, Ord. 520)

2-9.19 Additional Requirements and Exceptions.

1. More Than One Use on a Site or Adjoining Sites. If more than one use is located on a site, on adjoining sites, or sites separated only by an alley, and in the C-C (Central Commercial) and P (Public and Institutional) Districts within 300 feet of the site, the number of parking spaces provided shall be equal to the sum of the requirements prescribed in this article for each use except that the total number of spaces may be reduced when the hours of operation of at least two (2) of the uses are discrete. Discrete uses are defined as those which:
   a. are not in operation at the same time; and
   b. the hours of operation are or may be controlled by conditional use permits; and
   c. the uses share the same off-street parking facility.

   The total number of spaces otherwise required may be reduced by not more than the parking requirement of the discrete use requiring the fewer parking spaces.

(Based on Sec. 15.1501.1, Ord. 520 and amended by Ord. 858 on 7/25/78)

2. Off-Street Parking Facilities to Serve One Use. Off-street parking facilities for one use shall not be considered as providing off-street parking facilities for any other use except as provided in Sec. 2-9.19(3).

(Based on Sec. 15.105.2, Ord. 520)

3. Reduction of Off-Street Parking. No off-street parking facility shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this article.

(Based on Sec. 15.105.3, Ord. 520)

4. Joint Use of Off-Street Parking Facilities in C-C and C-S Districts. Adjoining off-street parking facilities serving uses on two or more sites in separate ownership and requiring a total of not less than 30 parking spaces may have 10 per cent fewer spaces where the Zoning Administrator determines that permanent provision has been made for the joint development to function as a single parking facility, all parts of which are accessible to each use served. Off-street parking facilities provided in accord with this section shall be designated as prescribed in Sec. 2-9.23 (Designation of Off-Street Parking Facilities).

(Based on Sec. 15.105.4, Ord. 520)

2-9.20 Parking Assessment District. The following parking requirements shall apply to properties located within parking assessment districts:

a. Except for the uses listed in Sec. 2-9.16(1) and restaurants, any parcel of real property which is located wholly or partially within the boundaries of a parking assessment district which provides public off-street parking facilities shall be permitted to construct a building the total square footage of which shall not exceed eighty percent (80%) of the buildable area of the lot not included within the public parking facility,

without the need to provide additional parking. Any building erected which exceeds eighty percent (80%) of the Buildable area of the lot shall provide additional parking or pay a sum established pursuant to Sec. 2-9.22; said additional parking shall be computed in accordance with Sec. 2-9.16, but shall not include that portion of the building which is exempt from parking requirements as indicated in this section.

b. Any parcel of real property located wholly or partially within the boundaries of a parking assessment district referred to in subsection (2), above, which is used for restaurant purposes shall be permitted to construct a building, the total square footage of which will not exceed fifty six percent (56%) of the buildable area of the lot without the need to provide additional parking. Any building in excess of the limitation herein imposed shall be subject to the same requirements for additional parking as set forth in subsection (2), above.

c. Any building in existence at the time of the establishment of the parking assessment district within which it is located, which exceeds the buildable area provisions set forth in subsection (2), above, shall be deemed non-conforming and shall not be subject to additional parking requirements so long as the following factors do not change:

1. The building is not subject to use or uses different from those existing prior to the formation of the district.

2. No building permit is necessary to enlarge, alter, or modify the building or any portion thereof, unless required by law.

3. Less than fifty percent (50%) of the building is destroyed by fire, earthquake or any other calamity, Act of God, or by the public enemy and provided that restoration is started within one year and diligently pursued to completion.

(Based on Sec. 15.106, Ord. 520 and amended by Ord.746 on 11/11/74)

2-9.21 Existing Uses. No existing use of land or structure, except one located within a parking assessment district, shall be deemed to be non-conforming solely because of the lack of off-street parking facilities prescribed in this article, provided that facilities used for off-street parking on the effective date of Ordinance No. 520, May 3, 1968, shall not be reduced in capacity to less than the number of spaces prescribed in this article or reduced in area to less than the minimum standards prescribed in this article.

(Based on Sec. 15.107,Ord.520, amended by Ord.746 on 11/11/74)

2-9.22 In Lieu Parking Agreement. The owner of a parcel, or parcels, in the C-C District who is unable to provide all of the off-street parking required by this Code may apply to the City Council for an In-Lieu Parking Agreement. The request for such an agreement shall be in writing and shall be filed with the City Clerk. Subsequent to receipt of such a request, the City Clerk shall schedule the matter for consideration by the City Council. A public hearing shall be held on any such request with notice provided pursuant to 2-5.08 of this chapter. The City Council may grant or deny the request.

If the request is granted, the City Council shall direct the City Attorney to prepare the necessary agreement; determine the amount per deficient parking space to be paid by the owner; determine the duration of payment; and determine such other terms and conditions as are deemed appropriate. Any sums received by the City pursuant to such a contract shall be deposited in a special fund and shall be used exclusively for acquiring, developing and maintaining off-street parking facilities available to the general public and located in an area of benefit. The area of benefit shall be established by the City Council at the public hearing and shall be determined in the same manner as establishing benefit under assessment district acts. The Agreement shall be executed by the owner and the City Council prior to the issuance of a zoning certificate.

In the event that a use for which an In-Lieu Parking Agreement has been executed is changed or facilities are altered to meet the parking standards prescribed in this chapter before the City has committed or expended any of the money received pursuant to said agreement in the area benefited; the amount received shall be refunded to the owner.

(Based on Ord. 709 adopted 9/17/73)

2-9.23 Designation of Off-Street Parking Facilities. When off-street parking facilities are provided in compliance with the requirements of this article, on a site other than the site on which the use to be served by the parking facilities is located or as provided for in Sec. 2-9.19(1), an indenture shall be recorded in the office of the County Recorder designating the off-street parking facility and the use to be served, with legal descriptions of all sites involved, and certifying that the off-street parking facility shall not be used for any other purpose unless the restriction is removed by resolution of the City Planning Commission, which resolution shall be approved by the City Council. An attested copy of the recorded indenture shall be filed with the Zoning Administrator. Upon submission of satisfactory evidence that other off-street parking facilities have been provided in compliance with the requirements of this article or that the use has ceased or has been altered so as to no longer require the off-street parking facility, the Commission shall, by resolution, remove the restriction.

(Based on Sec. 15.109,Ord. 520, amended by Ord. 858 on 7/25/78)

Article 17

Off-Street Loading Facilities

§ 2-9.27 Purposes. In order to alleviate progressively or to prevent traffic congestion and shortage of curb spaces, off-street loading facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses. The number of loading berths prescribed in this article or to be prescribed by the Zoning Administrator shall be in proportion to the need for such facilities created by the particular type of use. Off-street loading areas are to be laid out in a manner that will ensure their usefulness, protect the public safety, and where appropriate, insulate surrounding uses from their impact.

(Based on Sec. 16.100, Ord. 520)

§ 2-9.28 Basic Requirements.

a. At the time of initial occupancy, major alteration, or enlargement of a site, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street loading facilities for trucks in accord with the schedule of off-street loading berth requirements in Sec. 2-9.29. For the purposes of this section the terms "major alteration" or "enlargement" shall mean a change of use or an addition which would increase the number of loading berths required by not less than 10 per cent of the total number required. The number of loading berths provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement, unless the pre-existing number is greater than the number prescribed in Sec. 2-9.29, in which instance the number in excess of the prescribed minimum shall be counted in calculating the number provided to serve the major alteration or enlargement.

b. Off-street loading berths in addition to those prescribed in the schedule of off-street loading berth requirements shall be provided if the Zoning Administrator finds that such additional berths are necessary to ensure that trucks will not be loaded, unloaded, or stored on public streets. A finding shall be based on an investigation of the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the off-street loading berths are required.

c. If, in the application of the requirements of this section, a fractional number is obtained, one loading berth shall be provided for a fraction of one-half or more, and no loading berth shall be required for a fraction of less than one-half.

(Based on Sec. 16.101, Ord. 520)

§2-9.29 Schedule of Off-Street Loading Berth Requirements.

a. Exemptions from loading berth requirements: banks, service stations, public and private offices, car washes, hotels and motels.

b. Food stores:

Gross Floor Area	No. of Berths	Dimension of Berth
0-3,999 sq.ft.	0	---
4,000-9,999 sq.ft.	1	10x30 or 12x45 as determined by Zoning Admin.
10,000-69,000 sq.ft.	2	12x45
70,000-120,000 sq.ft.	3	12x45
One berth for each additional 100,000 sq.ft.		12x45

c. Retail stores excluding food stores, but including restaurants, bars and soda fountains:

Gross Floor Area	No. of Berths	Dimension of Berth
0-3,999 sq.ft.	0	---
4,000-29,999 sq.ft.	1	10x30
30,000-69,999 sq.ft.	2	12x45
70,000-120,000 sq.ft	3	12x45
One berth for each additional 100,00 sq.ft.		12x45

d. Commercial Service Enterprises (and wholesale uses):

Gross Floor Area	No. of Berth	Dimension of Berth
0-9,999 sq.ft	0	---
10,000-29,999 sq.ft.	1	12x45
30,000-69,999 sq.ft.	2	12x45
70,000-120,000 sq.ft.	3	12x45
One berth for each additional 100,000 sq.ft.		12x45

e. Manufacturing plants, other industrial uses:

Gross Floor Area	No. of Berths	Dimension of Berth
0-3,999 sq.ft.	0	---
4,000-29,999 sq.ft.	1	12x45
30,000-69,999 sq.ft.	2	12x45
70,000-120,000 sq.ft.	3	12x45
One berth for each additional 100,000 sq.ft.		12x45

f. Institutional uses:

Gross Floor Area	No. of Berths	Dimension of Berth
0-9999 sq.ft.	0	---
10,000-99,999 sq.ft.	1	12x45
100,000-200,000 sq.ft.	2	12x45
200,000+	3	12x45

g. Mortuaries:

Gross Floor Area	No. of Berths	Dimension of Berth
0-500 sq.ft.	1	10x30
One berth for each additional 10,000 sq.ft.		10x30

h. Open uses: desginated loading berths required as determined by the Zoning Administrator

Other uses: Designated loading berths required as determined by the Zoning Administrator.

§ 2-9.30 Standards for Off-Street Loading Facilities. All off-street loading facilities, whether provided in compliance with Sec. 2-9.29 (Schedule of Off-Street Loading Berth Requirements), or not, shall conform with the regulations prescribed in Sec. 2-5.46 (Screening and Landscaping) and with the following standards:

a. Each loading berth shall be not less than 45 feet in length and 12 feet in width and shall have an overhead clearance of not less than 14 feet, except that for mortuaries, cemeteries, columbariums, and crematories, a loading berth used exclusively for hearses shall be not less than 24 feet in length and 10 feet in width and shall have an overhead clearance of not less than eight feet.

b. Sufficient room for turning and maneuvering vehicles shall be provided on the site, except that not more than one loading space per site may be located so as to necessitate backing a vehicle across a property line abutting a street. Alleys may be used for maneuvering.

c. Each loading berth shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley without moving another vehicle.

d. Entrances from and exits to streets and alleys shall be provided at locations approved by the Director of Public Works.

e. The loading area, aisles, and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water without damage to private or public properties, streets, or alleys.

f. Bumper rails shall be provided at locations prescribed by the Zoning Administrator where needed for safety or to protect property.

g. If the loading area is illuminated, lighting shall be deflected away from abutting residential sites so as to cause no annoying glare.

h. Loading areas shall be appropriately screened, as determined by the Zoning Administrator, from adjacent properties and from the street. No loading berth shall be allowed in a required front yard or a required side yard or the street side of a corner lot or in a required rear or side yard adjacent to or across a street or alley from an R district.

i. No repair work or servicing of vehicles shall be conducted in a loading area.

(Based on Sec. 16.103, Ord. 520)

§ 2-9.31 Location of Off-Street Loading Facilities. Off-Street loading facilities prescribed in Sec. 2-9.29 (Schedule of Off-Street Loading Berth Requirements) shall be located on the same site with the use for which the berths are required or on an adjoining site in a district in which the use served by the off-street loading facilities is a permitted use.

(Based on Sec. 16.104, Ord. 520)

§ 2-9.32 Additional Requirements and Exceptions.

1. More Than One Use on a Site. If more than one use is located on a site, the number of loading berths provided shall be equal to the sum of the requirements prescribed in this article for each use. If more than one use is located on a site and the gross floor area of each use is less than the minimum for which loading berths are required but the aggregate gross floor area is greater than the minimum for which loading berths are required, off-street loading berths shall be provided as if the aggregate gross floor area were used for the use requiring the greatest number of loading berths.

(Based on 16.105.1, Ord. 520)

2. Off-Street Loading Facilities to Serve One Use. Off-street loading facilities for one use shall not be considered as providing required off-street loading facilities for any other use.

(Based on Sec. 16.105.2, Ord. 520)

3. Reduction of Off-Street Loading Facilities. No off-street loading facility shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this article.

(Based on Sec. 16.105.3, Ord. 520)

§ 2-9.33 Existing Uses. No existing use of land or structure shall be deemed to be non-conforming solely because of the lack of off-street loading facilities prescribed in this article, provided that facilities being used for off-street loading on the effective date of Ordinance No. 520, May 3, 1968, shall not be reduced in a capacity to less than the number of berths prescribed in this article or reduced in area to less than the minimum standards prescribed in this article.

(Based on Sec. 16.106, Ord. 520)

§ 2-9.34 Designation of Off-Street Loading Facilities. When off-street loading facilities are provided in compliance with the requirements of this article, on a site other than the site on which the use to be served by the loading facilities is located, an indenture shall be recorded in the office

of the County Recorder designating the off-street loading facility and the use to be served, with legal descriptions of all sites involved, and certifying that the off-street loading facility shall not be used for any other purpose unless the restriction is removed by resolution of the City Planning Commission. An attested copy of the recorded indenture shall be filed with the Zoning Administrator. Upon submission of satisfactory evidence that other off-street loading facilities have been provided in compliance with the requirements of this article or that the use has ceased or has been altered so as no longer to require the off-street loading facility, the Commission shall by resolution remove the restriction.

(Based on Sec. 16.107, Ord. 520)

Article 18

Signs

§ 2-9.38 Purposes. The location, height, size, and illumination of signs are regulated in order to maintain the attractiveness and orderliness of the City's appearance, to protect business sites from loss of prominence resulting from excessive signs on surrounding sites, and to protect the public safety and welfare. (Based on Ord. 520)

§ 2-9.39 General Provisions. No sign or display of any character shall be permitted except in conformity with the following reguations:

1. Location, Height, and Size.

   a. Except as permitted by §2-9.43(j&k) (Signs in C and I districts) and §2-9.46 (Temporary Subdivision Signs), all signs shall be located on the same site as the use they identify, provide information about, or direct attention to.

   b. Except in a C-C district, no sign shall project beyond a property line. A sign projecting beyond the property line in a C-C district shall be attached to a building and shall not project more than four feet from the building or closer than two feet to the curb line, and shall not exceed nine square feet in area. Projecting signs shall be limited to one for each ground floor establishment.

   c. A projecting sign shall have a minimum clearance of eight feet above an area used by pedestrians, and a minimum clearance of 15 feet above an area used for vehicular movement.

   d. No sign attached to a building shall project above the eave or parapet line.

   e. No sign other than a directional sign shall project more than 12 inches into a required interior side yard or a required rear yard or shall be closer to an interior side lot than the minimum width of a required side yard on the site minus 12 inches. Signs may be located in a required front yard.

   f. No sign exceeding 24 square feet shall be visible from an R district unless it shall be more than 100 feet from the R district.

   g. No sign shall be located so as to create a safety hazard by obstructing vision, or shall interfere with or resemble any authorized warning or traffic sign or signal.

   h. No sign shall exceed 250 square feet in area.

2. Illumination.

   a. In an A, R, P, or S district, illumination, where permitted, shall be indirect. In a O district, illumination, where permitted shall be indirect or diffused, provided that it shall be white and that the surface brightness of a sign shall not be greater than 100 foot-lamberts. In a C or I district direct illumination shall be permitted, provided that if exterior illumination is closer than 200 feet to the boundary of a site or interior illumination is closer than 10 feet to a window within

200 feet of the boundary of a site, no flourescent or mercury vapor tune, on incandescent illumination exceeding 120 milliamps shall be visible beyond the boundary of the site. In a C or I district diffused illumination closer than 200 feet to the boundary of a site and visible beyond the boundary of the site shall not have a surface brightness greater than 200 foot-lamberts.

b. A sign within 100 feet of an R district from which the sign is visible shall have illumination, if any, that is white and is indirect or diffused and shall not have a surface brightness greater than 100 foot-lamberts.

c. No sign shall have blinking, flashing or fluttering lights or any other illuminating device which has a changing light intensity, brightness or color.

d. No illuminated sign shall be located so as to be confused with or to resemble any warning traffic control device.

e. Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles.

3. Movement. No sign that moves, has visible moving parts, or that simulates movement by means of fluttering, spinning, or reflecting devices shall be permitted.

(Based on Ord. 520)

§ 2-9.40 Exempt Signs. The following signs are not subject to the regulations of this article:

a. Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person giving legal notice.

b. Signs erected or maintained by a public agency or official or required by law to be displayed by a public utility for directional, warning, or informational purposes.

c. Traffic control signs and devices including street name signs.

d. The flag, pennant, or insignia of any nation or association of nations, or of any state, city, or other political unit, or of any charitable, educational, philanthropic, civic, professional or religious organization.

e. Repealed by Ord. 958, adopted Feb. 10, 1981.

f. Non-illuminated, non-verbal religious symbols on the site of a religious institution.

g. Signs not visible beyond the boundary of a site.

h. Directional signs necessary to control and direct pedestrian traffic on a site.

i. Emblems of civic or service clubs and area identification signs of sizes and at locations approved by the Board of Design Review.

j. Repealed by Ord. 958, adopted Feb. 10, 1981.

(Based on Ord. 717)

§ 2-9.41 Signs in A or R Districts. No sign or outdoor advertising structure shall be permitted in an A or R district except the following:

a. One name plate, which may give notice of the name, address, and occupation of the resident, not directly lighted, not exceeding one square foot or eight feet in height, on the site of a one-family dwelling.
b. One identification sign, not directly lighted, not exceeding six square feet or eight feet in height, on the site of a multi-family dwelling or a lodging house.
c. One identification sign, not directly lighted, not exceeding 12 square feet or 12 feet in height, for each main building on the site of a public building, a private institution, a church, a club or lodge, a trailer park, or a nursing home, provided that a general hospital may have an identification sign not exceeding 24 square feet.
d. In addition to an identification sign, one bulletin board, not directly lighted, not exceeding 20 square feet or eight feet in height, on the site of a church.
e. One directional sign, not directly lighted, not exceeding four square feet, at each entrance or exit to a parking lot.
f. One non-illuminated sign, not exceeding six square feet, pertaining to the sale, lease, rental, or display of a structure or land.
g. One non-illuminated, temporary construction sign, not exceeding 12 square feet, on the site of a structure or group of structures, while under construction, except that one additional square foot shall be permitted for each dwelling unit under construction, provided that the sign shall not exceed 24 square feet.
h. One business sign, not directly lighted, not exceeding 12 square feet or 12 feet in height, on the site of a permitted or conditional use other than a dwelling in an A district, provided that additional sign area may be specified in a use permit and shall be based on the identification needs of the use and the character of surrounding uses.

(Based on Sec. 17.103, Ord. 520)

§ 2-9.42 Signs in O Districts. No sign or outdoor advertising structure shall be permitted in an O district except the following:

a. Business signs not exceeding one-half square foot for each foot of street property line adjoining a portion of the site occupied by the uses to which the signs direct attention, provided that signs not exceeding 40 square feet shall be permitted on a site having less than 80 feet of street property line. Signs not located flat against the wall of a building shall not exceed 12 feet in height, and no sign in a required front yard shall exceed six feet in height.
b. One directional sign, not directly lighted, not exceeding four square feet, at each entrance or exit to a parking lot.
c. One non-illuminated sign, not exceeding six square feet, pertaining to the sale, lease, rental, or display of a structure or land.
d. One temporary construction sign not exceeding 12 square feet or one-fourth of the maximum permitted area for permanent signs, whichever is greater, not directly lighted, on the site of a structure while under construction.

(Based on Sec. 17.104, Ord. 520)

§ 2-9.43 Signs in C and I Districts. No sign or outdoor advertising structure shall be permitted in a C or I district except the following:

a. In a C-N district, business signs not exceeding one-half square foot for each foot of property line adjoining a portion of the site occupied by uses to which the signs direct attention, provided that signs not exceeding 40 square feet shall be permitted on a site having less than 80 feet of street property line, and provided that signs on the site of a service station shall not exceed a total of 80 square feet. Business signs shall be attached to a building except that one free-standing sign not exceeding 50 square feet or 12 feet in height shall be permitted on a site having at least three acres occupied by uses to which the signs direct attention. On the site of a service station, all signs shall be attached to a building, except that one free-standing sign, not exceeding 36 square feet, which is included in the total sign area allowable for a service station, shall have direct or diffused illumination, and shall not exceed 12 feet in height.

b. In a C-C district, business signs not exceeding two square feet for each foot of street property line, provided that signs not exceeding 40 square feet shall be permitted on a site having less than 20 feet of street property line, and provided that signs on the site of a service station shall not exceed a total of 80 square feet. No site shall have business signs totaling more than 400 square feet for each acre in use. Except on the site of a service station, the total area of projecting and freestanding signs shall not exceed one-fourth of the sign area permitted on the site. Freestanding business signs shall not exceed 12 feet in height, provided that a service station may have one freestanding business sign not exceeding 36 square feet or 24 feet in height and a site of at least one acre occupied by uses other than a service station may have one freestanding business sign not exceeding 50 square feet or 24 feet in height. On the site of a service station, not more than one sign, not exceeding 36 square feet, shall have direct or diffused illumination, and no sign shall project beyond the property line.

c. In a C-R District, business signs shall be regulated by the Design Review Board and/or Planning Commission on a case-by-case basis in accordance with the purposes of Article 19 (Design Review).

(As amended by Ord. 843 adopted on 1/24/78)

d. In a C-S or C-A district, business signs not exceeding two square feet for each foot of street property line, provided that signs not exceeding 40 square feet shall be permitted on a site having less than 20 feet of street property line. Business signs may be freestanding, but shall not exceed 24 feet in height. The total area of business signs shall not exceed 300 square feet on a site having less than one acre in the use to which the signs direct attention, and shall not exceed 500 square feet on any site.

e. In a C-F district, business signs not exceeding 80 square feet for each 20,000 square feet of site area in use, provided that signs on the site of a service station shall not exceed a total of 160 square feet. The total area of business signs shall not exceed 500 square feet on any site. Business signs may be freestanding, but freestanding or projecting signs shall not exceed 20 feet in height except on the site of a service station. On the site of a service station, not more than one sign, not exceeding 80 square feet, shall have direct or diffused illumination, or shall exceed 12 feet in height if freestanding, and no sign shall exceed 30 feet in height.

f. In an I district, business signs not exceeding 80 square feet for each 20,000 square feet of site area in use, provided that signs on the site of a service station shall not exceed a total of 80 square feet. The total area of business signs shall not exceed 600 square feet on a site in an I-P district or 1,000 square feet on a site in an I-G district. Except on the site of a service station, the total area of projecting and freestanding signs shall not exceed one-fourth of the sign area permitted on the site. Business signs may be freestanding, but freestanding or projecting signs shall not exceed 20 feet in height except on the site of a service station. On the site of a service station, not more than one sign, not exceeding 36 square feet, shall have direct or diffused illumination, or shall exceed 12 feet in height if freestanding, and no signs shall exceed 24 feet in height.

g. Directional signs diffused or indirectly lighted, not exceeding four square feet each, pertaining to off-street parking and loading facilities.

h. One sign diffused or indirectly lighted, not exceeding 12 square feet pertaining to the sale, lease, rental, or display of a structure or land.

i. One temporary construction sign not exceeding one-fourth of the maximum permitted area for permanent business signs, not directly lighted, on the site of a structure while under construction.

j. In a C-C, C-S, C-F, or I district directional signs not exceeding six square feet each, attached or freestanding, indicating the location of a use in a C or I district within 1,000 feet by the shortest vehicle route from the signs. Not more than two off-site directional signs shall indicate each use, and the area of the off-site directional signs shall be subtracted from the total business sign area permitted on the site on which they are located.

k. Temporary signs, pennants, and decorations not including reflective devices for a period not to exceed 30 days after initial occupancy by an establishment.

l. Signs of service clubs or similar civic organizations not exceeding two square feet for each organization on the site of a meeting place.

(Based on Sec. 17.105, Ord. 520, as amended by Sec. I, Ord. 547)

§ 2-9.44 Signs in Q Districts. No sign or outdoor advertising structure shall be permitted in a Q district except the following:

a. One business sign diffused or indirectly lighted, not exceeding 12 square feet or 12 feet in height, on the site of a permitted or conditional use, provided that additional sign area and illumination may be specified in a use permit and shall be based on the identification needs of the use and the character of surrounding uses. Signs exceeding 12 square feet on the site of a pre-existing rock, sand, or gravel extraction or processing enterprise shall not require a use permit, but shall be subject to design review as prescribed by Article 19 (Design Review).

b. Directional signs, diffused or indirectly lighted, not exceeding four square feet each, pertaining to off-street parking and loading facilities.

c. One sign, diffused or indirectly lighted, not exceeding 12 square feet pertaining to the sale, lease, rental, or display of a structure or land.

d. One temporary construction sign not exceeding one-fourth of the maximum permitted area for permanent business signs, not directly lighted, on the site of a structure while under construction.

(Based on Sec. 17.106, Ord. 520)

§ 2-9.45 Signs in P and S Districts. No sign or outdoor advertising structure shall be permitted in a P or S district except the following:

a. Sign regulations for each use in a P or an S district shall be specified in the use permit and shall be based on the identification needs of the use and the character of surrounding uses. Signs on the site of a preexisting conditional use, other than directional signs or signs permitted in an A or R district, shall not require a use permit, but shall be subject to design review as prescribed in Article 19 (Design Review).

b. One directional sign, diffused or indirectly lighted, not exceeding four square feet, at each entrance or exit to a parking lot.

c. One non-illuminated sign, not exceeding six square feet, pertaining to the sale, lease, rental, or display of a structure or land.

d. One temporary construction sign not exceeding 12 square feet or one-fourth of the maximum permitted area for permanent signs, whichever is greater, diffused or indirectly lighted, on the site of a structure while under construction.

(Based on Sec. 17.107, Ord. 520)

§ 2-9.46 Temporary Subdivision Signs No directional or advertising signs for a subdivision shall be erected or maintained, except as provided for herein.

For the purposes of this section an on-site advertising sign is one located within the subdivision. An off-site directional sign is one displaying the necessary travel directions to the subdivision, the name of the project and any characteristics trademark or similar device of the developer and nothing else. For the purposes of this section, a subdivision is any land development project, residential or non-residential, which involves the creation and marketing of five or more lots (or condominium units) under the same ownership prior to sale.

The Zoning Administrator may authorize one on-site advertising sign and two off-site directional signs, where warranted, after a final subdivision map has been recorded, subject to all the following conditions:

a. The signs may be either single faced, double faced, or "V" shaped provided the angle between the two faces shall not exceed 60 (sixty) degrees;

b. The horizontal dimension of an on-site advertising sign face shall not exceed 12 (twelve) feet and the total sign area shall not exceed 100 square feet with a total height of not more than 14 (fourteen) feet from ground level;

c. The horizontal dimension of an off-site directional sign face shall not exceed 8 (eight) feet and the total sign area shall not exceed 40 (forty) square feet with a total height of not more than 10 (ten) feet from ground level;

d. No "riders" are permitted. There shall be no additions, tags, signs, streamers, or other appurtenances added to the sign as originally approved;

e. Any such sign approved for a particular subdivision shall not be changed to advertise another subdivision without separate approval by the Zoning Administrator;

f. Such signs may be established along, but not within, the right-of-way of any highway, street, or thoroughfare except such signs may not be established within 1,000 (one thousand) feet of the right-of-way line or any freeway or any route designated a scenic highway by the state, Alameda County or the City of Pleasanton;

g. Such signs may be maintained for a period of one year after which time an extension may be approved by the Zoning Administrator upon re-application or the signs completely removed;

h. Prior to erecting any subdivision sign approved by the Zoning Administrator, a cash bond or letter of credit for surety in the amount of $250.00 for each sign shall be posted by the applicant. The applicant shall file, as well, a written statement by the property owner authorizing both the applicant and the City to go onto the property at any time to remove the sign. In case of failure to perform or comply with any term or provision pertaining to such sign, the Zoning Administrator may declare the bond or letter of credit forfeited and order the sign removed. Upon expiration of the sign approval and satisfactory removal of the sign by the applicant, the bond shall be released by the Zoning Administrator upon the applicant's request.

One non-illuminated sign pertaining to a proposed use such as a church, school, park, apartment complex, shopping center, or any other proposed land use may be erected at the site of each such proposed use within the subdivision. Such signs shall display no greater than twelve square feet of sign area and shall be approved as to design and copy by the Zoning Administrator.

(Based on Ord. 877, §2-9.46, 2-27-79)

§ 2-9.47 Signs Adjoining State Highway and Freeways. In addition to the regulations contained in this article, all signs visible from a State highway or freeway shall be subject to the regulations contained in the California Outdoor Advertising Act, Chapter 2, Division 3, of the Business and Professions Code.

(Based on Ord. 520)

§ 2-9.48 Signs in Railroad Rights-of-Way. No sign or outdoor advertising structure shall be permitted in a railroad right-of-way except as permitted in §2-9.40 (Exempt Signs) provided that business signs may be authorized by use permit.

(Based on Ord. 520)

§ 2-9.49 Zoning Certificate Required. No sign exceeding six square feet shall be erected or displayed unless a zoning certificate has been issued by the Zoning Administrator, provided that a zoning certificate shall be required for any sign projecting over public property or off-site sign and shall not be required for temporary construction signs or for signs other than subdivision signs pertaining to the sale, lease, rental, or display of a structure or land.

(Based on Ord. 520)

§ 2-9.50 Elimination of Non-Conforming Signs. Non-conforming signs shall be subject to the provisions of Article 23 (Non-Conforming Uses, Structures, and Signs), provided that no zoning certificate for a sign shall be issued until all non-conforming signs on a site have been removed or altered to conform.

(Based on Ord. 520)

§ 2-9.51 Design Review. All signs for 24 square feet, all directly illuminated sings, and all signs projecting over public property shall be subject to design review as prescribed in Article 19 (Design Review). Any other sign determined by the Zoning Administrator to be inconsistent with §2-5.01 (Objectives) or §2-9.38 (Purposes) shall be subject to design review. Applicants are advised to confer with the Zoning Administrator before preparing detailed plans.

(Based on Ord. 520)

Article 18.5

Political Signs and Signs Announcing Community Events

§ 2-9.60 Purposes. In order to protect the rights of political candidates and those wishing to support or oppose candidates or ballot measures (and those wishing to announce community events), while protecting the public from traffic safety hazards, structural sign hazards, aesthetic blight, litter and loss of meaning of the message of such signs, the following regulations are adopted.

§ 2-9.61 Exemption. No permit shall be required of any political campaign sign or community event sign which does not exceed the size limitations provided herein so long as such signs are placed on private property. Political campaign signs and community event signs which are within the size and placement requirements of this Article shall be exempt from the requirements of Article 18 (Signs).

§ 2-9.62 Definitions. Unless it appears from the context that a different meaning is intended, the following words shall have the meanings given them in this Article:

a. City, means the City of Pleasanton a municipal corporation in the State of California.

b. Person, means any person, firm, partnership, association, corporation, company, committee for support or opposition of candidates or ballot measures or organizations of any kind.

c. Political Campaign Sign, means any sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but does not mean or include any billboard owned or maintained by a commercial firm or advertising company.

d. Community Event Sign, means any signs, banners, or displays of a patriotic, religious, civic or community nature.

e. Sing, includes any bill, poster, placard, handbill, flyer, painting, sign or other similar object in any form whatsoever which contains printed or written matter in words, symbols or pictures, or in any combination thereof.

f. Public Property, means all property owned by the City of Pleasanton or other public agency within city boundaries, including but not limited to any building owned, operated or leased by a public agency; any street, bicycle or pedestrian right-of-way owned or controlled by the City; any public park recreation area, parkway, planter strip, or other public grounds owned or operated by the City or other public agency; any traffic control device or sign or the support pole of the device or sign; or any street tree or flagpole.

g. Utility Structure, means any utility pole, supporting structure or guy wire owned by a public or private utility company.

(Based on Ord. 958)

§ 2-9.63 Posting of Political Campaign Signs of Private Property.

a. Maximum Size of Signs. No person shall post or cause to be posted on private property political campaign signs in an R (Residential) District in excess of six (6) square feet. No person shall post or cause to be posted on private property campaign signs in any other zoning district in excess of sixteen (16) square feet.

b. Maximum Area Per Site. No person shall post or cause to be posted political campaign signs on an individual parcel of private property in an R (Residential) District which in the aggregate exceeds twenty-four (24) square feet. No person shall post or cause to be posted political campaign signs on an individual parcel of private property in any other zoning district which in the aggregate exceeds sixty-four (64) square feet.

c. Permission to Post. No person shall post or cause to be posted on private property political campaign signs without first receiving permission from the property owner or other person authorized by property owner to give permission to post such signs.

§ 2-9.64 Posting of Political Campaign Signs on Certain Public Property Prohibited. It is unlawful for any person to post, place, or affix a political campaign sign or cause to do the same, on or to any public property or utility structure. It is also unlawful for any person to post, place, or affix a political campaign sign or cause to do the same, on private property in a manner which poses a hazard to motorists, pedestrians or cyclists using the public rights-of-way, by blocking the view of traffic control signs, devices or cross traffic or by proturding into the public right-of-way.

§ 2-9.65 Posting Political Campaign Signs - Time Limits. It is unlawful for any person to post a political campaign sign more than thirty (30) days prior to the election for which the sign is posted or to fail to remove a political campaign sign within five (5) days after the election for which the sign was posted.

§ 2-9.66 Community Event Signs - Time Limits and Size. No person shall post or cause to be posted community event signs on private property, other than the property on which the event is to take place, more than thirty (30) days prior to the event or fail to remove such sign within five (5) days after the event. Size limits for community event signs shall be the same as those set forth in §2-9.63 (a) and (b) for political campaign signs. Public agencies when posting community event signs on property owned by that agency are exempt from the limitation of this section.

§ 2-9.67 Removal of Illegal Signs. The City Manager or his authorized agents, shall remove any sign found posted within the corporate limits of the City which is in violation of Sections 2-9.63, 2-9.64, 2-9.65 and 2-9.66.

§ 2-9.68 Authority of City Manager. For the purposes of removing illegal signs, the City Manager or his authorized agents, are empowered to enter upon the property where the signs are posted, and the City Manager is further authorized to enlist the aid or assistance of any other department of the City and to secure legal process to the end that all such signs shall be expeditiously removed from any property where posted.

(Based on Ord. 950)

§ 2-9.69 Removal Procedure. When the City Manager or his agent finds that a sign has been posted in violation of Sections 2-9.63, 2-9.64, 2-9.65 and 2-9.66, he shall attempt to contact the candidate, committee or person responsible for the posting of such sign. If successful, he shall indicate the nature of the violation and the location of the sign. If, after such notification, the illegal sign remains in violation, the City Manager or his agents shall remove said sign and store it in a safe location. If, after reasonable diligence, the City Manager is unable to contact the candidate, committee, or person responsible for the sign, he may dispense with the notice requirement and remove the sign, storing it in a safe location. Any sign posted six (6) days after the election or event shall be deemed abandoned and the City Manager may dispense with notice requirements.

§ 2-9.70 Storage - Notice - Return. If the City Manager or his agents remove any sign, he shall keep a record of the location from which the sign was removed. He shall store the sign in a safe location for at least twenty (20) days, and shall notify the candidate, committee, or person responsible for the posting of the sign, indicating the fact of removal and the location where it may be retrieved. If the City Manager is unable to make telephone contact, he shall provide written notice, if the address of the candidate, committee, or person is known or can reasonably be ascertained. The City Manager shall return any political campaign sign upon the payment of a fee to cover the costs of removal, notice and storage.

§ 2-9.71 Removal of Sign Charge. The City shall be entitled to receive a fee for every sign removed by the City Manager, to cover the expense of removal, notice and storage not to exceed five dollars ($5.00) per sign. Where unusual effort is needed to remove a sign, such as the cutting or removal of supporting structures, use of aerial devices, towing of "trailer signs," or other unusual situations, the City shall collect from the person responsible a sum sufficient to cover the costs of equipment and hourly wages of employees so utilized. Where no return of the stored sign is requested, City Manager shall bill the person responsible for the sign.

§ 2-9.72 Persons Responsibile. In a campaign for political office, the candidate for such office shall be deemed the person responsible for the posting of political campaign signs, unless he or she first notifies the City Clerk and the City Manager of another person who is responsible. In such case, the candidate shall provide the name, address, telephone number, and signed consents of such other responsible person. In a campaign regarding a ballot measure, the president or chief officer of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he first notifies the City Clerk and the City Manager of some other person responsible, in the manner described above. The candidate, or in the case of a ballot measure, the committee president or chief officer or other responsible person if so designated, shall be liable to pay any fees or costs for the removal and storage of illegal signs, as set out herein. Where a community event sign has been posted illegally, the president or chief officer of the group sponsoring the event shall be deemed the responsible person.

§ 2-9.73 Exception. Billboards and other permanent signs used for advertising messages which are otherwise permitted by this Code or exist as legal non-conforming uses are exempt from the regulations of this Article.

(Based on Ord. 950)

Article 19

Design Review

§ 2-10.04 Purposes and Authorization. In order to preserve the natural beauty of the City's site, to prevent indiscriminate clearing of property and the destruction of trees and shrubs, to prevent excessive grading of hillsides and creation of drainage, hazards; to ensure that structures are properly related to their sites and to surrounding sites and structures, to prevent the erection of structures or signs that would be inharmonious with their surroundings; and to ensure that open spaces, parking areas, pedestrian walks, and landscaping are arranged to accomplish the objectives of this chapter, plans for all new uses and structures, except single family dwellings, and for all directly illuminated signs, and all signs with a surface area of 24 square feet or more, shall be subject to review by the Board of Design Review. The ugly, the inharmonious, the monotonous, and the hazardous shall be barred, but originality in site, planning, architecture, landscaping, and graphic design shall not be suppressed. Review shall include exterior design, materials, textures, colors, and means of illumination, but shall not consider elements of the design that are not visible beyond the boundaries of the site.

(Based on Ord. 520, amended by 534)

§ 2-10.05 Board of Design Review: Membership and Meetings. The Board of Design Review shall be composed of at least three members of the Planning Commission appointed by the chairman of the Commission. If the Board does not include the full Commission, its members shall be appointed for one-year terms and shall serve until their successors are appointed. If the Board does not include the full Commission, the Board shall elect a chairman to serve a one-year term. The Board shall hold one regular meeting each month, provided that a meeting need not be held if no drawings in conformity with the requirements of the article have been submitted for review.

(Based on Ord. 520, amended by 974)

§ 2-10-06 Drawings to be Approved.

a. No zoning certificate for a new use or structure or for the exterior alteration or enlargement of an existing structure or use that is subject to design review as prescribed in this chapter shall be issued until the drawings required by Section 2-10-07 (Drawings to be Submitted) have been approved by the Board of Design Review, the City Planning Commission or the City Council.
b. No zoning certificate for a new sign or change of the design or enlargement of an existing sign that is subject to design review as prescribed in this chapter shall be issued until the drawings required by Section 2-10-07 (Drawings to be Submitted) have been approved by the Board of Design Review, the City Planning Commission or the City Council.

(Based on Ord. 520)

§ 2-10-07 Application and Fees.

1. Drawings to be Submitted. The owner or his authorized agent shall submit the following drawings to the Zoning Administrator at the time of or prior to applying for a zoning certificate:
   a. A site plan, drawn to scale, showing the proposed layout of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, fences, and walls. The site plan shall indicate the locations of entrances and exits and the direction of traffic flow into and out of off-street parking and off-street loading areas, the location of each parking space and each loading berth, and areas for turning and maneuvering vehicles. The site plan shall indicate how utilities service and drainage are to be provided.
   b. A landscape plan, drawn to scale, showing the locations of existing trees proposed to be removed and proposed to be retained on the site, the location and design of landscaped areas and the varieties and sizes of plant materials to be planted therein, and other landscape features.
   c. Grading plans when determined by the Zoning Administrator to be necessary to ensure compliance with Section 2-10.04 (Purposes and Authorization).
   d. Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements, and showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified.
   e. Scale drawings of all signs that are subject to design review showing size, location, material, colors, and illumination, if any.
   f. The Board of Design Review or the Zoning Administrator may require additional information if necessary to determine whether the purposes of this article are being carried out, or may authorize omission of any or all of the drawings required by this section if they are not necessary. The Zoning Administrator shall specify the number of copies of each drawing to be submitted.

2. Fee. The application shall be accompanied by a fee established by resolution of the City Council to cover the cost of design review as prescribed in this article.

(Based on Ord. 520)

§ 2-10.08 Referral to Board of Design Review. The Zoning Administrator shall check all drawings submitted for design review. If he finds that the plans meet the requirements of all other articles of this chapter, he shall submit the drawings to the Board of Design Review. If the Zoning Administrator determines that a zoning certificate could not be issued without granting of a use permit, the granting of a variance, or the enactment of an amendment to this chapter, he shall inform the applicant and shall not submit the drawings to the Board.

(Based on Ord. 520)

§ 2-10.09 Action of Board of Design Review. Within 30 days of the date the drawings were submitted, the Board of Design Review shall approve, conditionally approve, or disapprove the drawings, or shall request the applicant to revise them. Failure of the Board to act within 30 days shall be deemed approval of the drawings unless the applicant shall consent to an extension of time.

(Based on Ord. 520, amended by Ord. 974)

§ 2-10.10 Effective Date of Design Review Decision. Within five days following the date of a decision of the Board of Design Review approving or conditionally approving drawings, the Secretary shall transmit written notice of the decision to the City Council and to the applicant. The decision shall become effective on the day following the first meeting of the Council after notice of the decision has been received unless the Council shall elect to review the decisions of the Board.

(Based on Ord. 520)

§ 2-10.11 Appeal to City Council. A decision of the Board of Design Review may be appealed to the City Council by the applicant as prescribed in Section 2-5.10 (Appeal to Board of Adjustment, City Planning Commission, or City Council.

(Based on Ord. 520)

§ 2-10.12 Action by City Council. Not later than at its next regular meeting following the filing of an appeal from a decision of the Board of Design Review by 15 days, or following a meeting at which the City Council elects to review an action and declines to confirm the decision of the Board of Design Review, the Council shall approve, conditionally approve, or disapprove the drawings, or shall request the applicant to revise them, provided that if a decision of the board is reversed or modified, the Council shall find that the decision was not in accord with Section 2-10.04 (Purposes and Authorization). Failure of the Council to act within the time period prescribed by this section shall be deemed approval of the drawings unless the applicant shall consent to an extension of time.

(Based on Ord. 520)

§ 2-10.13 Lapse of Design Review Approval. Design approval shall lapse and shall be void one year following the date upon which the drawings were approved, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion, or the applicant or his successor has filed a request for approval extension with the Zoning Administrator pursuant to the provisions of Section 2-12.24 (Administrative Extension of Approval).

(Based on Ord. 520, amended by Ord. 974)

§ 2-10.14 Residential Allocation Required. No residential project receiving design review approval shall be eligible to receive any building permits in the absence of an allocation from the Residential Allocation Board. The provisions of this section shall not be applicable to any project which has received sewer connection permits pursuant to Resolution No. 77-108 (A Resolution Specifically Allocating 140 Single Family Dwelling Unit Equivalent Sewer Connections at the Sunol Sewage Treatment Plant for Properties Located within the Sunol Sewer Service Area).

ARTICLE 20
Home Occupations

§2-10.15 Purpose. In order to allow the conduct of those types of occupations which traditionally take place in residences and which do not create the potential for changing the residential character of the neighborhood, the Zoning Administrator is empowered to grant home occupation permits. Home occupation permits can be granted by the Zoning Administrator only where all conditions listed in Section 2-10.17 can be met. However, the Planning Commission, on appeal, can modify said conditions if it finds that such modifications will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

§2-10.16 Exempt Occupations. Where the following regulations are met, no permit shall be required for the conduct of an occupation in the home:

a. No one other than one resident of the dwelling shall be employed in the conduct of the Home Occupation.

b. The Home Occupation shall consist of office type activities only (phone use, bookkeeping, drafting, etc.) and the production of minor arts and crafts items such as macrame, paintings, tole painting, etc., if the proper safety equipment is provided.

c. No clients or customers shall come to the premises in connection with the Home Occupation.

d. The Home Occupation shall be conducted only in the dwelling and shall be clearly incident and subordinate to the use of the structure as a dwelling.

e. There shall be no signing employed on the premises in conjunction with the Home Occupation.

f. The existence of the Home Occupation shall not be apparent beyond the boundaries of the site.

g. The residence address shall not be used in any advertising done in conjunction with the Home Occupation.

h. Materials, stock, supplies or equipment shall not be delivered to or picked up from the residence in connection with a Home Occupation except by the permittee.

i. Equipment, materials and supplies used for the Home Occupation shall consist of office type items (typewriter, desk, files, etc.) and those used in the production of minor arts and crafts items (yarn, hemp, watercolors, oil paints, etc.) and shall not occupy more than one room of the dwelling.

j. The Home Occupation shall not create pedestrian or vehicular traffic in excess of the amount normally generated by residential uses allowed in the district.

(Based on Ord. 808 Adopted 1/10/77)

2-10.17 Required Conditions. Except as stipulated in 2-10.20, Home Occupations in A and R Districts shall comply with the following regulations:

a. No one other than residents of the dwelling shall be employed in the conduct of a Home Occupation.

b. Materials, equipment, stock or supplies used for a Home Occupation shall not occupy more than one room of a dwelling or more than 50 square feet of an accessory building or garage.

c. Nothing in connection with a Home Occupation shall inhibit the use of a garage for the storage of motor vehicles.

d. No manufacturing shall take place in conjunctio with a Home Occupation except for the production of handmade objects otherwise consistent with the conditions of this article.

e. The Home Occupation shall be clearly incidental and subordinate to the use of the structure as a dwelling.

f. A Home Occupation shall not create any radio or television interference, or create noise in excess of that normally created by residential uses allowed in the district.

g. A Home Occupation shall not emit smoke, odor or liquid or solid waste in excess of the amount normally created by residential uses allowed in the district.

h. A Home Occupation shall not create pedestrian or vehicular traffic in excess of the amount normally generated by residential uses allowed in the district.

i. Materials, stock, supplies or equipment shall not be delivered to or picked up from the residence in connection with a Home Occupation except by the permittee.

j. No vehicle exceeding one ton in size shall be used in conjunction with a Home Occupation.

k. Except as stipulated in Sec. 2-9.41 (Signs in A and R Districts), no signing shall be employed on the site in conjunction with a Home Occupation.

l. The existence of a Home Occupation shall not be visually apparent beyond the boundaries of the site.

2-10.18 Zoning Certificate Required. Application for a zoning certificate for a Home Occupation shall be made to the Zoning Administrator on a form supplied by the City. The Zoning Administrator shall issue a certificate upon determining that the proposed Home Occupation meets all of the requirements of this article.

2-10.19 Planning Commission Review. The Planning Commission may review any decision made by the Zoning Administrator in conjunction with a Home Occupation. Such review may be either at the request of the Planning Commission, the Zoning Administrator, the applicant, or other aggrieved party in the form of an appeal. An appeal to the Planning Commission shall be as prescribed in 2-5.10 (Appeal to Board of Adjustment, City Planning Commission or City Council) and 2-5.11 (Public Hearing on Appeal).

2-10.20 Modification of Required Conditions. The Planning Commission may approve or deny an appeal and in approving an application, may impose additional conditions or may modify any of the conditions required in 2-10.17 if it determines that such additional conditions or modifications will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

2-10.21 Suspension and Revocation. Upon violation of any applicable provision of this chapter, or, if granted subject to conditions, upon failure to comply with conditions, a Home Occupation permit shall be suspended automatically. The City Planning Commission shall hold a public hearing within forty (40) days, and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the Home Occupation permit or take such action as may be

necessary to ensure compliance with the regulation, general provision, or condition. Within ten (10) days following the date of a decision of the Commission revoking a Home Occupation permit, the Secretary shall transmit to the City Council written notice of the decision. The decision shall become final 15 days following the date on which the use permit was revoked or on the day following the next meeting of the Council, whichever is later, unless an appeal has been taken to the Council, or unless the Council shall elect to review and decline to affirm the decision of the Commission.

(Based on Ord. 808, Adopted 1/10/77)

Article 21

Temporary Uses

§ 2-10.22 Temporary Conditional Uses. The following temporary uses shall be permitted upon the granting of a use permit in accord with the provisions of § 2-11.18 relating to Temporary Use Permit:

a. Temporary conditional uses in C districts prescribed in Sec. 2-7.08 (Permitted and Conditional Uses).
b. Subdivision sales offices or construction yards located not less than 200 feet from any existing dwelling outside the subdivision.
c. Non-residential uses conducted in trailers, provided each use shall be a permitted use or a conditional use in the district in which it is located.
d. Trailer residence of fair, circus, or carnival personnel or Christmas tree sales personnel on the site of the principal use, or trailer residence of a watchman on the site of a construction project.

(Based on Sec. 20.100, Ord. 520)

§ 2-10.23 Temporary Uses A temporary use in an existing structure may be permitted in a "C" District, for not to exceed one year where it appears by specific finding made by the Planning Commission that:

1. The temporary use is proposed only pending application for rezoning to accommodate a permitted or conditionally permitted use. The permit may be conditioned upon the filing of such application.

2. The temporary use, even though not permitted or conditionally permitted, is not so inconsistent with the regulations for the district in which it is located as to constitute a traffic hazard or parking problem, or to create noise, odor, or other conditions offensive to the senses, or to be inconsistent with the adjoining land uses.

   The permit may be revocable or granted subject to such conditions as the Commission may prescribe. Conditions may include, but shall not be limited to, requiring that no structural alterations be made to the structure in order to accommodate the temporary use; requiring street dedications and improvements; requiring any or all of the conditions specifically allowed in Article 25 or Article 26.

   The City Council may elect to review a decision of the Planning Commission as described in Section 2-5.09 hereof, or a decision of the Commission may be appealed to the City Council by the applicant or by any other person as prescribed in Section 2-5.10 hereof. An appeal shall be heard and acted upon as described in Sections 2-5.11 and 2-5.12 hereof.

(Based on Section 20.101, Ord. 520 as amended by Ord. 569)

§2-10.24 Fairgrounds Related Parking; Temporary Use Permit. Upon the granting of a temporary use permit in accord with the provisions described below, a fee parking lot may be operated on any property within the City for the purpose of providing parking for activities occurring at the Alameda County Fairgrounds.

a. Procedure. The Director of Planning and Community Development, or his designated representative, shall prepare a permit procedure for such temporary uses. Fees for the processing of applications shall be established in the Resolution Establishing Fees and Charges for Various Municipal Services.

b. Conditions. No permit shall be granted unless the operation of the fee parking lot will not be detrimental to the public health, safety, and general welfare. Conditions may be attached to permit approval as necessary to protect the public health, safety, and general welfare.

c. Revocation of Permit. Upon operation of a fee parking lot in a manner detrimental to the public health, safety, and general welfare or, if granted subject to conditions, upon failure to comply with those conditions, the temporary use permit may be revoked. While the permit is revoked, no additional vehicles shall be parked on the site. The temporary use permit may be reinstated following reapplication with the City.

d. Violation. No person shall operate a fee parking lot, and no person shall allow property owned or occupied by them to be operated as a fee parking lot, without a temporary use permit being in full force and effect; nor shall any fee parking lot be operated in violation of its conditions of approval. Violations of this section shall be deemed infractions. The City, at its election, may revoke the permit, cite the violator for an infraction, or both revoke the permit and cite the violator for an infraction.

e. Exemption. Fee parking lots operated by the Alameda County Fair or any other governmental body shall be exempt from the provision of this section.

(Based on Ord. 890, adopted 7/12/79)

§2-10.25 Outdoor Sales. Temporary outdoor display and/or sale of merchandise or services meeting the following requirements shall be permitted upon the granting of a temporary use permit in accordance with the provisions of §2-11.18 of this chapter.

a. Outdoor display and/or sale of merchandise shall be done as part of a business district or shopping center event or to benefit charitable or nonprofit organizations. No outdoor sales by businesses on an individual basis shall be allowed.

b. Temporary outdoor sales shall not last longer than three days.

c. No more than four (4) events per year featuring outdoor sales shall be held by any individual business district or shopping center, except that outdoor sales events benefitting charitable or nonprofit organizations shall not count toward the four(4) event limit and shall not be limited in number.

d. No permit shall be granted unless the operation of the outdoor sale will not be detrimental to the public health, safety and general welfare. Conditions may be attached to the permit approval as necessary to protect the public health, safety and general welfare.

(Based on Sec. 3, Ord. 1051)

Article 22

Trailer and Trailer Parks

§ 2-10.26 Occupancy. Except as provided in §2-10.22 (Temporary Conditional Uses) and §2-10.29 (Trailers on School Sites), no trailer (mobile home) shall be occupied or used for living or sleeping purposes unless it is located in a licensed trailer park, provided that a trailer may be used as an office for a construction project.

(Based on Ord. 520, amended by Ord. 830)

§ 2-10.27 Parking. No trailer, whether designed for living or sleeping purposes or not, shall be parked or stored in an R District except as prescribed in §2-5.47 (Types of Vehicles and Parking Locations Permitted in R Districts) and §2-10.29.

(Based on Ord. 520, amended by Ord. 830)

§ 2-10.28 Required Conditions for Trailer Parks. Trailer parks permitted as conditional uses in the RM and C-F districts shall comply with the regulations prescribed in Article 3 (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations), except as provided in this section.

a. The minimum site area for trailer park shall be five acres, provided that pre-existing trailer park shall be five acres, conforming by reason of failure to meet the minimum site area requirement. A pre-existing trailer park conforming in all respects except site area may be expanded, but shall not be reduced in the area.

b. There shall be 4,000 square feet of site area for each trailer space. A pre-existing trailer park shall not be deemed nonconforming by reasons of failure to meet the minimum site area per trailer space requirement, and may be enlarged provided that there shall be 4,000 square feet of additional site area for each trailer space added.

c. A trailer park shall meet the usable open space requirements for the district in which it is located, provided that a trailer park in a C-F district shall meet the open space requirements for the RM-1500 district, and provided that each trailer park shall have in addition at least one recreation space not less than 5,000 square feet in the area and suitably developed for the use of residents of the trailer park.

d. Not more than one dwelling unit shall be located on the site of a trailer park in a C-F district.

e. No trailer or dwelling unit shall be located in a required yard or less than 20 feet from a street property line or another trailer or less than 15 feet from a property line not abutting a street.

f. All areas used for automobile circulation or parking shall be improved as prescribed for required parking facilities in §2-9.18 (Standards for Off-Street Parking Facilities).

g. The site shall be landscaped as required in §2-5.46 (Screening and Landscaping), and shall have additional landscaping, including trees, shrubs, and lawn, as determined by the Board of Design Review to provide a suitable setting.

(Based on Ord. 520)

§ 2-10.29 Trailers on School Sites. A trailer may be occupied or used for living or sleeping purposes on a developed public or private school site or college site, provided that such trailer is occupied for the purpose of reducing vandalism and other damage to school facilities. A Conditional Use Permit, in accordance with Article 25 (Conditional Uses) of this Chapter, is required for installation of a trailer.

(Based on Ord. 830)

Article 23

Non-Conforming Uses, Structures, and Signs

§ 2-10.32 Purposes. This article is intended to limit the number and extent of non-conforming uses by prohibiting their enlargement, their re-establishment after abandonment, and the alteration or restoration after destruction of the structures they occupy. While permitting the use and maintenance of non-conforming structures and signs, this article is intended to limit the number and extent of non-conforming structures and certain non-conforming signs by prohibiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting their restoration after destruction. Eventually, certain classes of non-conforming uses, non-conforming structures of nominal value, and certain non-conforming signs are to be eliminated or altered to conform.

(Based on Sec. 22.100, Ord. 520)

§ 2-10.33 Continuation and Maintenance.

a. A use, lawfully occupying a structure or a site on the effective date of Ordinance 520, May 3, 1968, or of amendments thereto, that does not conform with the use regulations or the site area per dwelling unit regulations for the district in which the use is located shall be deemed to be a non-conforming use and may be continued, except as otherwise provided in this article.

b. A structure, lawfully occupying a site on the effective date of Ordinance 520, May 3, 1968, or of amendments thereto, that does not conform with the standards for front yard, side yards, rear yard, height, or basic floor area of structures, distances between structures, courts, or usable open space for the district in which the structure is located shall be deemed to be a non-conforming structure and may be used and maintained, except as otherwise provided in this article.

c. A sign, outdoor advertising structure, or display of any character, lawfully occupying a site on the effective date of Crdinance No. 520, or of amendments thereto, that does not conform with the standards for subject matter, location, size, lighting, or movement prescribed for signs, outdoor advertising structures, and displays for the district in which it is located shall be deemed to be a non-conforming sign and may be displayed and maintained, except as otherwise provided in this article

d. Routine maintenance and repairs may be performed on a structure or site the use of which is non-conforming, on a non-conforming structure, and on a non-conforming sign.

(Based on Sec. 22.101, Ord. 520)

§ 2-10.34 Alterations and Additions to Non-Conforming Uses, Structures, and Signs.

a. No structures, the use of which is non-conforming, and no non-conforming sign shall be moved, altered, or enlarged unless required by law, or unless the moving, alteration, or enlargement will result in the elimination of the non-conformity, except that a structure housing a non-conforming residential use in an A, R, O, or C district may be altered or enlarged, provided that the number of dwelling units is not increased.

b. No structure partially occupied by a non-conforming use shall be moved, altered, or enlarged in such a way as to permit the enlargement of the space occupied by the non-conforming use, except as permitted in this section.

c. No non-conforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site or another structure or site which it did not occupy on the effective date of Ordinance 520 or of the amendments thereto that caused it to become a non-conforming use, or in such a way as to displace any conforming use occupying a structure or site, except as permitted in this section.

d. No non-conforming structure shall be altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yard, side yards, rear yard, height of structures distances between structures, courts, or usable open space prescribed in the regulations for the district in which the structure is located. No non-conforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yard, side yards, rear yard, height of structures, basic floor area, distances between structures, courts, or usable open space prescribed in the regulations for the district in which the structure is located.

e. The non-conforming use of a structure or site shall not be changed to another non-conforming use.

f. No use which fails to meet the required conditions for the district in which it is located by reason of noise, emissions, odor, vibration, heat, cold, glare, electrical disturbance, radiation, insect nuisance, or waste disposal, shall be enlarged or extended or shall have equipment that results in failure to meet required conditions replaced unless the enlargement, extension, or replacement will result in elimination of non-conformity with required conditions.

(Based on Sec. 22.102, Ord. 520)

§ 2-10.35 Abandonment of Non-Conforming Use. Whenever a non-conforming use has been abandoned, discontinued, or changed to a conforming use for a continuous period of 90 days or more, the non-conforming use shall not be re-established, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located, provided that this section shall not apply to non-conforming dwelling units. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use.

(Based on Sec. 22.103, Ord. 520)

§ 2-10.36 Restoration of a Damaged Structure or Sign.

a. Whenever a structure or sign which does not comply with the standards for front yard, side yards, rear yard, height of structures, distances between structures, courts, or usable open space prescribed in the regulations for the district in which the structure is located, or in the case of signs, with any of the requirements of Article 18 hereof, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, by the act of God, or by the public enemy to the extent of 50 per cent or less, the structure may be restored and the non-conforming use may be resumed, provided that restoration is started within one year and diligently pursued to completion.

b. Whenever a structure which does not comply with the standards for front yard, side yards, rear yard, height of structures, distances between structures, courts, or usable open space prescribed in the regulations for the district in which it is located, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, by act of God, or by the public enemy to an extent greater than 50 per cent, or is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the non-conforming use shall not be resumed.

c. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the Director of Public Works.

(Based on Sec. 22.104, Ord. 520, as amended by Sec. I, Ord. 551)

§ 2-10.37 Elimination of Non-Conforming Uses, Structures, and Signs.

Non-conforming uses, structures, and signs listed in the following table shall be discontinued and removed from their sites, altered to conform, or altered as prescribed to decrease the degree of non-conformity, within the specified time after they become non-conforming.

Removal or alteration required	Maximum time permitted for removal or alteration after use becomes non-conforming
Removal or alteration of a non-conforming fence, wall, or hedge	1 year
Removal of a non-conforming business or advertising sign or structure in an R district	1 year
Removal of a non-conforming sign painted on a wall	1 year
Removal or alteration of a sign having non-conforming lighting or movement	1 year
Removal of a non-conforming advertising sign or structure in an A,O,C,I,Q,P,S, or PUD district	2 years

Removal of alteration required (cont'd)	Maximum time permitted for removal or alteration after use becomes non-conforming
Removal of a non-conforming use that does not occupy a structure or a use occupying a structure having an assessed valuation of less than $500	3 years
Compliance with screening and landscaping provisions of Article 3 for district in which use is located, provided that removal or alteration of a non-conforming structure having an assessed valuation of $500 or more shall not be required	3 years
Compliance with Sec. 2-9.17, h, i, j (Standards for Off-Street Parking Facilities)	3 years
Compliance with the noise, emissions, odor, vibration, heat and cold, glare, electrical disturbance, radiation, insect nuisance, and waste disposal requirements for the district in which a permitted use or a pre-existing conditional use is located	3 years
Compliance with the noise, emissions, odor, vibration, heat, cold, glare, electrical disturbance, radiation, insect nuisance, and waste disposal requirements for the districts in which a non-conforming use is a permitted use or a conditional use, provided that a non-conforming use permitted only in an I district shall comply with the requirements for the I-P district	3 years
Removal or alteration of a non-conforming structure having an assessed valuation of less than $500	5 years

(Based on Sec. 22.105, Ord. 520)

§ 2-10.38 Time When Use, Structure, or Sign Becomes Non-Conforming. Whenever a use, structure, or sign becomes non-conforming because of a change of zoning district boundaries or a change of regulations for the district in which it is located, the period of time prescribed in this article for the elimination of the use or the removal of the structure or sign shall be computed from the effective date of the change of district boundaries or regulations.

(Based on Sec. 22.106, Ord. 520)

§ 2-10.39 Notice of Removal Date for Non-Conforming Use, Structure, or Sign. The Zoning Administrator shall determine the existence of non-conforming uses listed in Sec. 2-10.37 (Elimination of Non-Conforming Uses, Structures, and Signs), and shall promptly notify the owner of each non-conforming use, structure, or sign by certified or registered mail of the date by which compliance with the provisions of Sec. 2-10.37 will be required. Notification shall precede the date by which elimination is required by not less than the time periods prescribed in Sec. 2-10.37.

(Based on Sec. 22.107, Ord. 520)

Article 24

Determination As To Uses Not Listed

§ 2-10.43 Purpose and Initiation. In order to ensure that the Zoning Ordinance will permit all similar uses in each district, the City Planning Commission upon its own initiative or upon written request shall determine whether a use not specifically listed as a permitted use or a conditional use in an A, O, C, or I district shall be deemed a permitted use or a conditional use in one or more districts on the basis of similarity to uses specifically listed. The procedures of this article shall not be substituted for the amendment procedure as a means of adding new uses to the lists of permitted uses and conditional uses, but shall be followed to determine whether the characteristics of a particular use not listed are sufficiently similar to a listed use to justify a finding that the use should be deemed a permitted use or a conditional use in one or more districts.

(Based on Sec. 23.100, Ord. 520)

§ 2-10.44 Application. Application for determination that a specific use should be included as a permitted use or a conditional use in an A, O, C, or I district shall be made in writing to the Zoning Administrator, and shall include a detailed description of the proposed use and such other information as may be required by the Zoning Administrator to facilitate the determination.

(Based on Sec. 23.101, Ord. 520)

§ 2-10.45 Investigation and Report. The Zoning Administrator shall make such investigations of the application as he deems necessary to compare the nature and characteristics of the proposed use with those of the uses specifically listed in this chapter, and shall prepare a report thereon which shall be submitted to the City Planning Commission to aid the Commission in making its determination of the classification of the proposed use.

(Based on Sec. 23.102, Ord. 520)

§ 2-10.46 Determination. The determination of the City Planning Commission shall be rendered in writing within 60 days unless the applicant consents to an extension of the time period, and shall include findings supporting the conclusion.

(Based on Sec. 23.103, Ord. 520)

§ 2-10.47 Effective Date of Determination. Within ten days following the date of a decision of the City Planning Commission on a request for a determination as to a use not listed, the Secretary shall transmit to the City Council written notice of the decision. The decision shall become effective 15 days following the date on which the determination was made or on the day following the next meeting of the Council, whichever is later, unless an appeal has been taken to the Council, or unless the Council shall elect to review the decision of the Commission.

(Based on Sec. 23.104, Ord. 520)

§ 2-10.48 Appeal to City Council. A decision of the City Planning Commission may be appealed to the City Council by the applicant or any other person as prescribed in Sec. 2-5.10 (Appeal to Board of Adjustment, City Planning Commission, or City Council).

(Based on Sec. 23.105, Ord. 520)

§ 2-10.49 Determination by City Council. The determination of the City Council shall be rendered in writing within 40 days unless the applicant consents to an extension of the time period, and shall include findings supporting the conclusion.

(Based on Sec. 23.106, Ord. 520)

Article 25

Conditional Uses

§ 2-11.03 Purposes and Authorization. In order to give the district use regulations the flexibility necessary to achieve the objectives of this chapter, in certain districts conditional uses are permitted, subject to the granting of a use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the Zoning Ordinance, and with respect to their effects on surrounding properties. In order to achieve these purposes, the City Planning Commission is empowered to grant and to deny applications for use permits for such conditional uses in such districts as are prescribed in the district regulations and to impose reasonable conditions upon the granting of use permits, subject to the right of appeal to the City Council or to review by the Council.

(Based on Sec. 24.100, Ord. 520)

§ 2-11.04 Application and Fee.

1. Data and Maps to be Furnished. Application for a use permit shall be filed with the Zoning Administrator on a form prescribed by the City Planning Commission and shall include the following data and maps:
   a. Name and address of the applicant.
   b. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the use is proposed to be located. This provision shall not apply to a proposed public utility right-of-way.
   c. Address or description of the property.
   d. Statement indicating the precise manner of compliance with each of the applicable provisions of this chapter, together with any other data pertinent to the findings prerequisite to the granting of a use permit, prescribed in Sec. 2-11.08 (Findings).
   e. An accurate scale drawing of the site and the surrounding area showing existing streets and property lines for a distance from each boundary of the site determined by the Zoning Administrator to be necessary to illustrate the relationship to and impact on the surrounding area.
   f. An accurate scale drawing of the site showing the contours at intervals of not more than five feet and existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities, landscaped areas, trees, fences, and walls.
   g. In a Q district, an application for rock, sand, or gravel extraction or processing shall be accompanied by the data and plans prescribed in Sec. 2-7.33(1) (Plan and Operating Data Required), and Sec. 2-7.33(2) (General Plan for Re-use Required).
   h. The Zoning Administrator may require additional information, plans, and drawings if they are necessary to enable the Commission to determine whether the proposed use will comply with

all of the applicable provisions of this chapter. The Zoning Administrator may authorize omission of any or all of the plans and drawings required by this section if they are not necessary.

(Based on Sec. 24.101.1, Ord. 520)

2. Fee. The application shall be accompanied by a fee established by resolution of the City Council to cover the cost of handling the application as prescribed in this article, except that there shall be no fee for application for a conditional use in an S district.

(Based on Sec. 24.101.2, Ord. 520)

§ 2-11.05 Public Hearing. The City Planning Commission shall hold at least one public hearing on each application for a use permit. The hearing shall be set and notice given as prescribed in Sec. 2-5.08 (Public Hearing Time and Notice). At the public hearing the Commission shall review the application and the drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Sec. 2-11.08 (Findings).

(Based on Sec. 24.102, Ord. 520)

§ 2-11.06 Investigation and Report. The Zoning Administrator shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the City Planning Commission and made available to the applicant prior to the public hearing.

(Based on Sec. 24.103, Ord. 520)

§ 2-11.07 Action of the City Planning Commission. Within 40 days following the closing of a public hearing on a use permit application, the City Planning Commission shall act on the application. The Commission may grant by resolution an application for a use permit as the use permit was applied for or in modified form, or the application may be denied. A use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Commission may prescribe. Conditions may include but shall not be limited to requiring special yards, open spaces, buffers, fences, and walls; requiring installation and maintenance of landscaping; requiring street dedications and improvements; regulations of points of vehicular ingress and egress; regulation of traffic circulation; regulation of signs; regulation of hours of operation and methods of operation; control of potential nuisances; prescribing standards for maintenance of buildings and grounds; and prescription of development schedules. A use permit may not grant variances to the regulations prescribed by this chapter for fences, walls, hedges, screening, and landscaping; site area, width, frontage, and depth; front, rear, and side yards; basic floor area; height of structures; distances between structures; courts, usable open space; signs; or off-street parking facilities and off-street loading facilities, for which variance procedures are prescribed by Article 26 (Variances).

(Based on Sec. 24.104, Ord. 520)

§ 2-11.08 Findings. The City Planning Commission shall make the following findings before granting a use permit:

a. That the proposed location of the conditional use is in accordance with the objectives of this chapter and the purposes of the district in which the site is located.
b. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.
c. That the proposed conditional use will comply with each of the applicable provisions of this chapter.

(Based on Ord. 520)

§ 2-11.09 Effective Date of Use Permit. Within ten days following the date of a decision of the City Planning Commission on a use permit application, the Secretary shall transmit written notice of the decision to the City Council and to the applicant. A use permit shall become effective 15 days following the date on which the use permit was granted or on the day following the next meeting of the Council, whichever is later, unless an appeal has been taken to the Council, or unless the Council shall elect to review the decision of the Commission. A use permit shall become effective immediately after its granted by the Council.

(Based on Ord. 520)

§ 2-11.10 Review or Appeal. The City Council may elect to review a decision of the City Planning Commission as prescribed in §2-5.09 (City Council Review), or a decision of the Commission may be appealed to the City Council by the applicant or by any other person as prescribed in §2-5.10 (Appeal to the Board of Adjustment, City Planning Commission, or City Council). An appeal shall be heard and acted upon as prescribed in §2-5.11 (Public Hearing on Appeal), and §2-5.12 (Action on Appeal).

(Based on Ord. 520)

§ 2-11.11 Lapse of Use Permit. A use permit shall lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or certificate of occupancy is required, or the applicant or his successor has filed a request for extension with the Zoning Administrator pursuant to the provisions of Section 2-12.24 (Administrative Extension of Approval).

(Based on Ord. 520, amended by 974)

§ 2-11.12 Pre-Existing Conditional Uses.

a. A conditional use legally established prior to the effective date or Ordinance 520, May 3, 1968, or subsequent amendments thereto, shall be permitted to continue, provided that it is operated and maintained in accord with the conditions prescribed at the time of its establishment, if any.
b. Alteration or expansion of a pre-existing conditional use shall be permitted only upon the granting of a use permit as prescribed in this article, provided that alterations not exceeding $1,500 in value as determined by the Building Inspector shall be permitted without the granting of a use permit.
c. A use permit shall be required for the reconstruction of a structure housing a pre-existing conditional use if the structure is destroyed by fire or other calamity, by act of God, or by the public enemy to a greater extent than 50 percent. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the Director of Public Works.

(Based on Ord. 520)

§ 2-11.13 Modification of Conditional Use. §2-11.04 through §2-11.10 shall apply to an application for modification, expansion, or other change in a conditional use, provided that minor revisions or modifications may be approved by the Zoning Administrator if he determines that the changes would not affect the findings prescribed in §2-11.08 relating to Findings.

(Based on Ord. 520)

§ 2-11.14 Suspension and Revocation. Upon violation of any applicable provision of this chapter, or, if granted subject to conditions, upon failure to comply with conditions, a use permit shall be suspended automatically. The City Planning Commission shall hold a public hearing within 40 days, in accord with the procedure prescribed in §2-11.05 (Public Hearing), and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision, or condition. Within ten days following the date of a decision of the Commission revoking a use permit, the Secretary shall transmit to the City Council written notice of the decision. The decision shall become final 15 days following the date on which the use permit was revoked or on the day following the next meeting of the Council, whichever is later, unless an appeal has been taken to the Council, or unless the Council shall elect to review and decline to affirm the decision of the Commission, in which cases §2-11.10 (Review or Appeal) shall apply.

(Based on Ord. 520)

§ 2-11.15 New Application. Following the denial of a use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the use permit.

(Based on Sec. 24.112, Ord. 520)

§ 2-11.16 Use Permit to Run with the Land. A use permit granted pursuant to the provisions of this article shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application.

(Based on Sec. 24.113, Ord. 520)

§ 2-11.17 Time of Application Where Zoning Reclassification is Required. Application for a use permit may be made at the same time as application for a change in district boundaries including the same property, in which case the City Planning Commission shall hold the public hearing on the zoning reclassification and the use permit at the same meeting and may combine the two hearings. For the purposes of this section the date of the Commission decision on the use permit application shall be deemed to be the same as the date of enactment by the City Council of an ordinance changing the district boundaries, provided that if the Council modifies a recommendation of the Commission on a zoning reclassification, the use permit application shall be reconsidered by the Commission in the same manner as a new application.

(Based on Sec. 24.114, Ord. 520)

§ 2-11.18 Temporary Use Permit. Use permits for specified temporary conditional uses in C districts may be granted by the Zoning Administrator provided that the findings required by Sec. 2-11.08 (Findings) shall be made. No public hearing shall be held unless the Zoning Administrator shall request a hearing. A permit for a temporary use shall authorize conduct of the use for a specified term not to exceed 60 days, provided that a permit for a subdivision sales office or a temporary construction yard or office may be for a period not to exceed one year. A decision of the Zoning Administrator on a temporary conditional use shall be subject to appeal as prescribed in Sec.2-12.19 relating to Administrative Appeal Procedure.

(Based on Sec. 24.115, Ord. 520)

§ 2-11.19 Design Review. All conditional uses shall be subject to design review as prescribed in Article 19 (Design Review). Applicants are advised to confer with the Zoning Administrator before preparing detailed plans.

(Based on Sec. 24.116, Ord. 520)

Article 26

Variances

§ 2-11.23 Purposes and Authorization.

a. In order to prevent a particular property from being deprived of privileges enjoyed by other properties in the vicinity and under the identical zoning classification due to special circumstances applicable to the property, the Board of Adjustment is empowered to grant variances.

b. The power to grant variances does not extend to use regulations because the flexibility necessary to avoid results inconsistent with the objectives of the zoning regulations is provided by Article 25 (Conditional Uses); provided, however, that a variance may be granted consistent with the provisions of this article to allow extension, expansion or alteration of a non-conforming use.

c. The Board of Adjustment may grant variances or may authorize the Zoning Administrator to grant cartain variances to the regulations prescribed by this chapter, in accord with the procedure prescribed in this article, with respect to fences, walls, hedges, screening, and landscaping; site area, width, frontage, and depth; front, rear and side yards; basic floor area; height of structures; distances between structures; courts; usable open space; signs; and off-street parking and off-street loading facilities.

(Based on Sec. 25.100, Ord. 520, as amended by Sec. I, Ord. 536 and by Ord. 791)

§ 2-11.24 Board of Adjustment: Membership and Meetings. The Board of Adjustment shall be composed of at least three members of the City Planning Commission appointed by the chairman of the Commission. If the Board does not include the full Commission, its members shall be appointed for one year terms and shall serve until their successors are appointed. If the Board does not include the full Commission, the Board shall elect a chairman who shall serve a one year term. The Board shall hold at least one regular meeting each month, provided that a meeting need not be held if no matters have been submitted for consideration of the Board.

(Based on Sec. 25.101, Ord. 520 as amended by Ord. 791)

§ 2-11.25 Application and Fee.

1. Data and Maps to be Furnished. Application for a variance shall be filed with the Zoning Administrator on a form prescribed by the Board of Adjustment and shall include the following data and maps:

a. Name and address of the applicant.
b. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the variance is being requested.
c. Address or description of the property.
d. Precise statement of the variance requested, the special circumstances giving rise to the request for the variance and other data pertinent to the prerequisite findings set forth in 2-11.29.
e. An accurate scale drawing of the site and any adjacent property affected, showing, when pertinent, the contours at intervals of not more than five feet, and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities, and landscaped areas.
f. If required for a hearing as prescribed in Sec. 2-11.27 (Public Hearing), the application shall be accompanied by an accurate scale drawing of the site and the surrounding area showing existing streets and property lines for a distance from each boundary of the site determined by the Zoning Administrator to be necessary to illustrate the relationship to and impact on the surrounding area.
g. The Zoning Administrator may require additional information, plans, and drawings if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of a variance exist. The Zoning Administrator may authorize omission of any or all the plans and drawings required by this section if they are not necessary.

(Based on Sec. 25.102.1, Ord. 520 and by Ord. 791)

2. Fee. The application shall be accompanied by a fee established by resolution of the City Council to cover the cost of handling the application as prescribed in this article. A single application may include requests for variances from more than one regulation applicable to the same site, or for similar variances on two or more sites with similar characteristics.

(Based on Sec. 25.102.2, Ord. 520)

§ 2-11.26 Action by Zoning Administrator.

a. If authorized by the Board of Adjustment, the Zoning Administrator may grant, grant in modified form, condition or deny a request for a variance. The Zoning Administrator must make a decision on a request on or before the tenth day following receipt of the completed application. The Zoning Administrator shall mail a notice of the action taken to the applicant, the Board, adjacent property owners or any others found by the Administrator to be interested parties, on or before the fifth day following the decision. The Administrator's decision shall become effective at 5:00 P.M. on the fifteenth (15th) day following the decision unless an appeal to the Board of Adjustment has been filed with the Planning Department prior to that time.

b. Applications not decided by the Zoning Administrator shall be decided by the Board of Adjustment. Upon receipt of the completed application, the Zoning Administrator shall schedule a hearing at the earliest possible meeting of the Board, taking into account time necessary for staff preparation and public notice.

(Based on Sec. 25.103 of Ord. 520, and amended by Ord. 791)

§ 2-11.27 Public Hearing. The Board of Adjustment shall hold a public hearing on an application for a variance if requested by the applicant, by the Zoning Administrator, or by any other person, or if the Board has not authorized the Zoning Administrator to make a decision on the type of variance requested. The hearing shall be set and notice given as prescribed in Sec. 2-5.08 (Public Hearing Time and Notice). At a public hearing, the Board shall review the application, statements, and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Sec. 2-11.29(1) (Findings).

(Based on Sec. 25.104, Ord. 520)

§ 2-11.28 Investigation and Report. The Zoning Administrator shall make an investigation of each application that is the subject of a public hearing and shall prepare a report thereon which shall be submitted to the Board of Adjustment and made available to the applicant prior to the public hearing.

(Based on Sec. 25.105, Ord. 520)

§ 2-11.29 Action of the Board of Adjustment or Zoning Administrator. Within 40 days following the closing of a public hearing on a variance application, the Board of Adjustment shall act on the application. The Board may grant by resolution a variance as the variance was applied for or in modified form, or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Board or the Zoning Administrator may prescribe.

(Based on Sec. 25.106, Ord. 520)

1. **Findings. The Board of Adjustment or the Zoning Administrator may grant a variance to a regulation prescribed by this chapter with respect to fences, walls, hedges, screening, or landscaping; site area, width, frontage, or depth; front, rear, or side yards; basic floor area; height of structures; distances between structures;** courts; usable open space; or other regulations of this chapter, but a variance shall not be granted for a parcel of property for a use or activity not expressly authorized by the zone regulation governing the parcel of property. Variances from these regulations may be granted only when the Board of Adjustment or the Zoning Administrator finds that the following circumstances apply:

a. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

b. **That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitation on other properties classified in the same zoning district.**

c. **That the granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.**

(Based on Sec. 25.106.1, Ord. 520 and amended by Ord. 791)

2. Signs: Additional Findings. **The Board of Adjustment or the Zoning Administrator, when authorized, may grant a variance to a regulation prescribed by this chapter with respect to signs as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Board or the Zoning Administrator makes findings of fact that establish that the circumstances prescribed in Sec. 2-11.29(1) apply and the following circumstances also apply:**
   a. **That the granting of the variance will not detract from the attractiveness or orderliness of the City's appearance.**
   b. **That the granting of the variance will not introduce an inharmonious visual element into the district in which the sign would be located.**
   c. **That the granting of the variance will not create a hazard to public safety.**

(Based on Sec. 25.106.2, Ord. 520)

3. Parking and Loading: Additional Findings. **The Board of Adjustment or the Zoning Administrator, when authorized, may grant a variance to a regulation prescribed by this chapter with respect to off-street parking facilities or off-street loading facilities, as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Board or the Zoning Administrator makes findings of fact that establish that the circumstances prescribed in Sec. 2-11.29(1) apply and the following circumstances also apply:**
   a. **That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.**
   b. **That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.**

c. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this chapter.

(Based on Ord. 520, amended by 791)

§ 2-11.30 Effective Date of Variance Decision by Board of Adjustment. Within ten days following the date of a decision of the Board of Adjustment on a variance application, the Secretary shall transmit written notice of the decision to the City Council and to the applicant. A variance shall become effective 15 days following the date on which the variance was granted or on the day following the next meeting of the Council, whichever is later, unless an appeal has been taken to the Council, or unless the Council shall elect to review the decision of the Board. A variance shall become effective immediately after it is granted by the Council.

(Based on Ord. 520)

§ 2-11.31 Review or Appeal. The City Council may elect to review a decision of the Board as prescribed in §2-5.09 (City Council Review), or a decision of the Board may be appealed to the City Council by the applicant or any other person as prescribed in §2-5.10 (Appeal to Board of Adjustment, City Planning Commission, or City Council). An appeal shall be heard and acted upon as prescribed in §2-5.11 (Public Hearing on Appeal), and §2-5.12 (Action on Appeal).

(Based on Ord. 520)

§ 2-11.32 Lapse of Variance. A variance shall lapse and shall become void one year following the date on which the variance became effective unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a permit is issued authorizing occupancy of the site or structrue which was the subject of the variance application, or the site is occupied if no building permit or certificate of occupancy is required, or the applicant or his successor has filed a request for extension with the Zoning Administrator pursuant to the provisions of §2-12.24 (Administrative Extension of Approval).

(Based on Ord. 520, amended by 974)

§ 2-11.33 Revocation. A variance granted by the Board of Adjustment subject to conditions shall be revoked by the Board if the conditions are not complied with, and a variance granted by the Zoning Administrator subject to conditions shall be revoked by the Zoning Administrator if the conditions are not complied with. The decision of the Zoning Administrator shall become final 15 days following the date on which the variance was revoked, unless an appeal has been filed with the Secretary of the Board. Within 15 days after revoking a variance, the Zoning Administrator shall submit a report to the Board stating his reasons for the action. The decision of the Board of Adjustment reovking a variance shall become final 15 days following the date on which the variance was revoked or on the day following the next meeting of the City Council, whichever is later,

unless an appeal has been taken to the Council, or unless the Council shall elect to review and decline to affirm the decision of the Board, in which case §2-11.31 (Review or Appeal) shall apply. A variance granted by the City Council subject to conditions shall be revoked by the Council if the conditions are not complied with.

(Based on Ord. 520)

§ 2-11.33a New Application. Following the denial or revocation of a variance application, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial or revocation of the variance.

(Based on Ord. 520)

§ 2-11.34 Variance Related to Plans Submitted. Unless otherwise specified at the time a variance is granted, it shall apply only to the plans and drawings submitted as part of the application.

(Based on Ord. 520)

Article 27

Zoning Certificate and Certificate of Occupancy

§ 2-11.38 Purposes and Requirements.

a. To ensure that each new or expanded use of a structure or site and each new structure or alteration of an existing structure complies with all applicable provisions of this chapter, and in order that the City may have a record of each new or expanded use of a structure or site, a zoning certificate is required before any building permit may be issued or any structure or site used; and a certificate of occupancy required by the Building Code shall be issued only for a structure that conforms with the zoning certificate.

b. To ensure that each new sign or enlargement or change in the design or lighting of certain signs specified in Sec. 2-9.49 (Zoning Certificate Required), complies with all applicable provisions of this chapter, a zoning certificate is required before the sign may be displayed or altered.

(Based on Sec. 26.100, Ord. 520)

§ 2-11.39 Application and Issuance of Zoning Certificate. Application for a zoning certificate shall be made on a form prescribed by the City Planning Commission and shall be accompanied by plans and additional information as necessary, in the opinion of the Zoning Administrator, to demonstrate conformity with this chapter. The Zoning Administrator shall check the application and all data submitted with it and shall issue a zoning certificate if he finds that all provisions of this chapter will be complied with.

(Based on Sec. 26.101, Ord. 520)

§ 2-11.40 Issuance of Building Permit. The Building Inspector shall not issue a building permit until the Zoning Administrator has approved a zoning certificate for the structure which is the subject of the building permit.

(Based on Sec. 26.102, Ord. 520)

§ 2-11.41 Issuance of Certificate of Occupancy.

a. The Building Inspector shall not issue a certificate of occupancy for a structure or alteration until he has found that the structure or alteration conforms with the zoning certificate, until all required screening and landscaping and off-street parking and loading facilities are complete, and he has found that all conditions attached to a use permit, a variance, and design review have been met, provided that the Building Inspector may issue a certificate of occupancy prior to fulfillment of all requirements of this chapter if a faithful performance bond in an amount determined by the Building Inspector to be sufficient to complete the work necessary to meet the requirements is filed with the City. Cash in the amount of the faithful performance bond may be deposited with the City in lieu of the bond.

b. A temporary certificate of occupancy may be issued by the Building Inspector prior to the time that all of the requirements for a certificate of occupancy have been met, provided that no permit other than a temporary permit shall be issued for gas or electric utilities until the Building Inspector determines that all of the requirements for a certificate of occupancy have been met. A temporary permit for gas or electric utilities shall be valid for 10 working days, and may be renewed upon application to the Building Inspector for not more than two additional periods of 10 working days. If temporary permits for gas or electric utilities expire without the requirements for issuance of a certificate of occupancy having been met, the Building Inspector shall request the public utility to discontinue service.

(Based on Sec. 26.103, Ord. 520)

§ 2-11.42 Determination of Compliance with Required Conditions. If the Zoning Administrator is unable to determine from information submitted by the applicant that a proposed use will comply with the required conditions for the district in which it is to be located, he shall not issue a zoning certificate, but shall request the applicant to authorize the City to secure expert professional advice from firms or individuals acceptable to both the City and the applicant. Professional fees shall be paid by the applicant. The Zoning Administrator may require that the applicant agree to pay professional fees for necessary investigations to determine compliance with required conditions prior to and after issuance of a certificate of occupancy.

(Based on Sec. 26.104, Ord. 520)

Article 28

Moratorium

§ 2-11.46 Where land use has been approved on the effective date of Ordinance No. 520, May 3, 1968, there shall be a moratorium as to those requirements set forth in the sections listed below.

(Based on Sec. 27.100, Ord. 520)

§ 2-11.47 This article shall apply only where the land is subject to controls, as follows:

a. Approved tentative maps, so long as said maps shall not have expired by time or by refusal of the City to extend time.
b. Final tract maps.
c. Planned Unit Development permits, until expiration date, but in no event later than July 1, 1972.

(Based on Sec. 27.101, Ord. 520)

§ 2-11.48 The specific provisions of this chapter where this moratorium shall apply are as follows:

a. Section 2-5.36(3), Width of Corner Lots.
b. Section 2-5.36(4), Depth of Lots Adjoining Freeways or Railroads.
c. Section 2-5.37(a), Front Yard Setback.
d. Section 2-5.38(a), Side Yard Setback.

(Based on Sec. 27.102, Ord. 520)

§ 2-11.49 The provisions of Ordinance No. 309 (Zoning Ordinance) adopted April 26, 1960, as amended, shall control land use where this article and moratorium applies.

(Based on Sec. 27.103, Ord. 520)

Article 29

Amendments

§ 2-12.03 Purposes. The zoning map and zoning regulations may be amended by changing the boundaries of any district, or by changing any district regulation, off-street parking or loading facilities requirement, general provision, exception, or other provision thereof, in accord with the procedure prescribed in this article.

(Based on Sec. 28.100, Ord. 520)

§ 2-12.04 Initiation.

a. A change in the boundaries of any district may be initiated by the owner or the authorized agent of the owner of the property filing an application for a change in district boundaries as prescribed in Sec. 2-12.06 (Application and Fee). If the property for which a change of district is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

b. A change in boundaries of any district or a change in a district regulation, off-street parking or loading facilities requirement, general provision, exception, or other provision may be initiated by resolution of the City Planning Commission or by action of the City Council in the form of a request to the Commission that it consider a proposed change, provided that in either case the procedure prescribed in Secs. 2-12.06 through 2-12.11 shall be followed.

c. A proposal for a change in district boundaries initiated by the Commission or Council and one initiated by a property owner for all or part of the same area may be considered simultaneously.

(Based on Sec. 28.101, Ord. 520)

§ 2-12.05 Change in Boundaries of C Districts. In order to ensure orderly and thorough planning and to avoid speculative requests for changes in the boundaries of C districts, no change in boundaries that would increase the area of the C district by more than two acres shall be initiated by a property owner unless the property for which the change of district is proposed is in a PUD district at the time the change is initiated.

(Based on Sec. 28.102, Ord. 520)

§ 2-12.06 Application and Fee.

1. Data and Map to be Furnished. A property owner desiring to propose a change in the boundaries of the district in which his property is located or his authorized agent may file with the Zoning Administrator an application for a change in district boundaries on a form prescribed by the City Planning Commission and shall include the following data and map:

a. Name and address of the applicant.
b. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed.
c. Address or description of the property.
d. An accurate scale drawing of the site and the surrounding area showing existing streets and property lines for a distance determined by the Zoning Administrator to be necessary to illustrate the relationship to and impact on the surrounding area.
e. The Zoning Administrator may require additional information or maps if they are necessary to enable the Commission to determine whether the change is consistent with the objectives of this chapter. The Zoning Administrator may authorize omission of the map required by this section if it is not necessary.

(Based on Sec. 28.103.1, Ord. 520)

2. Fee. The application shall be accompanied by a fee established by resolution of the City Council to cover the cost of processing the application as prescribed in this article.

(Based on Sec. 28.103.2, Ord. 520)

2-12.06a Public Hearing. The City Planning Commission shall hold at least one public hearing on each application for a change in district boundaries and on each proposal for a change in district boundaries or for a change of a district regulation, off-street parking or loading facilities requirement, general provision, exception, or other provision of this chapter. The hearing shall be set and notice given as prescribed in Sec. 2-5.08 (Public Hearing Time and Notice). (Based on Sec. 28.104, Ord. 520)

2-12.07 Public Hearing: Procedure. At the public hearing the City Planning Commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is consistent with the objectives of this chapter prescribed in Sec. 2-5.01 (Objectives).
(Based on Sec. 28.105, Ord. 520)

2-12.08 Investigation and Report. The Zoning Administrator shall make an investigation of the application or proposal and shall prepare a report thereon which shall be submitted to the City Planning Commission and made available to the applicant, if any, prior to the public hearing.
(Based on Sec. 28.106, Ord. 520)

2-12.09 Action of Planning Commission. Within 40 days following the closing of a public hearing the City Planning Commission shall make a specific finding as to whether the change is consistent with the objectives of this chapter prescribed in Sec. 2-5.01 (Objectives), and shall recommend that the application be granted, granted in modified form, or denied, or that the proposal be adopted, adopted in modified form, or rejected. (Based on Sec. 28.107, Ord. 520)

2-12.10 Request for City Council Hearing on Denied Application. Within 15 days following the date of a decision of the City Planning Commission recommending denial of an application for a change in district boundaries, the applicant may request a hearing by the City Council.

(Based on Sec. 28.108, Ord. 520)

§ 2-12.11 Action of City Council. The City Council shall hold at least one public hearing on an application or a proposal within 40 days after receipt of the resolution or report of the City Planning Commission, provided that no hearing shall be held on an application for a change in district boundaries that the Commission has recommended be denied unless a request is received by the Council as prescribed in Sec. 2-12.10, and no hearing shall be held on a proposal initiated by the Commission that the Commission has recommended be rejected, unless the Council shall elect to give the proposal further consideration. The hearing shall be set and notice given as prescribed in Sec. 2-5.08 (Public Hearing Time and Notice). Within 40 days following the closing of a public hearing the Council shall make a specific finding as to whether the change is consistent with the objectives of this chapter prescribed in Sec. 2-5.01 (Objectives). If the Council finds that the change is consistent, it shall enact an ordinance amending the zoning map or an ordinance amending the regulations of this chapter, whichever is appropriate. If the Council finds that the change is not consistent, it shall deny the application or reject the proposal. The Council shall not modify a decision of the Commission recommending granting of an application or adoption of a proposal until it has requested and considered a report of the Commission on the modification. Failure of the Commission to report within 30 days after receipt of the Council request shall be deemed concurrence.

(Based on Sec. 28.109, Ord. 520)

2-12.11(a) Conditions. The City Council may impose conditions to a change in zoning district boundaries where it finds that said conditions must be imposed so as not to create problems inimicable to the public health, safety and welfare of the residents of the City of Pleasanton.

(Based on Ordinance 595, amending Ord. 520)

2-12.12 Zoning Map. The Zoning Map dated April 18, 1960, including all changes or amendments thereto is adopted and made a part of this Code. The Zoning Map shall show the zoning district classification of all lands within the City of Pleasanton. Any change in zoning district boundaries pursuant to Section 2-12.11 shall be indicated on the Zoning Map.

2-12.13 New Application. Following the denial of an application for a change in district boundaries, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application.

(Based on Sec. 28.111, Ord. 520)

2-12.14 Prezoning of Unincorporated Territory. Prezoning of unincorporated territory adjoining the City may be initiated as prescribed in Sec. 2-12.04(b) (Initiation), for the purpose of determining in which zoning districts it should be classified in the event of subsequent annexation to the City. An ordinance designating zoning districts in unincorporated territory shall become effective at the same time that annexation becomes effective.

(Based on Sec. 28.112, Ord. 520)

2-12.15 Unzoned Territory. All property which becomes unzoned through abandonment of a public street, alley, or railroad right-of-way shall be classified in the same zoning district as adjoining property if all adjoining property is in the same district, or if this condition does not exist, in the S district. All territory which is annexed to the City and which has not been prezoned shall be classified in the S district. Within 60 days the City Planning Commission shall make a study of the territory to determine in which zoning district it should be classified in order to carry out the objectives of the zoning regulations prescribed in Sec. 2-5.01 (Objectives). If the Commission finds that a change of district is required, it shall initiate the change as prescribed in Sec. 2-12.04(b) (Initiation). The owner of annexed property or the authorized agent of the owner may file an application for a change in district as prescribed in Sec. 2-12.04 (a).

(Based on Sec. 28.113, Ord. 520)

Administration and Enforcement

§ 2-12.19 Administrative Appeal Procedure. An appeal may be made to the Board of Adjustment by any interested party from any administrative determination of interpretation made by the Zoning Administrator or the Building Inspector under this chapter. An appeal shall be made on a form prescribed by the Board and shall be filed with the Secretary. The Board may affirm, modify, or reverse any administrative determination or interpretation from which appeal is made, and in making its decision shall be guided by the objectives of this chapter. The decision of the Board shall be rendered within 30 days after filing, unless the applicant shall consent to an extention of time. A decision of the Board may be appealed to the City Council by the applicant within 10 days of the date of the decision or, in the event no decision is rendered, within 10 days following the time period prescribed for a decision by the Board.

(Based on Ord. 520)

§ 2-12.20 Permits, Certificates, and Licenses. All officials, departments, and employees of the City of Pleasanton vested with the authority or duty to issue permits, certificates, or licenses shall comply with the provisions of this chapter and shall issue no permit, certificate, or license which conflicts with the provisions of this chapter. Any permit, certificate, or license issued in conflict with the provisions of this chapter shall be void.

(Based on Ord. 520)

§ 2-12.21 Duties of City Officials. The Building Inspector shall be the official responsible for the enforcement of the zoning ordinance, except for Article 20 (Home Occupations), and Article 23 (Non-Conforming Uses, Structures, and Signs), enforcement of which shall be the responsibility of the Zoning Administrator. The Building Inspector and the Zoning Administrator, or their deputies, shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection related to any provision of this chapter, provided that the right of entry shall be exercised only at reasonable hours and that in no case shall any structure be entered in the absence of the owner or tenant without the written order of a court of competant jurisdiction. The Building Inspector may serve notice requiring the removal of any structure or use in violation of the regulations on the owner or his authorized agent; on a tenant, or on an architect, builder, contractor, or other person who commits or participates in any violation. The Building Inspector or the Zoning Administrator may call upon the City Attorney to institute necessary legal proceedings to enforce the provisions of this chapter, and the City Attorney hereby is authorized to institute appropriate actions to that end. The Building Inspector may call upon the Chief of Police and his authorized agents to assist in the enforcement of this chapter.

(Based on Ord. 520)

§ 2-12.22 Violations.

a. Any person, firm, corporation. or organization violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than $500 and by imprisonment for a term not exceeding six months, or by both a fine and imprisonment. A person, firm, corporation, or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued, or permitted by the person, firm corporation, or organization, and shall be punishable as herein provided.

b. Any structure or sign erected, moved, altered, enlarged, or maintained, and any use of a site contrary to the provisions of this chapter shall be and is hereby declared to be unlawful and a public nuisance, and the City Attorney shall immediately institute necessary legal proceedings for the abatement, removal, and enjoinment thereof in the manner provided by law, shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure, sign, or use, and restrain or enjoin the person, firm, corporation, or organization from erecting, moving, altering, or enlarging the structure or sign or using the site contrary to the provisions of this chapter.

c. All remedies provided for herein shall be cumulative and not exclusive.

(Based on Ord. 520)

§ 2-12.23 Voidable Conveyances. Any deed of conveyance, sale, or contract to sell made contrary to the provisions of this chapter shall be voidable at the sole option of the grantee, buyer, or person contracting to purchase, his heirs, personal representative, or trustee in insolvency, or bankruptcy, within one year after the date of execution of the deed of conveyance, sale or contract to sell; but the deed of conveyance, sale, or contract to sell is binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase other than those above enumerated, and upon the grantor, vendor, or person contracting to sell or his assignee, heir, or devisee.

(Based on Ord. 520)

§ 2-12.24 Administrative Extension of Approvals.

a. Prior to the lapse of any approval granted by an approving body under this chapter an applicant or his successor may apply to the Zoning Administrator for an extension of said approval for one year. The Zoning Administrator may grant an extension subject to the provisions of this section. No more than two such extensions shall be so granted. Further applications for extension shall be processed as though they were initial applications.

An application for extension shall be accompanied by a fee equal to the current fee for an initial application as established by the City Council. An application for extension shall be granted unless the Zoning Administrator determines that there have been either substantial changes in the proposal or that the circumstances surrounding the initial approval have changed. Rather than take action administratively, the Zoning Administrator may forward any application for extension, or any aspect thereof, to the appropriate approving body as though it were an initial application. In such cases the approving body may grant the extension, modify the approval as originally granted or deny the extension in accord with the purposes and objectives of this Chapter.

b. Within five days of the granting of any approval extension under this section, the Zoning Administrator shall forward notice of the action to the Planning Commission and the City Council. Any member of the Planning Commission or City Council may within seven days after such notification request that the action of the Zoning Administrator be reviewed by the appropriate approving body. Such review shall occur at the next available meeting of the appropriate approving body and shall be considered as an action on an initial application for approval under the appropriate provisions of this Chapter.

(Based on Ord. 974)

Enactment

§ 2-12.27 Inconsistent Ordinances Repealed. Ordinance No. 309 and all amendments thereto are hereby repealed. All other ordinances and parts of ordinances are hereby repealed insofar as they are inconsistent with the provisions hereof.

(Based on Sec. 30.100, Ord. 520)

Article 32

Hillside Planned Development District (H-P-D)

§ 2-2.3201. Intention and Purpose. The City of Pleasanton is located in the Livermore-Amador Valley. Within the City's incorporated boundaries and within its sphere of influence are a series of major and minor hills. These hills constitute a significant topographical feature of the community because they are visible to all persons traveling on I-580 and I-680, as well as to citizens residing in and around the community. Although most of the development within the City, caused by the migration of substantial numbers of people, has occurred in the flatlands, some development has occurred in the hills and more development in the hills will occur in the future. In order to insure that a harmonious visual and functional relationship will exist between the existing natural hillside environment and the growing man-made environment, development standards specifically designed for hillside development are required. It is therefore the declared intent of the City that appropriate undeveloped land in hillside areas be placed in a Hillside Planned Development District, to be identified by the initials H-P-D, in order to accomplish the following:

a. To preserve significant features of a hill area in essentially their natural state as part of a comprehensive open space system;

b. To encourage in hill areas an alternative approach to conventional flat land practices of development;

c. To minimize grading and cut and fill operations consistent with the retention of the natural character of the hill areas;

d. To minimize the water runoff and soil erosion problems incurred in adjustment of the terrain to meet on-site and off-site development needs;

e. To achieve land use densities that are in keeping with the general plan; however, in order to retain the significant natural features of the hill areas, densities will diminish as the slope of the terrain increases;

f. To insure that the open space as shown on any development plan is consistent with the open space element shown on the General Plan; and

g. To preserve the predominent views both from and of the hill areas and to retain the sense of identify and imageability that these hill areas now impart to the City of Pleasanton and its environs.

(Based on Ord. 763)

§ 2-2.3202. Permitted Uses. The following uses may be permitted in the H-P-D District:

a. Single family dwellings and planned unit developments;

b. Recreation facilities, either for general public use or for the exclusive use of the residents of the subdivision or series of subdivisions of which the recreation facilities are a part;

c. Recreation vehicle storage, stables, day nurseries, child care centers and managerial offices where any such use is owned by and used exclusively for the residents of the subdivision or series of subdivisions which contain such use;

d. Schools, public or private, attendance at which satisfied the compulsory laws of the State;

e. Churches and similar religious institutions; and

f. Public facilities, such as administrative offices and similar uses, but not including storage yards, corporation yards, or similar uses.

g. Other uses accessory to any permitted use.

(Based on Ord. 763)

§ 2-2.3203. Conditional Uses. Agricultural uses may be permitted in the H-P-D District subject to the granting of a use permit pursuant to the procedure and criteria specified in Article 25 of this chapter.

(Based on Ord. 763)

§ 2-2.3204. Permit Required. Property zoned pursuant to the provisions of this article shall neither be developed nor shall any grading permit be issued pursuant to any provisions of this Code until a hillside planned development (H-P-D) permit has been obtained pursuant to the provisions of Section 2-2.3209 of this article.

As used in this section, "developed" shall mean the submittal of any plans required by this Code prior to the commencement of construction of any improvements, excepting therefrom those permitted by Section 2-2.3207.

(Based on Ord. 763)

§ 2-2.3205. Property Development Standards. The following property development standards shall apply to the H-P-D District:

a. Dimensions. There shall be no minimum yards, lot area, lot width, lot frontage or distance between buildings or maximum lot coverage except as may be required by an approved H-P-D permit.

b. Building height. No building shall exceed two (2) stories in height, exclusive of covered parking located in the same structure.

c. Parking.

(1) Quantity. For residential use there shall be not less than two (2) covered parking spaces designated for the exclusive use of the occupant of every dwelling unit. In addition to covered parking spaces there shall be a quantity of open parking spaces not in driveways, equal to or greater than the number of dwelling units.

(2) Location. The open parking spaces required by subparagraph (1) above shall be located within 200 feet of every dwelling unit provided the terrain is appropriate for such placement. Wherever possible, open space parking shall be placed in groups, if six or more spaces are required; groupings may include parking within street rights-of-way, parking bays, and small parking lots, or any combination of the above.

(3) Nonresidential use. Parking for non-residential uses shall also be required in a quantity commensurate with the specific use.

(4) Covered parking. No covered parking shall exceed one story in height.

d. Landscaping. All development in H-P-D Districts shall include a combination of landscaping consisting of intensely planted and maintained areas and open space preserved in its natural condition. Unless otherwise stated in the approval of an H-P-D permit, natural open space may be used for livestock grazing.

e. Subdivisions. The final subdivision, land division or parcel map shall show not more than one dwelling unit on any one lot and commonly owned land and facilities on one or more additional lots.

f. Common area. No final subdivision map or parcel map shall be recorded until documents pertaining to the maintenance of the privately owned open space and other facilities owned by or used in common by the subsequent owners of the various real properties within the subject development shall have been approved by the City Attorney.

(Based on Ord. 763)

§ 2-2.3206. Signs. Where applicable, the sign regulations for the R Districts as set forth in this chapter shall apply to the H-P-D Districts.

(Based on Ord. 763)

§ 2-2.3207. Interim Uses. If any land has been zoned H-P-D but no H-P-D permit has been approved thereon, no new use shall be established on such land. Any single family residential or agricultural buildings lawfully existing at the time of the establishment of H-P-D zoning on that property may be enlarged, structurally altered, or accessory buildings may be constructed. Any remodeling or construction allowed by this section shall conform to the conditions to use applicable to the R-40 District.

"Agricultural building," as used in this article, shall mean any structure, except fences, for the purposes of housing farm animals or farm equipment and shall specifically exclude any building used for processing farm products on a commercial basis. The remodeling or construction of any building as permitted by this article shall conform to the various conditions to use required in the R-40 District.

(Based on Ord. 763)

§ 2-2.3208. Grading. The grading of land and maximum height of graded slopes shall be governed by provisions of the Uniform Building Code, the provisions of Chapter 1 of this Title relating to subdivisions, and/or the provision of a comprehensive grading ordinance adopted by the City Council.

(Based on Ord. 763)

§ 2-2.3209. Hillside Planned Development H-P-D permit.

a. Purpose. The purpose of the H-P-D permit is to assure that the intent and purpose of the Hillside Planned Development District are effectuated.

b. Definition. The terms and symbols used in this section shall have the following meanings:

(1) Base density shall mean the number of dwelling units per gross acre as determined by subsection (g) (1).

(2) Contour Interval shall mean the difference in elevation between adjacent contour lines on a topographical or planimetric map.

(3) I shall mean the contour interval measured in feet.

(4) L shall mean the summation of the length of all contour lines measured in feet.

(5) Open space shall mean landscaped areas together with areas retained in their original state without enhancement by landscaping, both of which are owned in common by the owners of the residential lots within a development.

(6) Ridge shall mean a connected series of major and minor hills.

(7) Ridgeline shall mean a ground line located at the highest elevation of the ridge running parallel to the long axis of the ridge.

(8) Weighted incremental slope (WIS) shall mean a number assigned to a specific parcel of land for the purpose of determining its relative slope conditions and is determined according to the following formula:

$$WIS = \frac{0.0023IL}{\text{Area in Acres}}$$

The calculation of the WIS shall be performed pursuant to the criteria and procedure set forth in subsection (f) (5).

c. Procedures. Following are the procedures or processing an application for an H-P-D permit:

(1) Review by Planning Commission. Upon receipt of the data required by Subsection (f) of this section, the Planning Commission shall hold a public hearing to consider the request for an H-P-D permit. The public hearing required by this section shall be given pursuant to the provisions of Government Code Section 65854. Following the public hearing, the Planning Commission may approve, conditionally approve, or disapprove the requested H-P-D permit. The decision of the Planning Commission shall be placed in resolution form and the reasons for said decision shall be specified therein. A copy of said resolution shall be transmitted to the City Council and to the applicant as soon as possible after review by the Planning Commission. A synopsis of the Planning Commission's action and rationale shall be transmitted to the City Council and the applicant where the Planning Commission's review will not occur until after the expiration of the appeal period specified in Subsection (5) of this section; said synopsis shall be the unofficial report of the Planning Commission pending receipt of the required resolution.

(2) Review by City Council. Upon receipt of a resolution from the Planning Commission recommending approval of an H-P-D permit, the City Clerk shall schedule a public hearing before the Council with notice of the time, date and place of public hearing being given, pursuant to Government Code Section 65854. Following the public hearing the Council may approve, conditionally approve, or disapprove the H-P-D permit. In approving a permit, the Council may modify the recommendations of the Planning Commission. In making its decision, the Council shall be subject to the same requirements as are placed on the Commission by this section.

(3) Referral. Council may also refer the matter back to the Planning Commission for further report and recommendation. The Planning Commission shall not be required to hold a public hearing on a matter referred back to it, but shall submit its report and recommendation within 40 days after the reference; otherwise the proposed modifications shall be deemed approved.

(4) Denial by Planning Commission. If the Planning Commission recommends denial of an H-P-D permit application, no further action by the City Council is necessary unless the Planning Commission's decision is appealed to the City Council by the applicant pursuant to the provisions of Section 2-5.10 of Article 1 of this chapter.

d. Findings. In recommending approval of, or in approving an H-P-D permit, the following findings must be made:

(1) The approval of the plan is in the best interests of the public health, safety and general welfare;

(2) Off-site and on-site views of the ridges will not be substantially impaired. In determining which ridges are subject to this finding, the following criteria shall be used: the intents and purposes set forth in Section 2-2.3201 shall be followed.

(3) Any grading to be performed within the project boundaries takes into account the environmental characteristics of that property, including but not limited to prominent geological features, existing stream beds and significant tree cover, and is designed in keeping with the best engineering practices to avoid erosion, slides or flooding, to have as minimal an effect on said environment as possible;

(4) Streets, buildings and other man-made structures have been designed and located in such a manner as to complement the natural terrain and natural landscape;

(5) Adequate fire safety measures have been incorporated into the design of the plan;

(6) The plan conforms to the purpose and intent of the Hillside Planned Development District; and

(7) The plan is consistent with the City's General Plan.

e. Conditions. In the recommendation of approval and in the approval of an H-P-D permit, conditions may be imposed which are deemed necessary to protect the public health, safety and general welfare in line with the standards set forth above.

f. Required data. Any application for an H-P-D permit shall be accompanied by the following data prepared by a design team consisting of a architect, landcape architect and registered civil engineer:

(1) A site plan showing general locations of all streets, on-street and off-street parking bicycle paths, riding trails, hiking trails, buildings and other man-made structures; typical elevations or perspective drawings sufficient to show building height, building materials, colors, and general design; perspective drawings showing the relationship after development of the proposed buildings and the topographic features of the site; and a table listing land coverages by percentage and acreage for the following: open space (intensely landscaped and natural) coverage by housing unit roof, parking (covered, open, off-street), streets, sidewalks, paths, recreational facilities;

(2) A topographical map showing existing contours and proposed lot lines, which may be integrated with the site plan described above; the lot lines may be omitted if building locations on the site plan make proposed lot lines obvious;

(3) A topographical map at a scale not smaller than 1 inch - 100 feet showing contour lines existing prior to grading at an interval of not more than ten (10) feet; a grading plan showing increments of the depths of all cuts and fills in various colors or any similar display which shows the cuts, fills, depths thereof in colors; and a slope classification map showing, in contrasting colors, all land which has less than a 10% slope, that land which has a slope between 10% and 20%, that land which has a slope between 20% and 25%, and all land which has a slope greater than 25%. The Director of Housing and Community Development, or his designated representative, may allow a reduction in the scale of the map or an increase in the controur interval when the size of a parcel or its terrain require such changes to make the map more meaningful;

(4) Profiles showing the relationship of the proposed project to any dominant geological or topographical features which may be on or in the vicinity of the proposed project;

(5) The calculation of the WIS factor shall be prepared by a registered civil engineer or a licensed land surveyor, and the following criteria and procedure shall be used:

(i) The contour map shall have ten (10) foot contour intervals;

(ii) The interval used in WIS calculation shall be two (2) feet and interpolation of the contour intervals shall be made if required;

(iii) Topographic map scale:

Parcel size	Scale
Less than 2.0 acres	1" - 20'
2.0 acres to 20 acres	1" - 50'
Over 20 acres	1" - 100'

(6) Any tree(s) including size and species as defined in Section 2.17.03, Chapter 10, Title II of this Code whether or not such tree(s) is to be removed, or destoyed, on the site plan or on a separate plat;

(7) Sufficient dimensions to show right-of-way widths, pavement widths, radii of curvature of center lines, street grades, whether streets are to be public or private, and all proposed frontage improvements on new and existing streets;

(8) A current preliminary soils and geological report prepared by a registered civil engineer and a registered geologist;

(9) A detailed landscaping plan showing the natural open space which will remain upon completion of development, all existing trees (and indicating which trees are scheduled for removal), and the precise boundaries of additional landscaping; the landscape plan shall include container size of all trees and shrubs, species of all plant material, irrigation system plan, street lighting, low level path lighting, street furniture and fencing materials, dimensions and locations;

(10) A statement in writing stipulating to the total number of bedrooms to be constructed; and

(11) The initial plan shall indicate the density allowed by subsection (g) (1) and the location of the proposed units. Any request for density adjustments allowed by subsection (g) (2) shall be shown on an alternate plan detailing the location of the additional units and amenities.

Notwithstanding the requirements of this subsection, an applicant for an H-P-D permit for the development of five or more acres, which development will occur in stages, may submit general information relating to items 1 and 9 above for review by the Planning Commission. Precise and detailed plans setting forth the information required by these items shall

be submitted to the Planning Commission for its review and approval prior to the approval of a tentative subdivision map, building permit or other construction authorized by the H-P-D permit.

g. Density.

(1) Base density. A base density for a piece of property shall be determined by the following:

PERCENT SLOPE	10%	15%	20%	25%	Greater than 25%
*WIS	9.9	14.9	19.6	24.2	Greater than 24.2
BASE DENSITY	3.5	2.8	1.8	1	0.2

*corrected number values

Any WIS not shown in the above table shall be determined by interpolation, using the graph set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

(2) Density adjustments. The effectiveness of hillside development can be affected by a number of factors such as the physical characteristics of a specific parcel, the amount of landscaped and natural open space existing within a development, the existence of amenities within a development and the number of people who will reside in the hill area. Therefore, in order to encourage hillside developments which take into consideration the above factors, adjustments may be made in the base density in the recommendation for approval and approval of an H-P-D permit, pursuant to any of the following:

(i) The existence of open space beyond that required by subsection (h);

(ii) The existence of amenities or on-site or off-site improvements which are not normally found or required in residential developments;

(iii) The existence of a mixture of housing types which provides a variation in the appearance of the development and allows a range of housing prices.

(iv) The existence of landscaping of a type, size and quantity which exceeds that of a standard residential development.

(v) The existence of a topographical feature, including but not limited to a cliff or deep ravine, or extensive land area over 25% slope, of a magnitude which causes the WIS to be significantly greater than would be the case if the topographic feature was not considered; and

(vi) The offer to and acceptance by the City of land in excess of the parkland dedication requirements of Article 10, Chapter I, Title II of this Code.

h. Percentage open. The percentage of the parcel to be developed which must remain in open space and/or public parkland shall be a minimum of 25% plus 1.5 times the WIS factor. Public parkland shall include only those areas which are offered for dedication as public parks and which are accepted by the City.

i. Grading control.

(1) Size and treatment. In order to keep all graded areas and cuts and fills to a minimum, to eliminate unsightly grading and to preserve the natural appearance and beauty of the property as far as possible as well as to serve the other specified purposes of this article, specific requirements may be placed on the size of areas to be graded or to be used for building, and on the size height and angles of cut slopes and fill slopes and the shape thereof. In appropriate cases retaining walls may be required.

(2) Restrictions. All areas indicated as natural open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise except that riding trails, hiking trails, picnic areas, stables and similar amenities may be placed in natural open space pursuant to the approval of an H-P-D permit.

(3) Landscaping. The H-P-D permit shall include the planting of newly created banks or slopes for erosion control or to minimize their visual effect.

(Based on Ord. 763)

Article 33

Core Area Overlay District

§ 2-2.3301 Purposes. In order to encourage the efficient use of land consisting of parcels of unusual size and shape located in the core area of Pleasanton and to facilitate the development of smaller multi-family rental housing projects this article provides modified development standards applicable to an identified area of the community designated the Core Area Overlay District.

§ 2-2.3302 Area Designation. The Core Area Overlay District shall include the area designated "Area for Modified Housing Development Standards" on the map following this article and incorporated herein by reference.

§ 2-2.3303 Types of Projects to which Modified Standards Apply. The modified standards contained herein shall apply only to multi-family or mixed multi-family/commercial and office projects containing ten or less multi-family rental dwelling units.

§ 2-2.3304 Underlying Zoning. The modified standards herein shall apply to property zoned RM (Multi-family Residential) and C-C (Central Commercial) overlain by the Core Area Overlay District. Except as modified herein all other regulations embodied in the underlying zoning of a subject property shall apply to its development.

§ 2-2.3305 Modified Development Standards.

A. Yard Requirements.

1. Yard Requirements for Property in an Underlying RM District

Front	15 ft. minimum
Side	5 ft. minimum one side
	10 ft. minimum both sides
	10 ft. minimum for street side of corner lot
Rear	10 ft. minimum

No structure shall exceed the height of a sloping plan 15 ft. in height at the interior of the minimum required side or rear yard and sloping away from the side or rear property line 5 ft. for each additional 15 ft. in height.

2. No yard requirements shall apply to property in the underlying C-C District.

B. Open Space for Property in an Underlying RM and C-C District.

1. Private Open Space.

a. For dwellings with one bedroom or less 75 sq. ft. of private open space per dwelling unit with a minimum

dimension of 5 ft. for above ground decks of an upstairs unit and 8 ft. for ground level areas.

b. For dwellings with two or more bedrooms 50 sq. ft. per bedroom of private open space per dwelling unit with minimum dimensions as described in (a) above.

c. All dimensions for private open space shall be subject to the provision of adequate light and air to adjacent properties.

2. Group Space. There shall be no requirement for group open space in the Core Area Overlay District for qualifying projects.

C. Off-street Parking Requirements for Property in the Underlying RM and C-C Districts:

1. Studio apartments: 1 space per dwelling unit

2. One and two bedroom apartments: 1.5 spaces per dwelling unit

3. Three or more bedroom apartments: 2 spaces per dwelling unit

4. No visitor parking in addition to the above required number of spaces need be provided.

5. In the underlying C-C District where residential and commercial or office uses are mixed, one bedroom and smaller dwelling units may provide one parking space per dwelling unit.

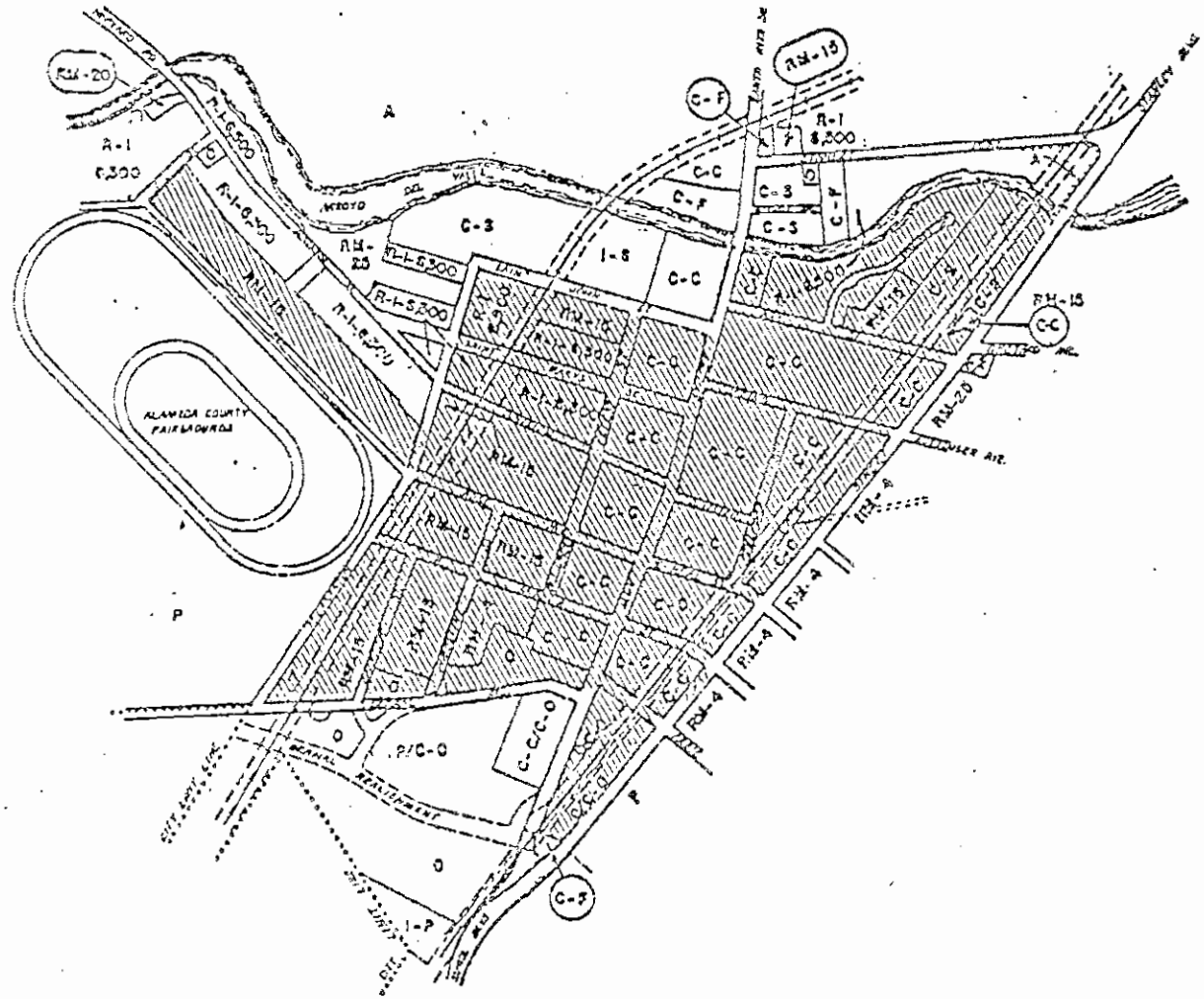
6. All parking may be uncovered.

7. All other relevant provisions of §2-9.17 (Standards for Off-Street Parking Facilities) shall apply to parking facilities provided in the Core Area Overlay District provided that in appropriate instances the Zoning Administrator may authorize minor reductions in dimension requirements.

(Based on Ord. 1008)

EXHIBIT A

AREA FOR MODIFIED HOUSING DEVELOPMENT STANDARDS



CORE AREA OVERLAY DISTRICT

REVISIONS				
ORD. NO.	PLANNING COMMISSION		CITY COUNCIL MTG.	DATE
ZU-1	1-12-71		C.A.P.	1-27
			[illegible]	6-7
			2/22	8L

ZONE SYMBOL KEY				
A	AGRICULTURAL	MH	MOBILE HOME	O	OFFICE
R-1	SINGLE FAMILY RESIDENTIAL	O	OFFICE COMMERCIAL	I-S	SERVICE INDUSTRIAL
R-2	DUPLEX	C-C	CENTRAL COMMERCIAL	I-P	PLANNED INDUSTRIAL
RM	MULTIPLE FAMILY RESIDENTIAL	C-1	NEIGHBORHOOD COMMERCIAL	P/C-O	PLANNED OFFICE COMMERCIAL
P	PUBLIC	C-2	GENERAL COMMERCIAL	C-C-O	CENTRAL COMMERCIAL OFFICE
		C-3	HIGHWAY SERVICE COMMERCIAL		

CITY OF PLEASANTON
PLANNING DEPARTMENT

ZONING MAP

DATE 6-21-71

TITLE II - ZONING AND DEVELOPMENT

Chapter 3

BUILDING CODE

Article 1 - Adoption of Uniform Building Code with Deletions and Modifications

Article 2 - Enforcement: Appeals

Article 3A - Security

Article 3 - Survey & Site Plan with Application for Building Permit.

Article 1

Adoption of Uniform Building Code With Deletions and Modifications

§2-12.35 Adoption of the Uniform Building Code. There is hereby adopted by reference that certain code known as the Uniform Building Code, more particularly described below, except such portions as are hereinafter amended, modified or deleted, and the same is hereby adopted and incorporated as fully as if set out at length herein.

Said Uniform Building Code is the UNIFORM BUILDING CODE, 1979 Edition, and Appendix Chapter 32, 35, 49 and 70. Three (3) copies of this Uniform Code are on file in the office of the City Clerk for use by the public.

§2-12.36 Amendments, Modifications, Additions to and Deletions from the Adopted Code. The Adopted Code is modified as follows:

a. Amendments or Modifications.

1. Whenever in the Adopted Code the words "Building Official" are used, they shall mean the Director of Planning and Community Development of the City of Pleasanton or his agent.

2. Section 303(a) is amended to read as follows: Section 303(a) Building Permit Fees. A fee for each building permit shall be paid to the City prior to issuance of the permit. Said fee shall be in an amount included in a Resolution Establishing Fees and Charges for Various Municipal Services.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan-check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work or permanent equipment.

Where work for which a permit is required by this Code is started or proceeded without obtaining said permit, the fees specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed within.

3. Section 303(b) is amended to read as follows:
Section 303(b) Plan Checking Fees. A Plan Checking Fee shall be paid, when appropriate, in an amount established in a Resolution Establishing Fees and Charges for Various Municipal Services. Where plans are incomplete or changed so as to require additional plan checking, an additional plan check-fee shall be charged at a rate established by the Building Official.

4. Subsection A of Section 3802(b)6 is hereby amended to read:
A. 'in all Group B and R-1 occupancies where the floor area exceeds 12,000 square feet on any floor or 24,000 square feet on all floors. Subsections (a) and (d) of Section 505, relating to area increases and area separation walls, and subsection (a) of Section 506, relating to open area separation, shall not be used in lieu of above sprinkler requirements.'

5. Section 4401 is amended by adding language as follows:
Any use of public property as outlined in this chapter requires the builder to obtain an encroachment permit prior to such use and is subject to the approval of the Director of Public Works. The conditions of said permit may delete, add or modify any conditions in this chapter.

b. Additions.

1. Section 303(e) is hereby added to the Code to read as follows:
Section 303(e) Inspection Fees. A fee for the inspection of any building or structure to be moved within or into the City shall be paid to the City prior to issuance of any permit. Said fee shall be in addition to the building permit fee and shall be an amount established in a Resolution Establishing Fees and Charges for Various Municipal Services.

2. Section 304(f) is hereby added to the Code to read as follows:
In addition to called inspections required herein, the Director of Planning and Community Development shall inspect any existing building or structure within the City when requested to do so by an owner or person acting under authority of the owner. Such request shall be made in writing on forms furnished for such purpose. Application shall be signed by the applicant who may be required to submit evidence to indicate such authority.

A statement of all findings shall be sent to the applicant and owner and a record shall be kept on file in the office of the Department of Planning and Community Development.

Applications shall be accompanied by an inspection fee in the amount set forth in a fee schedule adopted by resolution of the City Council.

3. Section 104(k) is hereby added to the Code to read as follows:
No residential property may be sold or traded in the City of Pleasanton unless and until the seller installs or provides for the installation of smoke detectors in accordance with Section 1310a or Section 1413, as applicable. This requirement may be met by the seller placing in the escrow account for the use of the buyer sufficient funds to pay for said installation.

c. Deletions.

1. Section 205 is hereby deleted.

2. Table No. 3-A is hereby deleted.

Article 2

Enforcement: Appeals

§ 2-12.38 Enforcement. This chapter and the Adopted Code shall be enforced by the Director of Public Works of the City of Pleasanton acting either directly or through properly authorized agents acting within the scope of the particular duties delegated to them by the Director of Public Works. For such purpose the Director of Public Works or his agent shall have the powers of a police officer.

(Based on Sec. 3, Ord. 525)

§ 2-12.39 Interpretation. The language used in this chapter and in the Adopted Code is intended to convey the common and accepted meaning familiar to the Building Construction Industry. Should any question arise, the Director of Public Works is hereby authorized to determine the intent and meaning of any provision of this chapter. Such determinations shall be made in writing and a record shall be kept in the office of the Department of Public Works, which record shall be available to interested parties.

(Based on Sec. 4, Ord. 525)

§ 2-12.40 Variances. The Director of Public Works shall have the power to grant a variance to any of the provisions of the Adopted Code upon application in writing by the affected party, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public health, safety and welfare secured, and substantial justice done. The particulars of such variance and the decision of the Director of Public Works shall be entered in the records of the Public Works Department of the City of Pleasanton and a signed copy furnished the applicant. The granting of any variance shall not be construed to imply or fix any liability on the part of the City or any officer or employee thereof for any damages to persons or property by reason of such variance.

(Based on Sec. 5, Ord. 525)

§ 2-12.41 Appeals. Whenever the Director of Public Works shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code or this chapter do not apply or that the time intent or meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Director of Public Works to the City Manager of the City of Pleasanton within 30 days from the date of the decision appealed. Such appeal shall be in writing and the City Manager shall within 30 days of the receipt of the appeal and by written notice to the appellant either uphold, reverse, or modify the decision of the Director of Public Works. The decision of the City Manager may be appealed within 30 days of said decision to the Board of Appeals established by Sec. 2-12.42 of this chapter.

(Based on Sec. 6, Ord. 525)

§ 2-12.42 Board of Appeals. There is hereby created and established a Board of Appeals consisting of five members. Each member of the Board of Appeals shall be appointed by the Council for a term of two years, provided that the first two members appointed shall serve a term of one year. The Board shall elect a chairman. The Director of Public Works or his representative shall be an ex-officio member of said board and shall serve as secretary. The Board shall adopt reasonable rules and regulations for conducting its business. Any Board of Appeals appointed by the City Council under the provisions of any other ordinance may act as the Board of Appeals provided for in this chapter when so directed by resolution of the City Council.

(Based on Sec. 7, Ord. 525)

§ 2-12.43 Duties of the Board of Appeals. The Board of Appeals shall:

a. Upon receipt of a written notice of appeal from the decision of the City Manager by the owner or party in interest within thirty days of the date of the service of said decision or order, the Board shall entertain such appeal and conduct a hearing thereon as provided in sub-section "b" hereof. The Board of Appeals shall notify the owner or parties in interest of the hearing date, post the property with a notice of hearing , and publish a notice of hearing, all as provided hereinafter.

b. Hold a hearing as required by sub-section "a" above, within forty-five days after receipt of appeal, to hear such testimony as may be presented by any department of the City of Pleasanton or the owner, occupant, mortgagee, lessee or any other person having an interest.

c. Make written findings of fact within thirty days of the date of first hearing.

d. The Board shall uphold, reverse or modify the City Manager's decision.

(Based on Sec. 8, Ord. 525)

§ 2-12.44 Notification. A notice given by the Board of Appeals shall be served personally or be sent by registered or certified mail, postage prepaid, return receipt requested, to the person owning the land on which the building or structure is located, as such person's name and address appear on the last equalized assessment roll, and to a mortgagee or beneficiary under any Deed of Trust of record at the last known address of such mortgagee or beneficiary provided that if the whereabouts of such persons are unknown and the same cannot be ascertained by the City Engineer in the exercise of reasonable diligence and the City Engineer shall make an affidavit to that effect, then said notice shall be served by publishing same once each week for two consecutive weeks in a newspaper published in the City of Pleasanton and by posting said notice on the property prior to the date of first publication. Such notice shall contain, among other things, the following information:

a. Name of owner or other persons interested, as provided hereinabove.
b. Street address and legal description of the property on which such a building or structure is located.
c. A general description of the matter which is being appealed.
d. The owner's right of appeal to the City Council.

(Based on Sec. 9, Ord. 525)

§ 2-12.45 Appeal to Council.

a. Any person aggrieved or alleging error by the action of the Board of Appeals in the administration or enforcement of this chapter may make application to the City Clerk in the manner prescribed by the City Council within seven days from the date of the action that is appealed.
b. Application shall be accompanied by a verification by at least one of the petitioners, attested before a notary public or person authorized to administer oaths, or by a sworn declaration under penalty of perjury.
c. A public hearing shall be held by the City Council within thirty days from the date of the appeal. Notice of time, place and purpose of the hearing shall be given by the City Clerk by publication once in a newspaper of general circulation published within the City limits at least ten days prior to said hearing.
d. A full record in writing shall be submitted by the Board of Appeals, setting forth reasons for the action taken.
e. The Council shall find whether, in its opinion an error was made.
f. The Council may affirm, reverse, or modify the action appealed, as it deems just and equitable, and exercise all rights of other officers or the Board of Appeals.
g. Action of the City Council may be reviewed by competent courts.

(Based on Sec. 10, Ord. 525)

§ 2-12.46 Penalties. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this chapter is committed, continued, or permitted and upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not more than $300.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

(Based on Sec. 11, Ord. 525)

§ 2-12.47 Liability. No officer, agent or employee of the City of Pleasanton shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the City of Pleasanton, as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the City Attorney until final termination of the proceedings.

(Based on Sec. 12, Ord. 525)

§ 2-12.48 Act Not Exclusive. Nothing in this chapter shall be construed to abrogate or impair the power of the City of Pleasanton or any department thereof to enforce any provision of its ordinances or regulations, nor to prevent or punish violations thereof and any powers conferred herein

shall be in addition to and supplemental to powers conferred by other laws, nor shall this chapter be construed to impair or limit in any way the power of the City of Pleasanton to define and declare nuisances and to cause their removal or abatement by summary proceedings, or in any other manner provided by law.

(Based on Sec. 13, Ord. 525)

Article 3

SECURITY ORDINANCE

§2-12.75 Purpose and Findings. In order to provide reasonable protection from unlawful entry to new and enlarged buildings in the City of Pleasanton, this article requires the use of certain types of locks and other security hardware and establishes certain minimum construction standards. These amendments to the Uniform Building Code are necessitated by local geographic and topographic conditions. These conditions include:

a) A concentration of streams and flood control channels providing escape routes and hiding places for perpetrators of illegal entries and making prevention of burglaries and apprehension of burglars extremely difficult. The largest of these are the Arroyo Del Valle, Arroyo Mocho, Arroyo de la Laguna, Tassajara Creek, Pleasanton Canal and Alamo Canal.

b) Hilly terrain flanks the City on two sides. It is difficult to prevent illegal entries and apprehend the perpetrators in these areas as the hills, ravines, ridges and slopes provide ready escape routes and hiding places.

c) Housing developments are interspersed with agricultural lands, ranches and fields offering escape routes and hiding places to perpetrators.

d) Interstate 680 divides the City from north to south isolating the Foothill area, increasing response time to this area and generally making it more difficult to provide reasonable protection from illegal entries.

e) The presence of Interstate 580 and 680 makes it extremely difficult to apprehend a burglar once an unlawful entry has occurred. Within minutes, a burglar is able to flee the jurisdiction.

§2-12.76 Scope. The provisions of this article shall apply to new buildings, additions to existing buildings, and to existing commercial buildings when additions, alterations or repairs within any twelve (12) month period exceed fifty (50) percent of the value of the existing building.

§2-12.77 Supplementary Regulations. The provisions of this article shall be considered supplementary to the mandated uniform codes prescribed by the Health and Safety Code of the State of California. Whenever a provision of this article is found to be inconsistent with any uniform code requirement, the provision of the uniform code shall apply.

§2-12.78 Alternate Security Provisions. The Provisions of this article are not intended to prevent the use of any device, hardware, or method of construction, not specifically prescribed in this code, when such alternate provides equivalent security and is approved by the Chief Building Inspector of the City of Pleasanton.

§2-12.79 Administration. This article shall be administered by the Chief Building Inspector as a part of the Uniform Building Code. All rights of appeal that attach to the Uniform Building Code shall also attach to this article.

§2-12.80 Right of Entry. With the consent of the owner, his agent, the tenant, or person in charge of the building, employees or agents of the City designated to make inspections herein may enter or go upon or about any building or premises used for business purposes at any reasonable hour for the purpose of inspecting the physical exterior accessible openings of such building or premises or for any other purpose consistent herewith. Such employee or agent shall identify themselves by exhibiting a badge or other evidence of their identity and authority. If the representative is refused admittance an inspection warrant shall be procured.

§2-12.81 Definitions. For the purposes of this article, the following definitions shall apply:

a. Commercial buildings shall mean any building used in the conduct of a business or for the storage of merchandise, household goods or produce.

b. Cylinder guard shall mean a hardened ring surrounding the exposed portion of the lock cylinder or other device which is so fastened as to protect the cylinder from wrenching, prying, cutting or pulling by attack tools.

c. Deadbolt shall mean a bolt that has no automatic spring action and is operated by a key cylinder, thumbturn or lever.

d. Insert shall mean a hardened steel roller inside unhardened bolts to prevent bolt cutting or sawing with common tools.

e. Transom shall mean an area above a doorway that can be opened such as a hinged window or louvered windows.

f. Owner shall mean any person, firm or corporation having a legal or equitable interest in the property, or a power of agency therein.

g. Residential unit shall mean any building or portion of building used for habitation including motels, hotels, single family dwellings, apartments, townhouses, condominiums and guest rooms.

h. Hours of darkness shall mean that period commencing with sunset and continuing to sunrise.

§2-12.82 Security Provisions for Commercial Buildings: Doors. Each exterior door shall be secured as follows:

1. Single doors shall be equipped with a single deadbolt with a turnpiece with a minimum throw of one inch. A hook or expanding bolt may have a throw of 3/4 inch. A deadbolt must contain an insert of hardened steel to resist attempts at cutting through the bolt.

2. On pairs of doors, the active leaf shall be equipped with the type lock required for single doors in (1) above. The inactive leaf shall be equipped with flush bolts protected by hardened material with a minimum throw of 5/8 inch at the top and bottom.

3. Cylinders used shall be so designed or protected with hardened cylinder guards that they cannot be gripped by pliers or other wrenching devices.

4. Rolling overhead, solid overhead swinging, sliding or accordian type doors shall be equipped with a cylinder lock or padlock when not operated by electric power. If a padlock is used it shall have a minimum of 1/4 inch diameter hardened steel shackle and hardened steel hasp attached by bolts.

5. Metal accordian grate or grill type doors shall be equipped with metal guide track at top and bottom, and either a cylinder lock or a padlock with hardened steel shackle and minimum five pin tumbler operation with non-removable key when in an unlocked position. The bottom track shall be so designed that the door cannot be lifted from the track when the door is in a locked position.

6. Outside pin type hinges on all exterior doors shall be provided with non-removable pins and shall have jamb pins which project through both hinge leaves and prevent removal of the door if the pin is removed from the hinge. Jamb pins shall be not less than 3/16 inch diameter steel and shall project into the door and jamb not less than 1/4 inch. (Jamb pins are not required for hinges which are shaped to prevent removal of the door when the hinge pin is removed).

7. Glazed panels in doors or adjacent to the door frame shall be approved burglary resistant material.

8. Sliding doors shall have the moveable section of the door sliding on the inside of the fixed portion of the door, or secondary lock, if sliding on outside of fixed portion.

9. Sliding doors and windows shall be designed to prevent removal by lifting when in a closed or partially closed position.

10. Locks shall be provided on sliding doors. Mounting screws for the lock case shall be inaccessible from the outside. Lock bolts shall be of hardened steel or have hardened steel inserts. The lock bolt shall engage the strike sufficiently to prevent its being disengaged by any possible movement of the door within the space or clearances provided for installation and operation. The strike area shall be of material adequate to maintain effectiveness of bolt strength.

11. Door jambs shall be constructed or protected to prevent violation of the function of the strike.

12. Lighting shall be so designed that all exterior doors will be well illuminated throughout the hours of darkness. Lighting fixtures shall be protected against tampering and breakage.

§2-12.83 Commercial Buildings: Windows and other Openings. Each of the following types of openings shall be secured as follows:

1. Louvered windows shall not be installed in areas accessible from the exterior of the building. Outside hinges on accessible side of windows shall have non-removable pins. Exposed hinge screws shall be of the non-removable type.

2. Exterior transoms, with any dimension exceeding 12 inches, shall be of approved burglary resistant material.

3. Skylights shall be protected by 1/2 diameter iron bars or 1 x 1/4 inch flat steel or a steel grill of at least 1/8 inch material of 2-inch mesh under the skylight and securely fastened.

4. Hatchways shall be covered on the inside with at least 16-gauge sheet steel or equivalent and shall be secured from the inside with a slide bar or slide bolt and/or padlocks with hardened steel shackles. Hasps shall be hardened steel and bolted. Outside pin type hinges shall be provided with non-removable pins. Exposed hinge screws shall be of the non-removable type.

5. Air duct or air vent openings exceeding 8 x 12 inches shall be secured by iron bars of at least 1/2 inch diameter or 1 x 1/4 inch flat material spaced 5 inches apart and securely fastened, or by a steel grill of at least 1/8 inch material of not more than 2 inch mesh and securely fastened. Barriers on the outside shall be secured with rounded head flush bolts.

6. Entrance doors to individual office suites shall have a deadbolt lock with a minimum one inch throw.

§2-12.84 Commercial Buildings: Ladders. Ladders (excluding escapes) located on the exterior of a building which could provide access to the roof shall be secured from unauthorized use by covering the rungs with an approved barrier locked in place with a padlock. The padlock shall have a minimum of five (5) pin tumblers and be of case hardened steel. Hinges used shall be of a non-removable type. The barrier shall provide a minimum of eight (8) feet of continuous covering extending twelve (12) feet above ground level or to the top of ladder, whichever is lower.

§2-12.85 Commercial Buildings: Lighting. The following minimum requirements for lighting of commercial buildings shall apply:

1. Open or covered parking areas, providing more than ten (10) parking spaces shall be illuminated with a maintained minimum of one (1) foot candle of light at the parking surface while open for business during the hours of darkness.

2. Lighting fixtures shall be so arranged as to disseminate light uniformly over the parking surface.

3. Lights shall be secured to discourage tampering.

§2-12.86 Residential Units: Doors. Each exterior door shall be secured as follows:

1. Exterior doors (excluding glass patio doors) and doors leading from garage areas into dwelling shall be of solid core no less than 1-3/8 inch thickness.

2. Exterior doors leading from outside to interior of attached garage shall be of solid core no less than 1-3/8 inch thickness.

3. Exterior doors (excluding glass patio doors) and doors leading from garage areas into dwellings shall have a self-locking lock with deadlatch, and a dead bolt lock with one inch throw.

4. The locking device on main entrance doors shall be so constructed that both deadbolt and deadlatch can be retracted by a single action of the inside door knob.

5. The deadlatch lock and deadbolt lock shall be keyed alike (one key will fit both locks).

6. Pairs of doors shall have flush bolts with a minimum throw of 5/8 inch at the head and foot (floor and ceiling) of the inactive leaf.

7. Door stop on a wooden jamb for an in-swing door shall be on one piece construction with the jamb joined by a rabbet.

8. Non-removable pin or interlocking stud-type hinge shall be used in pin-type hinge which is accessible from the outside when the door is closed.

9. Cylinders shall be so designed or protected that they cannot be gripped by pliers or other wrenching devices.

10. The lock or locks shall be operated from the inside of the door by a device not requiring a key.

11. Locks shall be provided on all sliding patio doors.

12. Sliding patio glass doors opening onto patios or balconies which are less than one story above grade or are otherwise accessible from the outside shall have the moveable section of the door sliding on the inside of the fixed portion of the door or possess an approved secondary lock mounted on interior of moveable section.

13. The lock bolt on all glass patio doors shall engage the strike sufficiently to prevent its being disengaged by any possible movement of the door within the space or clearance provided for installation and operation. The strike area shall be of material adequate to maintain effectiveness of bolt strength.

§2-12.87 Residential Units: Entry Vision. All main entry doors shall be equipped with approved devices so that the occupant has a view of the area immediately outside the door without opening the door. Such view may be provided by a door viewer or view ports in the door or adjoining wall. View ports shall be small so as to prevent a person outside the door from reaching the required locking device or the windows; the view ports shall be located more than forty (40) inches from such locks when the door is in the closed positions.

§2-12.88 Residential Units: Windows. Sliding windows shall be designed to prevent removal by raising of the moving panel from the track while in a closed or partially open position. Louvered windows, except those above the first story, shall not be permitted.

§2-12.89 Residential Units: Door, Overhead and Sliding. Each overhead or sliding door shall meet the following standards:

1. Overhead or sliding doors shall be secured with a cylinder lock, padlock with hardened steel shackle, metal slide bar, bolt or equivalent when not otherwise locked by electric power operation.

2. The lock shall be designed and installed so as prevent the locking mechanism from being defeated by prying or shifting the door from side to side.

3. A cylinder guard shall be installed on each mortise or rim-cylinder lock which projects beyond the face of the door or is otherwise accessible to gripping tools.

§2-12.90 Residential Units: Lighting. The following standards as to lighting of residential units shall be followed:

1. Each parking lot and/or carport providing more than ten (10) parking spaces shall be provided with a maintained minimum of one (1) foot candle of light on the parking surface during the hours of darkness.

2. Lighting fixtures shall be so arranged as to illuminate light uniformly over the parking surface.

3. Lights shall be secured to discourage tampering.

(Based on Ord. 811 adopted on 2/14/77)

Article 4

Survey and Site Plan with Application for Building Permit

§ 2-13.03 Plat of Survey Required. With each application for a building permit to erect, construct or enlarge a building or structure, or to move an existing building or structure to a new location, there shall be submitted a plat of a recent survey of the property proposed to be improved by said building or structure. These requirements shall be in addition to the requirements of Chapter 15 Division 3 of the Business and Professions Code of the State of California (Land Surveyor's Act) which shall take precedence when a Record of Survey is required. (Based on Ord. 769)

§ 2-13.04 Form of Survey Plat. Two prints of the survey plat shall be submitted. The plat shall be accurately drawn to a scale of twenty feet to one inch and on a standard sized sheet of 18 inches by 26 inches, with a 1 inch border on all sides, unless otherwise authorized by the City Engineer. Upon approval of the survey by the City, a reproducible copy shall be supplied to the City. (Based on Ord. 769)

§ 2-13.05 Information Required on Survey Plat. The following minimum information shall be shown on all property surveys:

1. The name, address and registration number of the licensed land surveyor or registered civil engineer who performed the survey together with his certificate, signature and seal, the date the survey was made, and the name of the owner of record.

2. The exterior boundary lines of the property with their bearings and distances. Basis of bearings shall be the California State Coordinate (Zone III) bearing between two identified monuments. Deed courses shall be shown in parentheses, with "Deed" included with course. Courses based on other surveys shall also be shown in parenthesis with a note reference to the survey included.

3. The location and type of monuments or other markers found or set by the surveyor.

4. The deed and/or survey distance and the measured distance sufficient to relate the side line of the property to the nearest intersecting street and to one identified monument.

5. The location of existing easements affecting the property with sufficient data to accurately locate them, and the proper recording data, and adopted precise plan lines of future street right-of-ways.

6. Contour lines at one foot intervals or spot elevation(s) on a grid system, for predominant ground slopes between level 0% and 5%, contour lines at two foot intervals for predominant ground slopes between 5% and 10%, contour lines at five foot, or other appropriate interval for predominant ground slopes exceeding 10%. All elevations shall be based on N.G.V.D. datum (National Geodetic Vertical Datum, formerly United States Coast and Geodetic Survey) unless otherwise authorized by the City Engineer, and the bench mark used shall be listed with the record elevation.

7. The location of all existing buildings, structures, wells or other improvements on the property including trees, fences or poles and power lines. Where encroachment or near encroachment occurs with a property line, the distance from the property line shall be shown.

8. The location of curbs, gutters, sidewalk and street paving with elevations.

9. The location, size, slope and depth of open or closed drainage channels, sewer, water or other underground utility lines, on or affecting the property, based on best data available. (Precise invert elevations to be field measured when possible).

10. Natural topographic or agricultural features affecting the property.

(Based on Ord. 769)

§ 2-13.06 Limits of Survey. The limits of the survey plat shall normally be the boundaries of the property except as follows:

1. The limit shall extend to the opposite property line of improved or unimproved streets.

2. Major buildings, structures or other features on adjacent properties shall be shown when they may reasonably be expected to affect the subject property.

3. When the proposed improvements occupy a small portion of a large parcel under one ownership the City Engineer may prescribe reasonable limits beyond the proposed work, except that the survey plat must show the location with relation to the property lines.

4. When needed to justify information included on the plat, the limits of the survey plat shall include other adjacent or non-adjacent parcels or streets. (Based on Ord. 769)

(Based on Ord. 769)

§ 2-13.07 Field Controls for Survey. The exterior boundaries of the property shall be clearly outlined on the ground by appropriate permanent stakes or monuments. Before the first inspection by the Building Official, City Engineer or their agents, any monuments or markers defining the exterior boundary lines of the property which have been disturbed or destroyed shall be reset by the surveyor. (Based on Ord. 769)

§ 2-13.08 Exceptions to Survey Requirements. The requirement for a plat of survey may be waived for existing lots shown on filed subdivision maps recorded on or after January 1, 1970, with approval of the City Engineer.

The requirements for a plat of survey may be wholly or partially waived or modified by the City Engineer for small and unimportant work such as minor accessory buildings. (Based on Ord. 769)

§ 2-13.09 Site Plan Required. With each application for a building permit to erect, construct, enlarge, alter, or convert a building or structure, or to move an existing building or structure to a new location, there shall be submitted a drawing of a site plan. (Based on Ord. 769)

§ 2-13.10 Form of Site Plan. Two prints of the site plan shall be submitted, accurately drawn, to a scale of twenty feet to one inch, or as approved by City Engineer, and on an appropriate sized sheet. Upon approval by the City a reproducible copy shall be supplied to the City. (Based on Ord. 769)

§ 2-13.11 Information Required on Site Plan. The following minimum information shall be shown on all site plans:

1. A cross-reference of the property survey, if one is required.

2. The names, addresses and phone numbers of the property owner, the developer, and of the architect, engineer or designer who prepared the plans. The plans shall be signed by the person preparing them.

3. The exterior boundary lines of the property, adjacent streets and any easements affecting the property.

4. Contour lines at one foot intervals or spot elevation(s) on a grid system for predominant ground slopes between level 0% and 5%, contour lines at two foot intervals for predominant ground slopes between 5% and 10%, contour lines at five foot, or other appropriate intervals for predominant ground slopes exceeding 10%. All elevations shall be based on N.G.V.D. (National Geodetic Vertical Datum, formerly United States Coast and Geodetic Survey) datum unless otherwise authorized by the City Engineer, and the bench mark used shall be listed with the record elevation.

5. The location of all existing buildings, structures, wells or other improvements on the property including trees, fences or poles and power lines. Where encroachment or near encroachment occurs with a property line, the distance from the property line shall be shown.

6. The location of curbs, gutters, sidewalk and street paving with elevations.

7. The location, size, slope and depth of open or closed drainage channels, sewer, water or other underground utility lines, on or affecting the property, based on best data available. (Precise invert elevations to be field measured when possible).

8. Natural topographic or agricultural features affecting the property.

9. The location of all proposed buildings or structures with dimensions and proposed floor elevations of buildings or structures and setbacks from property lines. Any improvements, structures, trees or other agricultural features to be removed or altered shall be so indicated.

10. The location and layout of all proposed street improvements, utilities, drainage, parking, landscaping or requirements of any other ordinance, rule or regulation of the City of Pleasanton or as a condition of approval of any other agreement or permit issued by the City.

11. Plans for street or utility line extensions when required shall be prepared by a registered civil engineer.

12. Storm drainage calculations will be required by the City Engineer.

(Based on Ord. 769)

§ 2-13.12 Exceptions to Site Plan Requirements. The requirements for site plan may be partially met by reference to subdivision improvement plans for lots shown on filed subdivision maps recorded on or after January 1, 1970, insofar as showing detailed information of existing public improvements.

The requirements for site plan may be wholly or partially waived or modified by the City Engineer for small and unimportant work such as minor accessory buildings or alterations or conversions that do not change the size or use of the building or structure.

(Based on Ord. 769)

Article 1

Adoption of Uniform Administrative Code, With Amendments, Additions, Modifications, and Deletions

§ 2-13.14 Adoption of Uniform Administrative Code. There is hereby adopted by reference that certain code known as the UNIFORM ADMINISTRATIVE CODE, 1979 EDITION, published by the International Conference of Building Officials, except such portions as are hereinafter amended, modified, or deleted in this article. The Uniform Administrative Code, as modified, is hereby adopted and incorporated as fully as if set out at length herein, Three (3) copies of this code are on file with the City Clerk of the City of Pleasanton for use by the public.

§ 2-13.15 Amendments, Modifications, Additions to and Deletions from the Adopted Code. The adopted Uniform Administrative Code is modified as follows:

a. Amendments or Modifications.

1. Whenever in the adopted code the words "Building Official" are used, they shall mean the Director of Planning and Community Development of the City of Pleasanton or his designated agent.

2. Whenever reference is made to the uniform technical codes, they shall mean those technical codes as adopted by the City of Pleasanton, including amendments, modifications, additions, and deletions. Reference to the Dangerous Building Code shall be to Chapter 4 (Unsafe Buildings) of Title II of the Ordinance Code of the City of Pleasanton.

3. Section 304(a) is amended to read as follows:

"Sec.304.(a) Permit Fees. The fee for each permit shall be as set forth in the Resolution Establishing Fees and Charges for Various Municipal Services.

The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and any other permanent equipment."

4. Section 304(b) is amended to read as follows:

"Sec.304.(b) Plan Review Fees. When a plan or other data are required to be submitted by Subsection (c) of Section 302, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be in the amount established in the Resolution Establishing Fees and Charges for Various Municipal Services.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the Resolution Establishing Fees and Charges for Various Municipal Services."

5. Section 304(d)2 is amended to read as follows:

"Sec.304.(d)2. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum set forth in the Resolution Establishing Fees and Charges for Various Municipal Services for the required permit. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this code or the technical codes nor from any penalty prescribed by law."

b. Deletions.

Tables No. 3-A, 3-B, 3-C, 3-D, 3-E and 3-F are hereby deleted.

(Based on Ordinance 1030)

TITLE II - ZONING AND DEVELOPMENT

Chapter 4

UNSAFE BUILDINGS

Article 1 - General: Definitions

Article 2 - Procedure

Article 3 - Appeals

Article 4 - Lien Procedure

Article 1

General: Definitions

§ 2-13.17 Findings. The City Council of the City of Pleasanton does hereby find that there exists in the City of Pleasanton certain dwellings which are unfit for human habitation, and buildings and structures which are unfit for other uses, due to inadequate maintenance, dilapidation, obsolescence or abandonment, structural defects, defects increasing the hazards of fire, accident or other calamities, inadequate light or ventilation, inadequate sanitary facilities, uncleanliness, or due to other conditions which are inimical to the safety, health and general welfare of the residents of the City of Pleasanton.

(Based on Sec. 1, Ord. 394)

§ 2-13.18 Unsafe Building Defined. Any building or structure, or any portion thereof, or the premises on which the same is located in which there exists any of the following listed conditions to an extent that seriously threatens the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be an unsafe building:

a. Structural hazards, which shall include but not be limited to the following:
   1. Deteriorated or inadequate foundations.
   2. Defective or deteriorated flooring or floor supports.
   3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
   4. Members of walls, partitions or other vertical supports that are defective, deteriorated, or of insufficient size to carry imposed loads with safety.
   5. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are defective, deteriorated, or of insufficient size to carry imposed loads with safety.
   6. Fireplaces or chimneys which are defective, deteriorated or are of insufficient size or strength to carry imposed loads with safety.

b. Inadequate sanitation, which shall include but not be limited to the following:
   1. Lack of, or inadequate sanitary facilities.
   2. Lack of, or inadequate running water to plumbing fixtures.
   3. Lack of adequate heating facilities.
   4. Lack of adequate light and ventilation.
   5. Dampness of habitable rooms.
   6. Infestation of insects, vermin, or rodents.
   7. Lack of connection to required sewage disposal system.
   8. Lack of adequate garbage and rubbish storage and removal facilities.

c. Nuisance. Any nuisance, which shall include the following:
   1. Any public nuisance known at common law or in equity jurisprudence.
   2. Whatever is dangerous to human life or is detrimental to health.

3. Overcrowding a room with occupants.
4. Insufficient ventilation or illumination.
5. Uncleanliness.
6. Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings.

d. Hazardous electrical wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

e. Hazardous plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.

f. Hazardous mechanical equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.

g. Faulty weather protection, which shall include but not be limited to the following:
   1. Deteriorated, crumbling, or loose plaster.
   2. Deteriorated or ineffective weather protection for exterior walls and roofs.

h. Hazardous or insanitary premises. Those premises on which an accumulation of weeds, junk, dead organic matter, debris, garbage, stagnant water, combustible materials and similar materials or conditions constitute fire, health, or safety hazards.

i. Inadequate exits. All buildings or portions thereof not provided with adequate exit facilities as required by the Uniform Building Code, 1961 Edition, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.

j. Inadequate fire-protection or fire-fighting equipment. All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by the Uniform Building Code, 1961 Edition, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

k. Improper occupancy. All buildings or portions thereof occupied for more hazardous purposes based on life and fire risk than those for which they were designed or intended to be used.

(Based on Sec. 2, Ord. 394)

§ 2-13.19 Standards for Repair, Vacation or Demolition. The following standards shall be followed in substance by the City Engineer and the Board of Appeals in ordering repair, vacation, or demolition of a building.

a. If the "unsafe building" can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be repaired.
b. If the "unsafe building" is in such condition as to make it dangerous to the health, morals, safety or general welfare of the occupants, it shall be vacated.
c. If the "unsafe building" is more than fifty percentum (50%) damaged, decayed, or deteriorated in value, it shall be demolished, or be made to conform to all applicable ordinances and regulations.
d. If the "unsafe building" cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished.
e. If the "unsafe building" is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the City of Pleasanton or the State of California, it shall be demolished, providing the said fire hazard is not eliminated by the owner or other interested persons within a reasonable time.

(Based on Sec. 3, Ord. 394)

Article 2

Procedura

§ 2-13.20 Duties of City Administrative Staff and Procedure.

1. Duties of City Engineer. The City Engineer or his authorized representative shall:
   a. Inspect or cause to be inspected all buildings or structures which may be brought to his attention by the Fire Chief, the Police Chief or the Health Officer, for the purpose of determining whether any conditions exist which render such places "unsafe buildings" within the terms of Section 2-13.18.

   b. Inspect or cause to be inspected any building or structure about which written complaints are filed by any person to the effect that a building or structure is, or may be, existing in violation of this chapter.

   c. Notify the owner of such building or structure and any mortgagee or beneficiary under any deed of trust of record, of any violation of this chapter, in the manner hereinafter stated, and order necessary work or demolition.

   d. Appear at all hearings conducted by the Board of Appeals and testify as to the condition of the "unsafe building".

   e. Report to the City Attorney the names and addresses of all persons not complying with the order provided for in subsection (c) above.

   (Based on Sec. 4, Ord. 394)

2. Duties of the City Attorney. The City Attorney shall:
   a. Prosecute all persons failing to comply with the terms of the notices provided for herein in paragraph 4 (Administrative Procedure) and the order provided for in paragraph 1, subsection (c) above.
   b. Appear, when requested to do so at hearings before the Board of Appeals in regard to "unsafe buildings".
   c. Bring suit to collect costs incurred by the Board in repairing or causing to be vacated or demolished said "unsafe buildings".
   d. Take such other legal action as is necessary to carry out the terms and provisions of this chapter.

   (Based on Sec. 5, Ord. 394)

3. Duties of the Fire Chief, Police Chief and Health Officer. The Fire Chief, Police Chief and Health Officer shall make such inspections as may be requested by the City Engineer pursuant to the provisions of this chapter, shall make a report in writing of their findings relative to the provisions of this chapter to the City Engineer and shall appear and testify before the Board of Appeals upon the request of the Board.

   (Based on Sec. 6, Ord. 394)

4. Administrative Procedure. The notice given by the City Engineer shall be served personally or be sent by registered or certified mail, postage prepaid, return receipt requested, to the person owning the land on which the building or structure is located as such person's name and address appear on the last equalized assessment roll and to any mortgagee or beneficiary under any deed of trust of record, at the last known address of such mortgagee or beneficiary provided that if the whereabouts of such persons are unknown and the same cannot be ascertained by the City Engineer in the exercise of reasonable diligence and the City Engineer shall make an affidavit to that effect, then said notice shall be served by publishing the same once each week for two consecutive weeks in a newspaper published in the City of Pleasanton, and by posting said notice on the property prior to the date of first publication. Such notice shall contain among other things, the following information:

   a. Name of owner or other persons interested, as provided hereinabove.
   b. Street address and legal description of the property on which such building or structure is located.
   c. General description of the building or structure deemed unsafe.
   d. A statement or list of conditions which render the building or structure unsafe.
   e. Whether or not said building or structure should be vacated by its occupants and the date of such vacation.
   f. Whether or not the conditions render the building unsafe, as provided for in paragraph (d) above, can be removed or repaired.
   g. Whether or not said building or structure constitutes a fire menace.
   h. Whether or not it is unreasonable to repair the said building or structure and whether or not said building or structure should be demolished.
   i. The date by which to commence either the required repairs, improvements or demolition, and the date by which said work is to be completed.
   j. The owner's right of appeal from the decision and order of the City Engineer and the date by which such appeal must be filed.

(Based on Sec. 7, Ord. 394)

Article 3

Appeals

§ 2-13.21 Board of Appeals. There is hereby created and established a Board of Appeals, consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction. Each member of the Board of Appeals shall be appointed by the Council, for a term of two years, provided that first two members appointed shall serve a term of one year. The Board shall elect a chairman. The City Engineer or his representative shall be an ex-officio member of said Board and shall serve as secretary. The Board shall adopt reasonable rules and regulations for conducting its business.

(Based on Sec. 8, Ord. 394)

1. Duties of Board of Appeals. The Board of Appeals shall:
   a. Upon receipt of a written notice of appeal from the decision and order of the City Engineer by the owner or party in interest within 30 days from the date of the service of said decision or order, the Board shall entertain such appeal, conduct a hearing thereon as provided in subsection (b) hereof; or upon receipt of a request in writing from the City Engineer to review his decision, the Board shall entertain such request and conduct a hearing as herein provided. The Board of Appeals shall notify the owner of the hearing date, post the property with a notice of hearing and publish a notice of hearing, all as provided in Section 2-13.20 paragraph 4 (Administrative Procedure).

   b. Hold a hearing as required by subsection (a) above within 21 days after receipt of an appeal to hear such testimony as may be presented by any department of the City of Pleasanton or the owner, occupant, mortgagee, lessee or any other person having an interest in said building or structure, with relation to the "unsafe building".

   c. Make written findings of fact within 60 days from the date of first hearing, stating whether or not the building in question is an "unsafe building" within the terms of Section 2-13.18 hereof.

   d. The Board shall uphold, reverse or modify the City Engineer's order.

(Based on Sec. 9, Ord. 394)

§ 2-13.22 Demolition. If the owner or party in interest fails to comply with the decision of the Board of Appeals, or in the event no appeal is filed, with the order of the City Engineer, then and in that event either the Board or the City Engineer, as the case may be, may direct or cause such buildings or structure to be improved, vacated, closed or demolished as the facts may warrant under the standards hereinabove provided, and the cost of such improvement, vacation or demolition shall be assessed against the real property upon which such costs were incurred, as provided hereafter, unless such amount is

previously paid.

(Based on Sec. 10, Ord. 394)

§ 2-13.23 Appeal to Council.

a. Any person aggrieved or alleging error by the action of the Board of Appeals in the administration or enforcement of this chapter may make application to the City Clerk in the manner prescribed by the City Council within 7 days from the date of the action that is appealed.

b. Application shall be accompanied by a verification by at least one of the petitioners, attested before a notary public or person authorized to administer oaths, or by a sworn declaration under penalty of perjury.

c. A public hearing shall be held by the City Council within 30 days from the date of appeal. Notice of time, place and purpose of the hearing shall be given by the City Clerk by publication once in a newspaper of general circulation published within the City limits at least 10 days prior to said hearing.

d. A full record in writing shall be submitted by the Board of Appeals setting forth reasons for the action taken.

e. The Council shall find whether in its opinion an error was made.

f. The Council may affirm, reverse or modify the action appealed, as it deems just and equitable, and exercise all rights of other officers or the Board of Appeals.

g. Action of the City Council may be reviewed by competent courts.

(Based on Sec. 11, Ord. 394)

Article 4

Lien Procedure

§ 2-13.24 General Lien Procedure. This article shall constitute and provide the general lien procedure for the City in abatement of nuisances and unsafe buildings, particularly when buildings or structures are abated pursuant to the sections above.

a. Jurisdiction to abate. Thirty (30) days after the posting of copies of the resolution of the City Council or the final action of the City Engineer, with no appeal pending, the City shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing said building. In the event the nuisance is not abated within the thirty day period by owners or interested persons, the same shall be done under the direction and supervision of the City.

b. Disposition of materials. Building materials contained in such buildings shall be sold by the City at public sale to the highest responsible bidder not less than five (5) days after notice of intended sale has been published at least once in a newspaper of general circulation published within the City, either before or after said building has been razed or removed. Any amount received from the sale of such building materials shall be deducted from the expense of razing or removing said building. The City Engineer shall keep an itemized account of the expenses involved in razing or removal of any such buildings, and shall deduct therefrom the amount received from the sale of building materials. Upon completion, the City Engineer shall post conspicuously on the property from which the building was razed or removed a verified statement showing the gross and net expenses, together with a notice of time and place which said statement shall be submitted to the City Council for approval and confirmation. At said time, the Council shall consider any objections or protests which may be raised by any property owner liable to be assessed for the cost of such work and any other interested persons. A copy of said statement and notice shall be mailed in the manner prescribed in Section 2-13.20(4)(Administrative Procedure) above, and an affidavit of posting and mailing shall be filed with the City Clerk. The hearing on the statement of expense by the City Council shall not be less than five days from the date of posting and mailing of said statement and notice.

c. Hearing on statement of expense. At the time fixed for the hearing on the statement of expense, the Council shall consider the statement, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the work, and any other interested persons. The Council may make such revision, correction or modification in the statement as it deems just. The Council shall confirm said statement as modified, at said time, or upon adjournment or continuances as it may grant.

d. Notice of lien. In event the cost of razing exceeds the proceeds received from sale of materials, then the net expenses if not paid within five days after the Council's approval of statement shall constitute a lien on the real property from which the building was abated or removed. The lien shall continue until the amount thereof and interest thereon at the rate of 6% per annum, computed from the date of confirmation of the statement until paid, shall have been paid or until it is discharged of record. Such lien shall be upon parity with the lien for State, County and municipal taxes. In the event of non-payment, the City Council shall at any time within sixty days of the confirmation of the statement, cause to be filed in the office of the County Recorder a certificate entitled "Notice of Lien" setting out the action of the City Council and the amount, dates and interest involved. From the date of recording of said Notice of Lien, all persons shall be deemed to have had notice of the contents thereof, and the statute of limitations shall not run against the rights of the City to enforce payment of said lien. In the event the amount received from the sale of materials exceeds the expense of razing, then the excess shall be deposited with the City Treasurer to the credit of the owner of said property or other persons producing evidence of ownership satisfactory to the City Treasurer.

(Based on Sec. 12, Ord. 394)

§ 2-13.25 Penalties. Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this chapter is committed, continued, or permitted, and upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not more than $300.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

(Based on Sec. 15, Ord. 394)

TITLE II - ZONING AND DEVELOPMENT

Chapter 5

PLUMBING CODE

Article 1 - Adoption of Uniform Plumbing Code with Deletions and Modifications

Article 2 - Enforcement: Appeals

Article 1

Adoption of Uniform Plumbing Code With Deletions and Modifications

§2-13.27 Adoption of Uniform Plumbing Code. There is hereby adopted by reference that certain code known as the Uniform Plumbing Code, more particularly described below except such portions are hereinafter amended, modified or deleted, and the same is hereby adopted and incorporated as fully as if set out at length herein.

Said Uniform Plumbing Code is the UNIFORM PLUMBING CODE, 1979 Edition, published by the International Association of Plumbing and Mechanical Officials. Three (3) copies of this Uniform Code are on file in the office of the City Clerk for use by the public.

§2-13.28 Amendments, Modifications, Additions to and Deletions from the Adopted Code. The Adopted Code is hereby changed as follows:

a. Amendments or Modifications.

1. Whenever in the Adopted Code the words "Administrative Authority" or "Assistant" are used, they shall mean the Director of Planning and Community Development of the City of Pleasanton or his agent.

2. Section 20.7 - Cost of Permit. A fee for each plumbing permit shall be paid to the City prior to issuance of the permit. Such fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed by ordinance.

b. Additions.

1. Subsections g, h, and i are hereby added to Section 1101 to read as follows:

(g) Every building sewer installed shall have a backflow protection device installed in the sewer lateral serving that individual building. The backflow protection device may consist of either an atmospheric valve or backwater valve installation as approved by the Building Inspector.

(h) Where a building sewer is already installed and the building served thereby is so situated that the lowest drain opening in the building is less than two (2) feet above the rim of the nearest upstream manhole, a backflow protection device consisting of either an atmospheric relief valve or backwater valve installation, as approved by the Building Inspector, shall be installed.

(i) Subsections (g) and (h) may be waived when, in the opinion of the Building Inspector, such installation is unnecessary for the protection health and safety requirements of this Chapter.

2. Subsection (d) is hereby added to Section 1310 to read as follows:

(d) All water heaters shall be securely anchored to the floor or wall in a manner acceptable to the Adminstrative Authority to resist seismic forces.

Article 2

Enforcement: Appeals

§ 2-13.32 Enforcement. This chapter and the Adopted Code shall be enforced by the Director of Public Works of the City of Pleasanton acting either directly or through properly authorized agents acting within the scope of the particular duties delegated to them by the Director of Public Works.

(Based on Sec. 3, Ord. 441)

§ 2-13.33 Interpretation. The language used in this chapter and in the Adopted Code is intended to convey the common and accepted meaning familiar to the Plumbing Industry. Should any question arise, the Director of Public Works is hereby authorized to determine the intent and meaning of any provision of this chapter. Such determinations shall be made in writing and a record shall be kept in the office of the Public Works Department, which record shall be available to interested parties.

(Based on Sec. 4, Ord. 441)

§ 2-13.34 Variances. The Director of Public Works shall have the power to grant a variance to any of the provisions of the Adopted Code upon application in writing by the affected party, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public health, safety and welfare secured, and substantial justice done. The particulars of such variance and the decision of the Director of Public Works shall be entered in the records of the Public Works Department of the City of Pleasanton and a signed copy furnished the applicant. The granting of any variance shall not be construed to imply or fix any liability on the part of the City or any officer or employee thereof for any damages to persons or property by reason of such variance.

(Based on Sec. 5, Ord. 441)

§ 2-13.35 Appeals. Whenever the Director of Public Works shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code or this chapter do not apply or that the true intent or meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Director of Public Works to the City Manager of the City of Pleasanton within 30 days from the date of the decision appealed. Such appeal shall be in writing and the City Manager shall within 30 days of the receipt of the appeal and by written notice to the appellant either uphold, reverse or modify the decision of the Director of Public Works. The decision of the City Manager may be appealed within 30 days of said decision to the Board of Appeals established by Sec. 2-13.36 of this chapter.

(Based on Sec. 6, Ord. 441)

§ 2-13.36 Board of Appeals. There is hereby created and established a Board of Appeals consisting of five members. Each member of the Board of Appeals shall be appointed by the Council for a term of two years, provided

that the first two members appointed shall serve a term of one year. The Board shall elect a chairman. The Director of Public Works or his representative shall be an ex-officio member of said Board and shall serve as secretary. The Board shall adopt reasonable rules and regulations for conducting its business. Any Board of Appeals appointed by the City Council under the provisions of any other ordinance may act as the Board of Appeals provided for in this chapter when so directed by resolution of the City Council.

(Based on Sec. 7, Ord. 441)

§ 2-13.37 Duties of the Board of Appeals. The Board of Appeals shall:

a. Upon receipt of a written notice of appeal from the decision of the City Manager by the owner or party in interest within thirty days of the date of the service of said decision or order, the Board shall entertain such appeal and conduct a hearing thereon as provided in sub-section "b" hereof. The Board of Appeals shall notify the owner or parties of interest of the hearing date, post the property with a notice of hearing and publish a notice of hearing, all as provided hereinafter.

b. Hold a hearing as required by sub-section "a" above, within forty-five days after receipt of appeal, to hear such testimony as may be presented by any department of the City of Pleasanton or the owner, occupant, mortgagee, lessee or any other person having an interest.

c. Make written findings of fact within thirty days of the date of first hearing.

d. The Board shall uphold, reverse or modify the City Manager's decision.

(Based on Sec. 8, Ord. 441)

§ 2-13.38 Notification. A notice given by the Board of Appeals shall be served personally or be sent by registered or certified mail, postage prepaid, return receipt requested, to the person owning the land on which the building or structure is located, as such person's name and address appears on the last equalized assessment roll, and to a mortgagee or beneficiary under any Deed of Trust of record, at the last known address of such mortgagee or beneficiary provided that if the whereabouts of such persons are unknown and the same cannot be ascertained by the City Engineer in the exercise of reasonable diligence and the City Engineer shall make an affidavit to that effect, then said notice shall be served by publishing same once each week for two consecutive weeks in a newspaper published in the City of Pleasanton and by posting said notice on the property prior to the date of first publication. Such notice shall contain, among other things, the following information:

a. Name of owner or other persons interested, as provided hereinabove.

b. Street address and legal description of the property on which such a building or structure is located.

c. A general description of the matter which is being appealed.

d. The owner's right of appeal to the City Council.

(Based on Sec. 9, Ord. 441)

§ 2-13.39 Appeal to Council.

a. Any person aggrieved or alleging error by the action of the Board of Appeals in the administration or enforcement of this chapter may make application to the City Clerk in the manner prescribed by the City Council within 7 days from the date of the action that is appealed.
b. Application shall be accompanied by a verification by at least one of the petitioners, attested before a notary public or person authorized to administer oaths, or by a sworn declaration under penalty of perjury.
c. A public hearing shall be held by the City Council within 30 days from the date of the appeal. Notice of time, place and purpose of the hearing shall be given by the City Clerk by publication once in a newspaper of general circulation published within the City limits at least ten days prior to said hearing.
d. A full record in writing shall be submitted by the Board of Appeals, setting forth reasons for the action taken.
e. The Council shall find whether, in its opinion, an error was made.
f. The Council may affirm, reverse or modify the action appealed, as it deems just and equitable and exercise all rights of other officers or the Board of Appeals.
g. Action of the City Council may be reviewed by competent courts.

(Based on Sec. 10, Ord. 441.)

§ 2-13.40 Penalties. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this chapter is committed, continued, or permitted, and upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not more than $300.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

(Based on Sec. 11, Ord. 441)

§ 2-13.41 Liability. No officer, agent or employee of the City of Pleasanton shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the City of Pleasanton, as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the City Attorney until final termination of the proceedings.

(Based on Sec. 12, Ord. 441)

§ 2-13.42 Act Not Exclusive. Nothing in this chapter shall be construed to abrogate or impair the power of the City of Pleasanton or any department thereof to enforce any provision of its ordinances or regulations, nor to prevent or punish violations thereof, and any powers conferred by this chapter shall be in addition to and supplemental to powers conferred by other laws, nor shall this chapter be construed to impair or limit in any

way the power of the City of Pleasanton to define and declare nuisances and to cause their removal or abatement by summary proceedings, or in any other manner provided by law.

(Based on Sec. 13, Ord. 441.)

TITLE II - ZONING AND DEVELOPMENT

Chapter 6

ELECTRICAL CODE

Article 1 - Adoption of National Electrical Code

Article 2 - Enforcement: Appeals

Article 1

Adoption of National Electrical Code of 1978 with Additions and Modifications

§2-14.03 Adoption of Electrical Code. There is hereby adopted by reference by the City of Pleasanton that certain code known as the National Electrical Code of 1978, more particularly described below, except such portions as are hereinafter amended, modified or deleted, and the same is hereby adopted and incorporated as fully as if set out at length herein.

Said Electrical Code is the NATIONAL ELECTRICAL CODE of 1978 published by the National Fire Protection Association, three (3) certified copies of which are on file with the City Clerk.

§2-14.04 Amendments, Modifications, Additions to any Deletions from the Adopted Codes. The Adopted Codes are hereby changed in the following respects:

a. Amendments or Modifications.

1. Where any conflict occurs between the National Electrical Code and this Chapter, this chapter shall take precedence.

b. Additions.

"Article 91 - Administrative Regulations."

91-1 SCOPE.

a. Prohibited Acts. No person shall construct, install, renew, alter, use or maintain any electrical wiring, devices, appliances or equipment except as provided by this chapter.

b. Moved Buildings. All electrical work existing in buildings moved into or within the incorporated area of the City after the effective date of this chapter shall comply with the requirements of this chapter.

c. Existing Construction. Except for existing electrical work in buildings moved into or within the City, nothing contained in this chapter shall be construed to require any construction or work regulated by this chapter to be altered, changed, reconstructed, removed or demolished if such construction or work was installed prior to the effective date of Ordinance No. 477, March 21, 1967,

and in accordance at the time of its installation, except when any such construction or work regulated by this chapter is dangerous, unsafe or a menace to life, health or property in the judgment of the Chief Building Inspector of the City of Pleasanton, or his duly appointed representative, based on his knowledge and expertise and the current provisions of the National Electrical Code.

91-2 ENFORCEMENT.

a. Right of Entry. Upon presentation of proper credentials, the Chief Building Inspector, or his duly appointed representative, may enter any building or structure or premises in order to perform any duty imposed by this chapter.

b. Notice to Stop Work. Whenever any work is being done contrary to any law or ordinance enforced by the Chief Building Inspector or his duly appointed representative, he shall issue a notice to the responsible person to stop work on that portion of the work on which the violation has occurred. The notice shall state the nature of the violation and has been rectified and approval obtained from the Chief Building Inspector, or his duly appointed representative.

c. Right to Disconnect. The Chief Building Inspector or his duly appointed representative is hereby authorized to disconnect or order discontinuance of electric service to any electrical wiring devices, appliances or equipment found to be in violation of this chapter under any of the following conditions:

1. Failure of the owner or his agent to secure the required electrical permit.

2. Hazardous electrical work found to be dangerous to life or property due to defective wiring, devices, appliances or equipment.

3. Electrical work connected to service without the approval of the Chief Building Inspector or his duly appointed representative. Any order issued pursuant to this section may be made either to the person using and maintaining the condition or to the person responsible for its use and maintenance, and shall specify the date or time for compliance with its terms.

91-3 PERMITS

a. Permits Required. No electric equipment regulated by this chapter shall be installed within or on any building, structure or premises without first securing a permit therefor from the Chief Building Inspector, or his duly appointed representative. A separate permit shall be obtained for each building or structure.

b. To Whom Permit may be Issued. No permit shall be issued to any person to do, or cause to be done, any work regulated by this chapter except to a person holding a valid, unexpired, and unrevoked Electrical Contractor's License issued by the Contractor's State License Board of the State of California except when and as otherwise hereinafter provided in this section.

This chapter shall exempt from licensing any work that qualifies for the exemptions provided in Sections 7040, 7042, 7043, 7045, 7047, 7051, 7052 and 7053, Article 3, Chapter 9 of Division 3 of the Business and Professions Code of the State of California.

Any permit required by this chapter may be issued to any person to do any work regulated by this chapter in a single family dwelling used exclusively for living purposes including the usual accessory buildings and quarters in connection with such buildings in the event that the same are occupied by or designed to be occupied by said owner; provided that said owner shall perform, oversee or supervise all work in connection therewith.

c. Application for Permit. Every application for a permit shall be made on forms furnished by the Chief Building Inspector, or his duly appointed representative. Every application shall provide for the address, the use occupancy or purpose of the building, or premises where the proposed work and such other additional information as the Chief Building Inspector, or his duly appointed representative, may consider necessary. If it appears, upon examination and investigation by the Chief Building Inspector, or his duly appointed representative, that the proposed work will conform to the provision of this chapter, a permit shall then be issued to the applicant, upon payment of the fees provided for.

d. Maintenance Electricians. In lieu of an individual permit for each installation or alteration, an annual permit may, upon application therefor, be issued to any person, firm, or corporation regularly employing one or more electricians for the installation and maintenance of electric wiring, devices, appliances, and equipment upon premises owned or occupied by the applicant for the permit. The application shall be made on forms furnished by the Chief Building Inspector, or his duly appointed representative. Within not more than fifteen (15) days following the end of each calendar month, the person, firm or corporation to which an annual permit is issued shall transmit to the Chief Building Inspector, or his duly appointed representative, a report of all the electrical work done under the annual permit during the prededing month. Each annual permit shall expire on December 31 of the year in which it is issued.

e. Validity of Permit. The issuance of granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. The issuance of a permit upon plans and specifications shall not prevent the Chief Building Inspector or his duly appointed representative from thereafter requiring the correction of error in said plans and specifications or preventing construction operation being carried on thereunder when in violation of this chapter or of any other ordinances of the City of Pleasanton.

f. Expiration of Permit. Whenever the work authorized by any permit required by this chapter is not commenced within ninety (90) days from the date of issuance of such permit, or whenever the work authorized by such permit shall be recommenced or continued, a new permit shall be obtained as provided in this chapter for the original permit, and the same fee or fees shall be paid therefor as were required for the original permit.

91-4 FEES

a. Fees Established. Before any permit required by this chapter is issued, the applicant therefor shall pay to the City of Pleasanton the fees for each building or structure as set forth in a Resolution Establishing Fees For Various Municipal Services. Said table of fees may be amended, partially or entirely, by subsequent resolution of the City Council.

b. Penalty for Work Started Without Permit. Where work for which a permit is required is commenced prior to obtaining said permit, the fee specified shall be doubled. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this chapter nor from any other penalties prescribed by ordinance.

c. Fee Exemptions. This chapter governs and controls the installation, alteration or repair of any electrical work in any building or structure owned or controlled by any public or quasi-public or political corporation or body. However, neither the State nor any county, city, district or political subdivision nor any public officer or body acting in an official capacity on behalf thereof shall pay or deposit any fee for the filing of any document or paper for the performance of any official service.

91-5 INSPECTIONS AND CERTIFICATE.

Upon completion of the work which has been authorized by issuance of any permit, except an annual permit, it shall be the duty of the person, firm or corporation installing the same to notify the Chief Building Inspector or his duly appointed representative, who shall inspect the installation within forty-eight (48) hours, exclusive of Saturdays, Sundays and Holidays, of the time such notice is given or as soon thereafter as practicable.

Where the Chief Building Inspector or his duly appointed representative finds the installation to be in conformity with the provisions of this chapter he shall authorize the use of the installation and connection to the electrical utility furnishing the electric service. If upon inspection the installation is not found to be fully in conformity with the provisions of this chapter, the Chief Building Inspector or his duly appointed representative shall at once notify the person, firm or corporation making the installation, stating the defects which have been found to exist.

All defects shall be corrected within ten (10) days after inspection and notification, or within other reasonable time as permitted by the Chief Building Inspector or his duly appointed representative.

Preliminary approval may be issued authorizing the connection and use of certain specific portions of an incompleted installation; such certificate shall be revocable at the discretion of the Chief Building Inspector or his duly appointed representative.

When any part of a wiring installation is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the wiring shall notify the Chief Building Inspector or his duly appointed representative and such parts of the wiring installation shall not be concealed until they have been inspected and approved by the Chief Building Inspector or his duly appointed representative, provided that on large installations where the concealment of parts of the wiring proceeds continuously, the person, firm or corporation installing the wiring shall give the Chief Building Inspector or his duly appointed respresentative due notice, and inspections shall be made periodically during the progress of the work. The Chief Building Inspector shall have the power to remove, or require the removal of any obstruction that prevents proper inspection of any electrical equipment.

At least once in each calendar month the Chief Building Inspector or his duly appointed representative shall visit all premises where work has been done under annual permits and shall inspect all electric wiring, devices, appliances and equipment installed under such a permit since the date of his last previous inspections, and shall issue a certificate of approval for such work as is found to be in conformity with the provisions of this chapter after the fee required has been paid.

91-6 CONNECTION TO INSTALLATION.

Except where work is done under Maintenance Electricians' permit it shall be unlawful for any person, firm or corporation to make connection from a source of electrical energy or to supply electric service to any electric wiring, devices, appliances or equipment for the installation of which a permit is required, unless such person, firm or corporation shall have obtained a certificate of approval issued by the Chief Building Inspector or his duly appointed representative.

It shall be unlawful for any person, firm or corporation to make connections from a source of electrical energy or to supply electric service to any electric wiring, devices, appliances or equipment which has been disconnected or ordered to be disconnected by the Chief Building Inspector or his duly authorized representative to be discontinued until approval has been given by him authorizing the reconnection and use of such wiring, devices, appliances or equipment. The Chief Building Inspector or his duly appointed representative shall notify the serving utility of such order to discontinue use.

Article 2

Enforcement: Appeals

§ 2-14.08 Enforcement. This chapter and the Adopted Code shall be enforced by the Director of Housing and Community Development of the City of Pleasanton acting either directly or through properly authorized agents acting within the scope of the particular duties delegated to them by the Director of Housing and Community Development. For such purpose the Director of Housing and Community Development or his agent shall have the powers of a police officer.

(Based on Ord. 477 as amended by Ord. 750)

§ 2-14.09 Interpretation. The language used in this chapter and in the Adopted Code is intended to convey the common and accepted meaning familiar to the Electrical Industry. Should any question arise, the Director of Housing and Community Development is hereby authorized to determine the intent and meaning of any provision of this chapter and the Adopted Code. Such determinations shall be made in writing and a record shall be kept in the office of the Department of Housing and Community Development, Building Inspection Division, which record shall be available to interested parties.

(Based on Ord. 477 as amended by Ord. 750)

§ 2-14.10 Variances. The Director of Housing and Community Development shall have the power to grant a variance to any of the provisions of the Adopted Code upon application in writing by the affected party, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public health, safety and welfare secured, and substantial justice done. The particulars of such variance and the decision of the Director of Housing and Community Development shall be entered in the records of the Department of Housing and Community Development, Building Inspection Division of the City of Pleasanton and a signed copy furnished the applicant. The granting of any variance shall not be construed to imply or fix any liability on the part of the City or any officer or employee thereof for any damages to persons or property by reason of such variance.

(Based on Ord. 477 as amended by Ord. 750)

§ 2-12.11 Appeals. Whenever the Director of Housing and Community Development shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code or this chapter do not apply or that the true intent or meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Director of Housing and Community Development to the City Manager of the City of Pleasanton within 30 days from the date of the decision appealed. Such appeal shall be in writing and the City Manager shall within 30 days of the receipt of the appeal and by written notice to the applicant either uphold, reverse or modify the decision of the Director of Housing and Community Development

The decision of the City Manager may be appealed within 30 days of said decision to the Board of Appeals established by Section 2-14.12 of this chapter.

(Based on Ord. 477 as amended by Ord. 750)

§ 2-14.12 Board of Appeals. There is hereby created and established a Board of Appeals consisting of five members. Each member of the Board of Appeals shall be appointed by the Council for a term of two years, provided that the first two members appointed shall serve a term of one year. The Board shall elect a chairman. The Director of Housing and Community Development or his representative shall be an ex-officio member of said Board and shall serve as secretary. The Board shall adopt reasonable rules and regulations for conducting its business. Any Board of Appeals appointed by the City Council under the provisions of any other ordinance may act as the Board of Appeals provided for in this chapter when so directed by resolution of the City Council.

(Based on Ord. 477 as amended by Ord. 750)

§ 2-14.13 Duties of the Board of Appeals. The Board of Appeals shall:

a. Upon receipt of a written notice of appeal from the decision of the City Manager by the owner or party in interest within thirty days of the date of the service of said decision or order, the Board shall entertain such appeal and conduct a hearing thereon as provided in sub-section "b" hereof. The Board of Appeals shall notify the owner or parties in interest of the hearing date, post the property with a notice of hearing and publish a notice of hearing, all as provided hereinafter.

b. Hold a hearing as required by Sub-section "a" above, within forty-five days after receipt of appeal, to hear such testimony as may be presented by any department of the City of Pleasanton or the owner, occupant, mortgagee, lessee or any other person having an interest.

c. Make written findings of fact within thirty days of the date of first hearing.

d. The Board shall uphold, reverse or modify the City Manager's decision.

(Based on Ord. 477 as amended by Ord. 750)

§ 2-14.14 Notification. A notice given by the Board of Appeals shall be served personally or be sent by registered or certified mail, postage prepaid, return receipt requested, to the person owning the land on which the building or structure is located, as such person's name and address appear on the last equalized assessment roll, and to a mortgagee or beneficiary under any Deed of Trust of record, at the last known address of such mortgagee or beneficiary provided that if the whereabouts of such persons are unknown and the same cannot be ascertained by the Department of Housing and Community Development, Building Inspection Division in the exercise of reasonable diligence and the Department of Housing and Community Development, Building Inspection Division shall make an affidavit to that

effect, then said notice shall be served by the publishing same once a week for two consecutive weeks in a newspaper published in the City of Pleasanton and by posting said notice on the property prior to the date of first publication. Such notice shall contain, among other things the following information:

a. Name of owner or other persons interested, as provided hereinabove.

b. Street address and legal description of the property on which such a building or structure is located.

c. The owner's right of appeal to the City Council.

(Based on Ord. 477 as amended by Ord. 750)

§ 2-14.15 Appeal to Council.

a. Any person aggrieved or alleging error by the action of the Board of Appeals in the administration or enforcement of this chapter may make application to the City Clerk in the manner prescribed by the City Council within 7 days from the date of the action that is appealed.

b. Application shall be accompanied by a verification by at least one of the petitioners, attested before a notary public or person authorized to administer oaths, or by a sworn declaration under penalty of perjury.

c. A public hearing shall be held by the City Council within 30 days from the date of the appeal. Notice of time, place and purpose of the hearing shall be given by the City Clerk by publication once in a newspaper of general circulation published within the City limits at least ten days prior to said hearing.

d. A full record in writing shall be submitted by the Board of Appeals, setting forth reasons for the action taken.

e. The Council shall find whether, in its opinion, an error was made.

f. The Council may affirm, reverse or modify the action appealed, as it deems just and equitable, and exercise all rights of other officers or the Board of Appeals.

g. Action of the City Council may be reviewed by competent courts.

(Based on Ord. 477 as amended by Ord. 750)

§ 2-14.16 Penalties. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this chapter is committed, continued, or permitted, and upon conviction of any such violation such person, firm, or corporation shall be punishable by a fine of not more than $300.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

(Based on Ord. 477 as amended by Ord. 750)

Article 1

Adoption of Uniform Mechanical Code, With Additions, Modifications and Deletions

§2-14.28 Adoption of Uniform Mechanical Code. There is hereby adopted by reference that certain code known as the UNIFORM MECHANICAL CODE, 1979 Edition, published by the International Association of Plumbing and Mechanical Officials, except as amended, modified, or deleted in this article. Three (3) copies of this code are on file with the City Clerk of the City of Pleasanton for use by the public.

a. Amendments or Modifications.

1. Section 304 (Permit Fees) of the Uniform Mechanical Code is amended by deleting the "Schedule of Fees" on Page 7 and by modifying Section 304 to read as follows:
Such applicant shall pay for each permit at the time of issuance a fee in the amount established in the Resolution Establishing Fees and Charges for Various Municipal Services.

Article 2

Enforcement: Appeals

§ 2-14.33 Enforcement. This chapter and the Adopted Code shall be enforced by the Director of Public Works of the City of Pleasanton acting either directly or through properly authorized agents acting within the scope of the particular duties delegated to them by the Director of Public Works; for such purpose the Director of Public Works or his agent shall have the power of a Police Officer.

(Based on Sec. 3, Ord. 524)

§ 2-14.34 Interpretation. The language used in this chapter and in the Adopted Code is intended to convey the common and accepted meaning familiar to the Heating, Venting and Comfort Cooling Industry to determine the intent and meaning of any provision of this chapter. Such determinations shall be made in writing and a record shall be kept in the office of the Department of Public Works, which record shall be available to interested parties.

(Based on Sec. 4, Ord. 524)

§ 2-14.35 Variances. The Director of Public Works shall have the power to grant a variance to any of the provisions of the Adopted Code upon application in writing by the affected party or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public health, safety and welfare secured, and substantial justice done. The particulars of such variance and the decision of the Director of Public Works shall be entered in the records of the Public Works Department of the City of Pleasanton and a signed copy furnished the applicant. The granting of any variance shall not be construed to imply or fix any liability on the part of the City or any officer or employee thereof for any damages to persons or property by reason of such variance.

(Based on Sec. 5, Ord. 524)

§ 2-14.36 Appeals. Whenever the Director of Public Works shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code or this chapter do not apply or that the true intent or meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Director of Public Works to the City Manager of the City of Pleasanton within 30 days from the date of the decision appealed. Such appeal shall be in writing and the City Manager shall within 30 days of the receipt of the appeal and by written notice to the appellant either uphold, reverse, or modify the decision of the Director of Public Works. The decision of the City Manager may be appealed within 30 days of said decision to the Board of Appeals established by Section 2-14.37 of this chapter.

(Based on Sec. 6, Ord. 524)

§ 2-14.37 Board of Appeals. There is hereby created and established a Board of Appeals consisting of five members. Each member of the Board of Appeals shall be appointed by the Council for a term of two years, provided that the first two members appointed shall serve a term of one year. The Board shall elect a chairman. The Director of Public Works or his representative shall be an ex-officio member of said board and shall serve as secretary. The board shall adopt reasonable rules and regulations for conducting its business. Any Board of Appeals appointed by the City Council under the provisions of any other ordinance may act as the Board of Appeals provided for in this chapter when so directed by resolution of the City Council.

(Based on Sec. 7, Ord. 524)

§ 2-14.38 Duties of the Board of Appeals. The Board of Appeals shall:

a. Upon receipt of a written notice of appeal from the decision of the City Manager by the owner or party in interest, within thirty days of the date of the service of said decision or order, the Board shall entertain such appeal and conduct a hearing thereon as provided in sub-section "b" hereof. The Board of Appeals shall notify the owner or parties in interest of the hearing date, post the property with a notice of hearing and publish a notice of hearing, all as provided hereinafter.

b. Hold a hearing as required by sub-section "a" above, within twenty-one days after receipt of appeal, to hear such testimony as may be presented by any department of the City of Pleasanton or the owner, occupant, mortgagee, lessee or any other person having an interest.

c. Make written findings of fact within sixty days of the date of first hearing.

d. The Board shall uphold, reverse or modify the City Manager's decision.

(Based on Sec. 8, Ord. 524)

§ 2-14.39 Notification. A notice given by the Board of Appeals shall be served personally or be sent by registered or certified mail, postage prepaid, return receipt requested, to the person owning the land on which the building or structure is located, as such person's name and address appear on the last equalized assessment roll, and to a mortgagee or beneficiary under any Deed of Trust of record, at the last known address of such mortgagee or beneficiary provided that if the whereabouts of such persons are unknown and the same cannot be ascertained by the City Engineer in the exercise of reasonable diligence and the City Engineer shall make an affidavit to that effect, then said notice shall be served by publishing same once each week for two consecutive weeks in a newspaper published in the City of Pleasanton and by posting said notice on the property prior to the date of first publication. Such notice shall contain among other things, the following information:

a. Name of owner or other persons interested, as provided hereinabove.

b. Street address and legal description of the property on which such a building or structure is located.
c. A general description of the matter which is being appealed.
d. The owner's right of appeal to the City Council.

(Based on Sec. 9, Ord. 524)

§ 2-14.40 Appeal to Council.

a. Any person aggrieved or alleging error by the action of the Board of Appeals in the administration or enforcement of this chapter may make application to the City Clerk in the manner prescribed by the City Council within 7 days from the date of the action that is appealed.
b. Application shall be accompanied by a verification by at least one of the petitioners, attested before a notary public or person authorized to administer oaths, or by a sworn declaration under penalty of perjury.
c. A public hearing shall be held by the City Council within 30 days from the date of the appeal. Notice of time, place and purpose of the hearing shall be given by the City Clerk by publication once in a newspaper of general circulation published within the City limits at least ten days prior to said hearing.
d. A full record in writing shall be submitted by the Board of Appeals, setting forth reasons for the action taken.
e. The Council shall find whether, in its opinion, an error was made.
f. The Council may affirm, reverse or modify the action appealed, as it deems just and equitable, and exercise all rights of other officers or the Board of Appeals.
g. Action of the City Council may be reviewed by competent courts.

(Based on Sec. 10, Ord. 524)

§ 2-14.41. Penalties. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this chapter is committed, continued, or permitted, and upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not more than $300.00 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

(Based on Sec. 11, Ord. 524)

Article 1

Sewer Service Charges

2-15.01 Purpose. The purpose of this article is to provide revenue for the operation, maintenance and retirement of general obligation bonds in connection with the City Sewage Treatment Plant, mains and facilities.

(Based on Sec. 1, Ord. 296)

2-15.02 Definitions. The rules, regulations and charges set forth for the management and use of the City sewer facilities are hereby prescribed, and the words used in this chapter shall have the meanings defined below, unless the context clearly indicates a different meaning, to wit:

a. "Sewer Facilities" means and includes the sanitary sewage collection, disposal and treatment system of the City and all appurtenances thereto and portions thereof.

b. "Charge" means the rental or other charge established by this chapter for services and facilities furnished by the City to any premises in connection with the operation of its sewer facilities.

c. "Occupant" means and includes any individual, firm, corporation or other organization owning, renting or leasing any premise.

(Based on Sec. 3, Ord. 296)

§ 2-15.03 Sewer Service Charges

1. Definitions
For the purpose of §2-15.03, Article 1, Chapter 8, Title II, the following words and phrases shall have the meanings herein ascribed to them, unless the context specifically indicates otherwise:

(a) BILLABLE PARAMETERS: Those parameters (i.e., flow, BOD, SS, volume, I/I) for which the treatment works is designed to treat and for which average user charge unit costs are calculated.

(b) BOD (denotes biochemical oxygen demand): The quantity of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory in five days at 20 degrees centigrade.

(c) CITY: The City of Pleasanton.

(d) COMMERCIAL USER: Any nonresdential user that the Engineer determines introduces into the City's sewer system primarily segregated domestic wastes or wastes from sanitary conveniences.

(e) DISTRICT: Dublin San Ramon Services District.

(f) ENGINEER: The engineer of the City of Pleasanton or his designated representative, acting as ex-officio Engineer of the city.

(g) FIXTURE UNIT: A quantity of sewage discharge that is 1/21st of a residential discharge equivalent.

(h) FLOW: The wastewater flow occurring in one month.

(i) INDUSTRIAL USER: Any user identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as now or hereafter amended or supplemented under the following divisions.

(1) DIVISION A - Agriculture, Forestry, Fishing

(2) DIVISION B - Mining

(3) DIVISION D - Manufacturing

(4) DIVISION E - Transportation, Communications, Electric, Gas, and Sanitary Services

(5) DIVISION I - Services

A user in the Divisions listed is excluded if the user discharges less than 25,000 gallons per day of equivalent sanitary flows or if the user is a governmental or residential user.

(j) ICR: Industrial Cost Recovery.

(k) LOCAL COSTS: Local costs are those which are borne in their entirety by the City and include all expense incurred up to the point of delivery to the District system and all expense associated with disposing City effluent via the Livermore-Amador Valley Water Management Agency's wastewater export system.

(l) MG: Million gallons.

(m) MULTIPLE-FAMILY DWELLING: A multiple-family dwelling includes triplexes, quadplexes, apartments, and mobile home

(n) PL 92-500: The Federal Water Pollution Control Act Amendments of 1972.

(o) REGIONAL COSTS: Regional costs are those which are shared by the City and District in accordance with the cost of providing service for each agency and include all wastewater treatment costs incurred by the District.

(p) RESIDENTIAL USER: Any user introducing into the sewerage system domestic wastes from a single-family dwelling, o from a unit of a multiple-family dwelling.

(q) RESIDENTIAL DISCHARGE EQUIVALENCY: A unit of wastewater discharge equal in volume and strength to the discharge of a typical residential user. This shall be 280 gallons per day of flow, .5534 lb per day of BOD, and .4076 lb per day of SS.

(r) SCHOOLS: Any public or private institutions of learning that introduce into the City's sewerage system primarily segregated domestic waste or wastes from sanitary conveniences

(s) SEWER EXPANSION FUND: Connection fee revenue deposited in a District fund to be used to fianance District capital costs of expansions, improvements and rehabilitation.

(t) SINGLE-FAMILY DWELLING: Any residential unit designed to house one family and not herein defined as multiple-family dwelling; condomimiums, townhouses, duplexes, and mobile homes not in mobile parks shall be considered single-family dwelling.

(u) SS (denotes suspended solids): Solids that either float in the surface of, or are in suspension in, wastewater and which are largely removable by standard laboratory filtration procedures.

(v) TREATMENT WORKS: The District wastewater treatement plant.

(w) VOLUME: The wastewater flow occurring over a specified period of time.

2. User Classification

Users of the treatement works shall be categorized as follows:

(a) RESIDENTIAL

Which shall be further categorized by dwelling type as follows:

Single-family
Multiple-family

(b) COMMERCIAL

Which shall be further categorized as follows:

Bakeries
Commercial laundries
Restaurants
All others

(c) INDUSTRIAL

(d) SCHOOLS

3. Authority to Levy Charges
The following rates and charges shall be established from time to time for each user classification and category by the City's Council to recover regional costs of the District and local costs of the City:

(a) SERVICE CHARGES: Bimonthly service charges shall be assessed to all system users. Such charges shall be based upon the cost of service to treat both the volume and strength of wastewater discharge as determined by contribution to both average and peak system use. Service charges shall be comprised of user charges and industrial cost recovery charges where applicable.

(1) USER CHARGE: User charges shall be levied on all existing users of the treatment works to recover their proportional share of capital and operation and maintenance costs (including replacement).

(2) INDUSTRIAL COST RECOVERY (IRC): Upon discontinuance of any federal moratorium thereon, ICR charges shall be levied on nongovernmental and nonresidential users of the treatment works whose average daily wastewater discharge exceeds 25,000 gallons, 50 lb BOD or 37 lb SS to recover from them an amount equal to Public Law 92-500. The recovery period shall be 30 years, and no interest shall be assessed. ICR charges shall reflect actual usage of the treatment works. If any industry ceases operation, ICR charges shall discontinue, and no liability for unbilled ICR shall accrue.

(b) CONNECTION FEES: Connection fees shall be assessed new system users at the time a connection permit is requested to recover local costs of the City and District capital costs of treatment works expansions, improvements and rehabilitation or any other sewer related purposes.

4. (a) SERVICE CHARGES: Service charges shall be calculated in the following manner:

(1) RESIDENTIAL: Service charges shall be a flat rate per dwelling unit.

(2) COMMERCIAL: There shall be different unit rates per 100 cubic feet of metered water delivered for user categories, as defined by the council from time to time, to reasonably reflect their cost of service subject to a minimum bimonthly charge equal to the single-family residential charge.

(3) INDUSTRIAL: All users subject to ICR charges as defined in Section 3 (a) (2) of this ordiance shall be billed according to measured discharges of wastewater flows and BOD and SS. Such measurements shall be obtained from monitoring facilities installed at the points of discharge to the sewer system at a point approved by the Engineer. Both installation

and operating costs of monitoring facilities shall be at the sole expense of the industrial user. Frequency of monitoring shall be determined by Engineer. Service charges shall be the sum of demand charges based on the maximum-month average day discharge of the billable parameters, loading charges based on the quantity of billing parameters discharged during the billing period, and monitoring costs. If the user's wastewater strengths are relatively constant, Engineer may establish a unit rate per 100 cubic feet of wastewater discharge. Such rates shall be constant throughout the rate period unless the Engineer determines that there has been significant change in the user's operation which would materially affect sewage strengths.

(4) SCHOOLS: Schools shall be charged a unit rate per 100 cubic feet of metered water delivered.

(5) NONRESIDENTIAL: Nonresidential users not receiving metered water service shall be charged a unit rate per fixture unit connected to plumbing discharging to the sewerage system. The Uniform Commercial Plumbing Code shall be used to assign the number of fixture units. Engineer may require unmetered users to install appropriate metering devices at user's expense should the Engineer suspect that the fixture unit method of sewage measurement does not adequately reflect discharges made by said user.

(b) CONNECTION FEES: Connection fees shall be calculated in the manner set forth in Article 2 of this chapter.

5. SEWER SERVICE CHARGES: Users of the treatment works shall be and are hereby required to pay bimonthly sewer service charges in accordance with the schedule set forth in this ordinance. The service charge accrual shall commence on the date the customer makes the service connection or on the date the District's or City's facilities are ready for use. If a commercial, industrial or institutional customer receives water solely for irrigation purposes through a totally separate meter and system, such irrigation water shall not be included in determining average monthly use.

6. DISTRICT CONNECTION FEES: A District Connection Fee is hereby established as shown in Section 2-15.13(b). It shall be levied and is due and payable to the City at the time connection is requested. Monies collected by the City shall be payable monthly to the District to be deposited to the Sewer Expansion Fund.

7. USE OF SERVICE CHARGE REVENUES: General revenues derived from Sewer Service Charges may be used to defray any regional

expense incurred by the District or any local expense incurred by the City except the revenues obtained from Industrial Cost Recovery charges so recovered. Of the ICR, 50 (fifty) percent shall be returned, at least annually, to the U.S. Treasury, together with any interest earned thereon, and 40 (forty) percent shall be deposited in U.S. obligations or securities guarenteed by the federal government. The remaining 10 (ten) percent shall be used by the City as it sees fit.

(Based on Ord. 296, as amended by Ord.701, 725, and 892)

2-15.04 Sewer Connection Mandatory. The further maintenace or use of cesspools or septic tanks or other local means of sewage disposal constitutes a public nuisance. All buildings inhabited by human beings which are not more than 250 feet from a sewage system of the City or extension thereof, and for which there is a grade sufficient to allow gravity flow, shall be connected to the sewage system of the City not less than 180 days from the effective date of Ordinance No. 296, April 10, 1959.
(Based on Sec. 5, Ord. 296)

2-15.05. Payment, Collection and Billing. The charges established by this article shall be paid by the occupant of the premises to the City Water Department within 24 days after presentation. Charges shall be delinquent if not paid within the said 24 days. Charges may be included in the City water bills monthly or bi-monthly at the discretion of the City Manager.

(Based on Sec. 6, Ord. 296, as amended by Sec. 1, Ord.299)

2-15.06 Enforcement.

a. The City Engineer is hereby authorized and it shall be his duty to disconnect the water service of any person upon any premises connected to or using the sanitary sewage system of the City upon failure of the person to whom such charge is billed to pay the same. In the event there is not City water service provided at the premises, the City Engineer shall and is hereby authorized to disconnect any domestic sewer connection on the premises.

b. When service has been disconnected, as provided by this article, the City Engineer may require the person requesting re-establishment of the service to make a deposit of $25.00 before granting permission to make the connection. Before such service is re-established, the person making said application shall pay all expenses incurred by the City caused by such disconnection and for re-establishing such connection.

c. An action may be brought in the name of the City in any court of competent jurisdiction against the occupant of the premises at the time the service becomes delinquent for the collection of said delinquent charges.

d. The remedies herein shall be cumulative and in addition to any or all other remedies available to the City for the collection of said charges.

(Based on Sec. 7, Ord. 296)

2-15.07 Sewer and Drainage Service Fund. A fund to be known as the Sewer and Drainage Service Fund is hereby established. All monies received from the collection of the charges established by this chapter shall be deposited with the City Treasurer, who shall deposit all of said monies in the "Sewer and Drainage Service Fund." The monies of this fund shall be used only for the payment of bond redemption and interest charges for sewer service facilities and for storm drainage facilities authorized by Ordinance No. 287 for other capital expenditures for sewer facilities of the City and for the operation and maintenance of sewer facilities.

(Based on Sec. 8, Ord. 296, as amended by Sec. 2, Ord. 330)

2-15.08 Screening or Pretreatment.

a. In industrial or heavy commercial uses and upon a survey by the City Engineer, the City may adjust charges or establish them according to such survey. Any occupant who may disagree with the City Engineer's determination may, at his own expense, install private measuring devices, according to specifications approved by the City Engineer.

b. In those cases, where other than domestic sewage is being deposited in the sewage system, the City Engineer may require installation of a suitable screening and pre-treatment device on the occupant's premises to prepare the waste so that the City Treatment Plant can adequately treat the wastes with its designed normal treatment process.

c. Industrial wastes must be screened through the equivalent of a screen of 20 mesh per lineal inches in both directions. All above-mentioned equipment shall be installed at the sole expense of the occupants in accordance with specifications approved by the City Engineer.

d. The City Engineer, or his representative, shall have the right at all reasonable times to check the operation of the screening mechanism, the operation of the measuring and recording devices, and make records of the readings.

e. The occupant shall, at its own expense, remove and dispose of all waste material retained upon the screens or not approved for disposal in the City sewage treatment system.

(Based on Sec. 9, Ord. 296)

2-15.09 Storm Drainage. No storm, surface or ground water, or other matter which would overload or otherwise detrimentally affect any portion of the sewer facilities shall be permitted to flow into said facilities.

(Based on Sec. 10, Ord. 296)

Article 2

Sewer Connection Fees

2-15.12 Definitions. Whenever in this article the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions.

a. "Council" shall mean the City Council of the City of Pleasanton.

b. "Dwelling Unit" shall mean and be held to include any living area intended to be occupied principally by a separate family including single family dwellings and the individual units of duplexes, apartment houses, townhouses, resident hotels, flats and motels.

c. "Mobile Home" shall mean any structure intended to be occupied principally by one family without necessarily being divided into separate and distinct areas and so constructed as to allow movement of the structure from place to place.

d. "Commercial Building" shall mean any building devoted principally to a use allowed by the Zoning Ordinance of the City of Pleasanton in the commercially zoned areas in the City of Pleasanton.

e. "Industrial Building" shall mean any building devoted principally to a use allowed by the Zoning Ordinance of the City of Pleasanton in the industrially zoned districts of the City.

f. "Customer" refers to any person, firm, corporation, partnership or association who connects to the sewerage system of the City of Pleasanton for the purpose of discharging waste therein.

g. "Bedroom" shall mean any room or area intended to be or capable of being used as separate sleeping quarters for one or two persons.

h. "B.O.D." denoting Bio-chemical Oxygen Demand, shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20degrees, expressed in parts per million by weight.

i. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtration.

(Based on Sec. 1, Ord. 467)

§2-15.13 Connection Charges. To establish appropriate provisions for the construction, repair and expansion of the sanitary sewerage system of the City of Pleasanton, inclusive of the existing Sunol Treatment Plant, or to purchase capacity in some other sewerage system and to be assured that the cost of such construction, repair and expansion is borne by those who receive the benefits thereof, there is hereby established connection charges for all connections made to the sanitary sewerage system of the City of Pleasanton after the effective date of Ordinance No. 467, September 9, 1966, in accordance with the following schedule:

a. Sewer Service Charges

Residential (Dwelling Unit)		
Single Family	$ 21.95	
Multiply	11.00	
Commercial (hundred cubic feet)		
Bakeries	1.29	ccf
Commercial laundries	1.15	
Restaurants	1.47	
All other	.80	
Schools (ADA)	1.75	
Fairgrounds	.80	
Industrial (Cheese Factory, winery, Kaiser, septic haulers)		
Demand:		
Flow MGD	41,338.21	
BOD lb/day	2.35	
SS lb/day	1.71	
Loading:		
Volume MGD	429.21	
BOD 1,000 lb	23.41	
SS 1,000 lb	17.28	
Connection - each	1.38	

b. Sewer Connection Fees

Single Family	$1,860 per unit
Multiple and Mobile Homes	1,400 per unit
Commercial, Industrial and Institutional	1,860 per D.U.E. (D.U.E. = 280 GPD)

c. Sewer Surcharge

Single Family	$ 500 per unit
Multiple and Mobile Homes	375 per unit
Commercial, Industrial and Institutional	500 per D.U.E. (D.U.E. - 280 GPD)

d. Any change in use or addition requiring greater capacity in the sewerage system will require the payment of additional fees at the rates established by this ordinance.

e. Upon application and good cause shown, the City Council may in its sole discretion waive any of the charges provided for in this Ordinance.

However, no sewer connection charge shall be required for the reconstruction, rehabilitation, or repair to an existing structure damaged or destroyed by a natural catastrophe or Act of God, including but not limited to, fires, earthquakes, and floods. The owner of a dwelling or business so affected shall not enlarge the premises beyond its previous sewage requirements without paying the increased sewer connection fee.

f. All measurements, tests and analysis of the characteristics of water and wastes to which reference is made in this chapter shall be determined in accordance with the 11th Edition, or subsequent editions, of the Standard Methods for the Examination of Water and Sewage published jointly by the American Public Health Association and Federation of Sewage Works Association, and shall be determined on samples from the inspection facility. In the event that no special facility has been required, the point of inspection shall be considered to be the downstream manhole in the public sewer nearest to the point by which the building sewer is connected to the public sewer.

g. For each single family or multiple family dwelling unit tributary to the sewage treatment plant owned and operated by the City of Pleasanton there shall be imposed a surcharge in the amount set forth in this ordinance. Said surcharge shall be imposed in order to finance acquisition of additional sprinkler facilities and irrigation fields to accommodate the sewage burden generated by additional connection charges required by subsection (a) hereof.

For each mobilehome and for commercial and industrial units there shall be imposed a surcharge in an amount as set forth in this ordinance in addition to the connection charges required by subsection (a) hereof.

The surcharge herein provided for shall be in effect only so long as is necessary to finance acquisition by the City of the use of approximately 50 additional acres of land adjacent to its sewage treatment plant and additional pipes, sprinkler heads and pumps necessary to effectively use said land for the sprinkling of sewage effluent. When the total of said surcharges collected hereunder are sufficient to satisfy the above requirements the appropriate City officers shall immediately cease collecting said surcharge.

h. For each dwelling unit and mobilehome tributary to the sewage treatment plan owned and operated by the City of Pleasanton, there shall be imposed a surcharge in order to fund the repairs and modifications made to said sewage treatment plant and appurtenant facilities and disposal fields, to suppress or eliminate odors emanating therefrom and to otherwise satisfy the requirements of the California

Regional Water Quality Control Board. This surcharge is in addition to any other sewer connection charge or surcharge provided for by the City, and is set forth in this ordinance.

For commercial and industrial units, there shall be imposed a surcharge in an amount set forth in this ordinance.

(Based on Ord. 724 and 725, adopted 5/29/74, amended by Ord. 1054)

§2-15.14 Establishment of Special Fund. All revenues derived from the connection charges herein provided for shall be deposited in a special fund to be known as the "Sewer Improvement Fund," which fund is hereby created, and which special fund shall be used for the purpose of improving, maintaining, repairing or servicing the sanitary sewerage system of the City of Pleasanton and/or the servicing of any bonded indebtedness of the City of Pleasanton hereinafter incurred for sanitary sewer purposes, and/or the purchase of capacity in any other sewerage system. Interest earned by the fund shall remain in the fund and be used for the same purposes as the principal.

(Based on Ord. 724 and 725, adopted 5/29/74)

§2-15.15 Payment of Fees. Before any building permit is issued after the effective date of Ordinance No. 467, September 9, 1966, by the Building Inspector of the City of Pleasanton or his duly authorized representative, the applicant therefor shall pay to the City of Pleasanton the necessary fees herein provided for, together with such other fees as may be provided for by ordinance now in effect or hereafter adopted.

(Based on Sec. 4, Ord. 467)

§2-15.16 Credits. A credit against connection charges shall be permitted for all lands subject to annexation agreements or subdivision agreements executed prior to September 9, 1966. This credit shall be calculated by the City Engineer and shall be prorated where necessary.

(Based on Sed. 5, ORd. 467)

Article 3

Use and Control of Sewerage System

§ 2-15.20 Purpose. The intent of this article is to regulate discharge into the sewerage system, pending studies by the City on the effect of such discharge, by establishing standards of discharge through regulations, as necessary, to control the quality of sewage entering the sewerage system to protect City system, and to regulate the discharge from the treatment plant to comply with the objectives of the Water Quality Control Board pertaining to the City of Pleasanton. It is further the intent of this article to recognize existing substantial private investment in existing home-recharged water softening units, discharged at the place of use, but to prohibit any discharge from new units, residential or industrial, which would not observe the set objectives of the Regional Water Quality Control Board or this article.

(Based on Sec. 1, Ord. 442)

§ 2-15.21 Definitions. Unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows:

a. "B.O.D." denoting Biochemical Oxygen Demand, shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° expressed in parts per million by weight.
b. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
c. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtration.
d. "Dissolved Solids" shall mean the constituents (chemical, mineral, chlorides) found in water as chemicals and removable by the filtration methods described in the reference referred to in Section 2-15.35 (Testing Standards and Sampling).
e. "Industrial Wastes" shall mean the wastes from industrial processes, including Zeolite type softening regeneration plants.
f. "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
g. "Sewage" shall mean water carrying wastes from residences, business buildings, institutions, and industrial establishments, together with such other waters as may be present, or any combination of such wastes and waters.
h. "Storm Waters" shall mean liquid flowing in storm drains during or following a period of rainfall and resulting therefrom.
i. "Sanitary Sewage" shall mean the portion of sewage exclusive of industrial wastes and storm waters.
j. "Sewerage System" shall mean all sewer and facilities operated for carrying , collecting, pumping, treating, and disposing of sewage.
k. "Sewer" shall mean a pipe or conduit for carrying sewage.
l. "Sanitary Sewer" shall mean a sewer to which storm surface and ground waters are not intentionally admitted.
m. "Storm Sewers" or "Storm Drains" shall mean a sewer which carries storm and surface waters but excludes sewage and polluted industrial wastes.

n. "Shall" is mandatory; "may" is permissive.
o. "Grease", "oil", "fats" shall mean any material, or like material, that is soluble in petroleum ether.
p. "Applicant" shall mean any person, or group of persons, who applies for sewer service.
q. "Council" shall mean the Council of the City of Pleasanton.
r. "Person" shall include any firm association, corporation, partnership or governmental agency.
s. "Customer" shall mean any person, firm association, corporation, or governmental agency served or entitled to be served by the City, for or without compensation.
t. "Developer" shall mean any person, or group of persons, who requests the Council to expand its sewerage system.
u. "City" shall mean the City of Pleasanton.
v. "Service Lateral" shall mean the pipe between the City's sewer line and the customer's service connection at the edge of the street or easement.
w. "Trunk Line" shall mean a main sewer line to which two or more collection lines are connected and which serves the primary purpose of transporting sewage from collection lines to the treatment plant.
x. "City Engineer" shall mean the City Engineer of the City of Pleasanton, or his authorized representative, acting within the scope of his assigned duties.
y. "Side Sewer" shall mean a connection with a service lateral from a house or other structure.
z. "Commercial Garbage Grinder" shall mean a mechanical unit for pulverizing large quantities of wastes by a commercial user.
zz. "Water Softener" shall mean a unit using the ion exchange process requiring sodium ion or sodium chloride ion to regenerate the exchange bed.

(Based on Sec. 2, Ord. 442)

§ 2-15.22 Discharge to Sewers. All sewage shall be discharged to public sewers except as provided herein.

(Based on Sec. 3, Ord. 442)

§ 2-15.23 Private Disposal of Sewage Prohibited. It shall be unlawful to construct any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except when special permit is granted by the Council.

(Based on Sec. 4, Ord. 442)

§ 2-15.24 Storm or Unpolluted Waters. Storm waters, surface waters, ground waters, roof run-off, or water from irrigation, condensing coil coolers, processing, or other purposes which produces an uncontaminated effluent satisfactory for direct discharge into storm drains or surface waterways, shall not be discharged into the sanitary sewer system.

(Based on Sec. 5, Ord. 442)

§ 2-15.25 Discharge of Substances into Sewer Prohibited. No person shall knowingly discharge, deposit, or throw, or cause, allow or permit to be discharged into any public sewer or plumbing fixtures connected to the drain, manhole, culvert, or catch basin or sanitary catch basin, or into any private sewer or drain connecting with the public sewer, any substance of any kind whatever which shall obstruct or injure the sewage works, or cause a nuisance or which will in any manner interfere with the proper repair or maintenance of the sewerage system, or will in any way render it difficult for any workmen to operate or repair the sewerage system or cause the City Plant to discharge treated effluent which would be a violation of effluent requirements set by the Regional Water Quality Control Board.

(Based on Sec. 6, Ord. 442)

§ 2-15.26 Controlled Discharge. When deemed necessary by the City Engineer the customer shall provide facilities for storage for peak flows and controlled discharge to prevent flows beyond the capacity of the sewerage facilities.

(Based on Sec. 7, Ord. 442)

§ 2-15.27 Specific Limitation of Discharge. No person shall discharge, or cause to be discharged, except for salt waste discharge from water softener units of any kind or description installed in operation on or before 30 days after the date of adoption of Ordinance No. 442, March 22, 1966, and which are regenerated by the owner thereof at the place of use of such units, any of the following described water or wastes to any public sewer unless the customer obtains a permit from the City as provided herein.

a. Any liquid or vapor having a temperature higher than 120°F or lower than 35°F.
b. Any waters or wastes which contain more than 25 ppm of mineral oil or grease or 100 ppm of animal or vegetable oil or grease.
c. Any gasoline, benzene, naphtha, fuel oil, or other inflammable or explosive liquid, solid, or gas.
d. Any garbage, except properly ground with a mechanical garbage grinder. Specifically excluded from the sewers are waste products resulting from the handling, storage, and sale of fruits and vegetables from other than retail produce establishments, or other foods not intended primarily for immediate consumption.
e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, coal tar, asphalt, cement, plastics, woods, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interferences with the proper economical operation of the sewerage system.
f. Any wastes or water with a pH lower than 6.0 or higher than 8.0.
g. Any waters or wastes containing total dissolved solids increment greater than 325 ppm nor chloride increment greater than 75 ppm, increase during a single cycle use or the water supply.
h. Any waters or wastes having a B.O.D. greater than 300 ppm (the average B.O.D. for residential users).
i. Any waters or wastes containing more than 300 ppm of suspended solids (the average suspended solids for residential users).
j. Any waters intended to be used or used to dilute waste discharge to avoid violation of any limitations provided herein.

k. Any waters or wastes containing more than 10 ppm of Methylene Blue active substances.

l. Any waters or wastes containing toxic substances exceeding the following concentration in Mg/L:

Arsenic	0.01	Cyanide	1.0
Barium	1.0	Lead	0.5
Cadmium	0.4	Nickel	2.0
Carbon		Phenols	0.1
Chloroform		Selenium	0.01
Extract	0.2	Silver	0.05
Chromium	0.1	Zinc	2.0
Copper	1.0		

m. Any waters or wastes having a chlorine demand in excess of 10 Mg/L.

n. Any waters or wastes containing chemicals exceeding the following concentrations in Mg/L:

Acids (HCL, H2SO4, HNO3, HPO3, acetic)	4 Mg/L
CrO3	0.1 Mg/L
Caustic	10 Mg/L
MCB	0.1 Mg/L
Analine	0.5 Mg/L
Isocyanates	1.0 Mg/L
Amines	5 Mg/L
Phosgene	.05 Mg/L
Nitric Acid	4 Mg/L
Hydrochloric Acid	4 Mg/L
Sulphuric Acid	4 Mg/L
Perchloric Acid	4 Mg/L
Phosphoric Acid	0.01 Mg/L
Potassium Oxalate	10 Mg/L
Potassium Sodium Tartarate	10 Mg/L
Benzene	4 Mg/L
Acetone	10 Mg/L
Chloroform	10 Mg/L
Hydrofluoric	10 Mg/L
Ammonium Hydroxide	2 Mg/L
Bayer Liquor	10 Mg/L

(Based on Sec. 8, Ord. 442)

§ 2-15.28 Continuance of Discharge from Existing Home Regenerated Water Softeners. Notwithstanding any other provisions of this article, nothing herein contained shall prohibit or be deemed to prohibit the use of water softener units, installed and in operation on or before 30 days after the adoption of Ordinance No. 442, March 22, 1966, which are regenerated by the owner thereof at the place of use of such units. The discharge of salt waste from any unit allowed continuance by the provisions of this section shall be prohibited if the said existing unit is replaced or repairs are made thereto in excess of 50% of the original cost of said unit.

(Based on Sec. 9, Ord. 442)

§ 2-15.29 Permits: Public Health, Safety and Business Requirements: Conditions--Fees:

1. A permit may be obtained from the Department of Public Works of the City to exceed the standards of or to discharge matter prohibited

by this article upon a proper showing by the applicant that:

a. It is a public or private hospital or sanitarium, or
b. That the applicant's health or that of a member of his family residing with applicant requires softened water and the installation of a softening unit for that purpose, or
c. That the applicant is a person engaged in a business, occupation, industry or profession which can only operate if softened water is available and a softening unit is essential or the other limitations of discharge unreasonably and arbitrarily restrict the applicant's right to engage in such business, occupation, industry or profession, or
d. The applicant is a unit of state, city or federal government and such a permit is required in the public interest.

2. In the event that a permit is issued under this section, such permit shall be conditioned upon such conditions as will be consistent with the intent and purpose of this article and shall include but not be limited by:
   a. Requirements for sampling and reports;
   b. Time limitations on permits;
   c. Requirements for dilution of discharge;
   d. Minimum requirements of water supply;
   e. Hours and times of discharge;
   f. The assimilative capacity of the City's effluent, within the Regional Water Pollution Control Board's standards or objectives;
   g. A sampling place and measuring device constructed at applicant's expense.

3. A fee shall be charged for a permit issued pursuant to this section, the amount of which shall not exceed the actual cost to the City for preliminary studies, engineering, additional administration, processing and plant expansion costs, if any.

(Based on Sec. 10, Ord. 442)

§ 2-15.30 Radioactive Wastes. No person shall discharge or cause to be discharged any radioactive wastes into any public sewers, except where:

a. The waste is discharged in strict conformity with current Atomic Energy Commission recommendations for safe disposal of radioactive wastes.
b. The discharging of radioactive waste will not cause injury to personnel or damage to the sewage works. Any person discharging a radioactive waste to a public sewer in accordance with the provisions of the preceding paragraph shall submit to the Council such report as the Council may deem necessary.

   In the event of any accidental spill of any radioactive material into the public sewer, the person responsible shall (a) immediately notify the Plant Superintendent, and (b) render such technical or other assistance to the Department of Public Works within his power to prevent the sewage works from becoming contaminated with radioactivity.

(Based on Sec. 11, Ord. 442)

§ 2-15.31 Garbage Grinders. Garbage, fruits, vegetables, animal or other solid kitchen waste materials from other than individual dwelling units resulting from the preparation of any food or drink, may be admitted to the sanitary sewer if first passed through a mechanically operated grinder. Commercial garbage from the disposal of wastes from restaurants, markets, hospitals or nursing homes, that increases operation costs or decreases plant effectiveness or capacity, shall be required to pay a service charge in accordance with strength and volume of the wastes discharged.

(Based on Sec. 12, Ord. 442)

§ 2-15.32 Private Treatment Facilities. Any person discharging sewage into a public sewer shall, prior to discharge, provide, at his expense, such pre-treatment or take such other measures as may be necessary to reduce objectionable characteristics or constituents to conform with the requirements set forth in this article. All studies, plans and specifications must be prepared by a registered professional Engineer retained by the discharger, and the plans shall be reviewed and approved by the City Engineer prior to construction. Approval by the City Engineer does not relieve the discharger from meeting the requirements as set forth in this chapter.

(Based on Sec. 13, Ord. 442)

§ 2-15.33 Inspection Facility. It shall be required that the customer responsible for any property served by a side sewer carrying industrial wastes shall provide at his expense, suitable means of inspection to facilitate observation, sampling, and measurement of the wastes. Such inspection facility, when required, shall be maintained so as to be safe and accessible at all times. Cost of sampling and analysis of said wastes shall be assumed by the customer. Records of analysis and volume will be made available to the customer upon request.

(Based on Sec. 14, Ord. 442)

§ 2-15.34 Septic Tank. No septic tank, cesspool or chemical toilet material shall be discharged into the sanitary sewer at any point other than the Sewage Treatment Plant, and then only that waste material not prohibited by this chapter. A charge for such discharge shall be made as hereafter fixed by resolution of the City Council of the City of Pleasanton, duly passed and adopted.

(Based on Sec. 15, Ord. 442)

§ 2-15.35 Testing Standards and Sampling.

1. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this article shall be determined in accordance with the 11th Edition, or subsequent editions, of the "Standard Methods for the Examination of Water and Sewage", published jointly by the American Public Health Association and Federation of Sewage Works Association, and shall be determined on samples from the inspection facility. In the event that no special facility has been required, the point of inspection shall be considered to be the downstream manhole

in the public sewer nearest to the point by which the building sewer is connected to the public sewer.

2. In order to determine compliance with any standards or regulations of this article, samples shall be taken as follows:
   A six (6) hour composite sample collected in one (1) day, at hourly intervals, in proportion to rate of flow at time of collection.

(Based on Sec. 16, Ord. 442)

§ 2-15.36 Inspection of Sewers and Attachments. The City officials or employees of the City, bearing proper credentials, shall have the right to enter upon premises drained by any side sewer or connected with any public sewer at all reasonable hours to ascertain whether the provisions of the ordinance relative to sewage have been complied with.

(Based on Sec. 18, Ord. 442)

TITLE II - ZONING AND DEVELOPMENT

Chapter 9

WATER

Article 1 - Regulation of Water System and Water Service Fees

Article 2 - Water Connection Fees

Article 3 - Well Standards

ARTICLE 4 - CONTROL OF BACKFLOW AND CROSS-CONNECTIONS

Article 1

Regulation of Water System and Water Service Fees

§ 2-16.01 Definitions. Whenever in this article the words or phrases hereinafter in this section defined are used they shall have the respective meanings assigned to them in the following definitions (unless in the given instance, the context wherein they are used shall clearly impart a different meaning):

1. "Department" shall mean the Department of Public Works of the City.
2. "Finance Department" shall mean the Finance Department of the City.
3. "Director" shall mean the Director of Public Works of the City or other person designated by the City Manager to perform the services or make the determinations permitted or required under this chapter to be made by the Director.
4. "Consumer" shall mean any person, firm, company, corporation, partnership, association, the City, any public corporation, political subdivision, city, county, district, the State of California or the United States of America, or any department or agency of any thereof, billed for water furnished by the Water System. The singular in each case shall include the plural
5. "Water System" shall mean the existing municipal water system of the City, together with the improvements thereto, as described in the following measure, together with such additions, extensions, betterments or improvements thereto as may be made from time to time:

> MEASURE (A) (Water System Improvements - Revenue Bonds) Shall the City of Pleasanton issue revenue bonds in the principal amount of $750,000 pursuant to the Revenue Bond Law of 1941, to provide funds for the acquisition, construction, improvement and financing of the following enterprise, to wit: Improvements to the existing municipal water system of the City of Pleasanton, comprising works and facilities for the storage, transmission and distribution of water, including pumping plants, lift stations, reservoirs and water storage facilities, water mains, pipelines, pipes, meters, pumps, equipment, and other works, properties or structures necessary or convenient for improvements to the existing municipal water system for the City of Pleasanton?

   which said measure was duly approved by the voters of the City at a special revenue bond election duly called and held in the City on October 5, 1965.
6. "Water" shall mean water furnished by the Water System.
7. "Premises" shall mean any lot, piece or parcel of land, or any building or other structure/or any part of any building or structure having a connection with the Water System.
8. "Water service" shall mean the services, facilities and water furnished or available to premises by the Water System.
9. "Applicant" shall mean any prospective consumer applying for water service.

10. "Domestic service" shall mean the furnishing of water for household residential purposes, including water used for sprinkling lawns, gardens and shrubbery, for watering livestock, for washing vehicles and for other similar and customary purposes.
"Commercial service" shall mean the furnishing of water to premises where the consumer is engaged in a trade or business.
"Industrial service" shall mean the furnishing of water to premises for use by a consumer in manufacturing or processing activities.
"Municipal service" shall mean furnishing water for municipal or other public use.
"Metered service" shall mean the furnishing of water by measured quantities.
11. "Dwelling unit" shall mean any single family dwelling of one or more rooms suitable for residential occupancy by any number of persons living together as a single family, including single family dwelling units, and each group of rooms constituting a dwelling unit for a single family in any multiple dwelling structure.
12. "Developer" shall mean any individual, firm, corporation, partnership, association or governmental agency other than City that installs any parts of or connects any services to any point in the City water system for the purpose of extracting water from the City water system.
13. "Water facilities" shall mean all of the necessary component parts of a water system including pipe, fittings, valves and hydrants.
14. "Transmission main" shall mean any of the larger mains shown on the City Master Plan, or otherwise designated by the City, and which shall not normally have any service line directly attached.
15. "Distribution main" shall mean an intermediate main serving more than one developer or neighborhood, normally larger than 8 inches and smaller than 16 inches, and to which service lines may be attached.
16. "Local main" shall mean a water line serving a single developer or neighborhood, normally 8 inches or smaller, but may include larger sizes, to which all service lines are attached.
17. "Service line" shall mean the supply line extending from the local or distributing main to the property line and includes the meter.
18. "Service connection" shall mean any connection on private property to a service line for the purpose of extracting water from the City water system.
19. "In-Tract main" shall mean a water main within the physical boundaries of a lot or subdivision.
20. "Perimeter main" shall mean a water main in a street or right-of-way on or about the border of a lot or subdivision which is or may be shared by two or more developers.
21. "Water main extension" shall mean a water main connecting a developer's lot or subdivision with a non-adjacent water main and which benefits or will benefit lands on one or both sides of the main that are not part of developer's lot or subdivision; "water main extensions" are also sometimes referred to as "off-tract mains".
22. "Valley floor zone" shall mean that area within or without the City roughly between the elevations of 315 or 430 feet and served or capable of being served by gravity from the main storage facilities of the City water system located at elevations approximately 485 to 535 feet.

(Based on Sec. IA, Ord. 478, and Sec. 1, Ord. 466)

§ 2-16.02 General Provisions.

1. The City will endeavor to supply water at the curb or property line in adequate quantities and at proper working pressures to meet the reasonable needs and requirements of consumers.

2. Whenever water is furnished for human consumption, the City will endeavor to supply at all times a safe and potable water.

3. All water supplied consumers will be supplied by metered service, and will be measured by means of suitable standard water meters. A cubic foot will be the unit of measurement for metered service.

4. All water rates and charges shall become effective immediately, as to all premises then connected to the water system. All such rates and charges shall become effective against all premises not then connected to the water system immediately upon such connection.

5. No water and no services or facilities of the water system shall be furnished to any consumer or to any person free of charge; provided, however, that the City may without charge use water for park irrigation, street cleaning, fire fighting and testing, maintaining and repairing the water system, and for similar municipal purposes.

6. Except by special agreement with the City, no consumer shall resell any water furnished by the City through the water system.

7. The City will exercise reasonable diligence to provide continuous and adequate water service to consumers and to avoid any shortage or interruption of delivery of water, but cannot guarantee complete freedom from interruption. The Department shall have the right to suspend water service temporarily to make necessary repairs or improvements to the water system. In each case of temporary suspension of service the Department will notify the consumers affected as soon as circumstances permit and will prosecute the work of repair or improvement with due diligence and with the least possible inconvenience to consumers.

8. During any period of threatened or actual water shortage the City shall have the right to apportion its available water supply among consumers in such manner as appears most equitable under the circumstances then prevailing and with due regard to public health and safety.

9. The City shall not be liable for interruption, shortage or insufficiency of water supply or water pressure or any loss or damage occasioned thereby.

(Based on Sec. IB, Ord. 478)

§ 2-16.03 Operation of Water System.

1. The Department of Public Works of the City of Pleasanton shall have jurisdiction, supervision and control of the water system and of the construction of all improvements, additions, extensions and betterments thereto hereafter constructed or acquired, and shall operate and maintain the water system and all improvements, additions, extensions and betterments thereto.

2. Subject to the general control of the Council and the City Manager of the City, the water system shall be under the direct supervision of the Director.

3. The Department, under the supervision of the Director, shall supervise all connections to the water system, and the Finance Department shall collect or cause to be collected all water bills and charges and all connection and other fees herein provided for, and the Directors of both said Departments, respectively, are charged with the enforcement of the provisions of this article, and the Director of the Finance Department shall keep or cause to be kept an accurate accounting and records showing the source, amount and disposition of all funds received from the water system hereunder.

4. The City shall cause to be issued and shall maintain in good standing a surety bond conditioned upon the full and prompt deposit by the Director of the Finance Department and all other employees of the Finance Department of all revenues from the Water System.

(Based on Sec. II, Ord. 478)

§ 2-16.04 Service Area. The territory served by the water system of the City shall be all territory now within the boundaries of the City and, at the discretion of the Council, any other territory as the City may determine.

(Based on Sec. III, Ord. 478)

§ 2-16.05 Connections to Water System.

1. Any person whose premises are not connected with the water system upon the date of the adoption of Ordinance No. 478, March 28, 1967, shall connect such premises or cause such premises to be connected with the water system only after first obtaining a permit to do so from the Director, and upon payment of the applicable connection charges provided in Article 2 hereof (Connection Charges); provided, however, that there shall be no charge for connecting premises for which a service connection has already been installed to the water system, except as this chapter expressly otherwise provides.

2. Each applicant for water service may be required to sign, on a form provided by the Department, an application which shall set forth:
   a. Date and place of application.
   b. Location of premises to be served.
   c. Date applicant will be ready for service.
   d. Whether the premises have been heretofore supplied with water from the water system.
   e. Purpose for which service is to be used.
   f. Address to which bills are to be mailed or delivered.
   g. Whether applicant is owner or tenant of, or agent for, the premises.
   h. Such other information as the Department may reasonably require.

   The application is only a written request for service and does not bind the applicant to take service for a period of time longer than that upon which the rates and minimum charges of the applicable rate

schedule are based; neither does it bind the City to serve, except under reasonable conditions.
Two or more parties who join in one application for service shall be jointly and severally liable for payment of bills and shall be billed by means of single periodic bills.

3. Separate houses, buildings, dwelling units or business quarters on the same lot, piece or parcel of land or on adjoining lots, pieces or parcels of land under a single control or management shall be furnished water by either of the following methods, as the Director shall elect:
    a. Through separate service connections to each such house, building, dwelling unit or business quarter; or
    b. Through a single service connection to supply all of such houses, buildings, dwelling units, and business quarters, and in which case one monthly minimum charge shall be applied for each such occupied house, building dwelling unit or business quarter, and the responsibility for payment of charges for all water furnished shall be assumed by the consumer having such control or management. Credit for such vacant units which are not metered separately but together with the occupied units shall be computed by deducting one monthly minimum charge for each vacant unit from the original total monthly bill for all of the units.

4. If, in the opinion of the City, it is doubtful if satisfactory water service can be given, due to location or elevation of the premises, then the City may require a written release from liability for any damage or inconvenience that may occur by reason of insufficient pressure or inadequate volume of water or intermittent supply. The said release shall, without further notice from the City, remain in effect for all consumers taking water through the service, until changes, extensions or betterments may be made to the distribution system by the City.

5. Failure by any person or any consumer to file his application containing the information required by this chapter shall constitute a violation of this chapter. No application shall be conclusive as to the matters therein set forth nor shall the filing of any application preclude the City from collecting from the consumer responsible for payment (as provided in this article) by appropriate action such sum as is actually due and payable for water service under the provisions of this article. Each application shall be subject to verification by the Director. Any person who takes possession of and uses water from the water system without having made application for service pursuant to this article shall be held liable for the full amount of the service rendered.

6. The City may require a written contract with any consumer as a condition precedent to water service in any case where unusual quantities of water or construction of special facilities are or will be required; provided, however, that any such contract shall not modify the rate structure herein provided.

7. No rent or other charge shall be paid by the City for any meter or other facilities located on a consumer's premises.

8. All service connections,meters, main extensions and installations paid for by applicants, and all other facilities furnished by the Department or the City, whether located wholly or partially on public or private property, shall be and remain the property of the City, and the Department shall have the right to repair, replace and maintain the same and the right to remove the same upon discontinuance of service.

9. The City shall not be responsible for the installation or maintenance of any water lines beyond the end of its service connection or meter.

(Based on Sec. VI, Ord. 478, as amended by Sec. 1, Ord. 508)

§ 2-16.06 Use of Water Service.

1. The Director or other duly authorized agent of the Department shall have at all reasonable times the right of ingress to and egress from any consumer's premises for any purpose properly relating to the furnishing of water to the consumer. Any inspection work or recommendation made by the Department or its agents in connection with plumbing or appliances or any use of water on the consumer's premises, either as a result of a complaint or otherwise, will be made without charge. No agent or employee of the Department or the City shall accept any personal compensation from a consumer or applicant for any services rendered.

2. Consumers making any material change in the size, character or extent of the utilizing equipment or operations for which the City is supplying water service shall immediately give the Department written notice of the extent and nature of the change and, if necessary, amend their application.

3. No water pipe on any consumer's premises shall cross-connect the water system with any other source of water supply. Whenever there exists on any consumer's premises another source of water supply which has not been approved by the Department of Public Health of the State of California as safe and potable for human use, or whenever a consumer's premises are engaged in industrial purposes using or producing processed waters or liquid industrial wastes or in handling sewage or any other dangerous substances, the Director may refuse or discontinue service until there has been installed on the consumer's service pipeline a suitable and approved double check valve installation, of a design approved by said Department of Public Health and installed at the expense of the consumer in a manner approved by the Director and in a location which is readily available to the Department for periodic inspection, for the purpose of protecting against backflow of water from the consumer's premises into the water system.

4. When a consumer receiving service at the water system main or service connection must by means of a pump of any kind elevate or increase the pressure of the water received, the pump shall not be attached to any pipe directly connected to the main or service pipe. Such pumping or boosting of pressure shall be done from a sump, cistern or storage tank which may be served by but not directly connected with the water system distribution facilities.

5. Quick closing or opening valves shall not be installed on any consumer's pipes which are directly attached to the water system mains or service pipes. A consumer whose operation requires the use of a quick opening or closing valve must operate such device from a tank, cistern, pump or other facility which may be served by but not directly connected with the water system distribution mains or service pipes.

6. The City will not be responsible for any loss or damage caused by any negligence or unlawful action of any consumer or any other person in installing, maintaining, supplying or using any appliances, facilities or equipment for which water or water service is furnished by the City. Each consumer shall be held responsible for damage to the City's meters and other property comprising any part of the water system resulting from use or operation of appliances or facilities on such consumer's premises, including, without limiting the generality of the foregoing, damage caused by steam, hot water or chemicals.

7. It shall be a violation of this article for any person to tamper with any of the property comprising the water system.

(Based on Section VII, Ord. 478)

2-16.07 Water Rates and Charges. There is hereby levied and assessed upon all premises connected with the water system a service charge based upon the size of the water meter to the premises and a charge based upon the amount of water flow through said meter, both of which said charges shall be paid. The amount of the service charge and the charge for water used shall be in accordance with the amount specified in the Resolution Establishing Various Fees and Charges for Municipal Services of the City of Pleasanton.

(See Resolution 78-173 for water rates)

(Based on Section I. Ord. 754)

Rates Outside City Limits

The charges for water furnished or available to premises outside the boundaries of the City shall be in amounts equal to the charges which would be applicable if the premises were located within the City.

(Based on Sec. IV, Ord. 478, as amended by Sec. I, Ord. 527, and Sec I of Ord. 602 and amended by Sec. I Of Ord. 754.)

§ 2-16.08 Establishment of Credit.

1. Each applicant for water service will be required to establish his credit before receiving service. Credit will be deemed established if the applicant meets any one of the following conditions:
   a. If applicant is the owner of the premises upon which service is requested or of other real estate served by the water system; or
   b. If applicant makes a cash deposit of $10.00; or
   c. If applicant furnishes a guarantor satisfactory to the City to secure payment of the water bills.

2. All deposits made with the City to establish credit will be held by the City in a special fund and may be applied by the City to unpaid bills for water service when service is discontinued.

3. Each receipt for a cash deposit to establish or re-establish credit for water service shall contain the following statement:
   "This deposit will be held by the City and may be applied to unpaid balances where service has been discontinued by the City because of non-payment of bills. This deposit, less the amount of any unpaid water bills, will be refunded, without interest, on discontinuance of service."

(Based on Sec. V, Ord. 478)

§ 2-16.09 Collection of Water Charges.

1. All water charges shall be billed to the owner of the premises upon which charges herein fixed are levied and assessed or to the person who requested connection to the water system, or his successor in interest, or to any person requesting that such bill be charged to him.

2. All water charges shall become due and payable at the office of the Finance Department on the date of payment specified therein and shall become delinquent on the first day of the calendar month following the date of payment, except that closing bills, where service is discontinued, will be due and payable on date of presentation, and collection will be made at time of presentation. All bills for water charges will be rendered by the City monthly or bimonthly and will be issued by the Finance Department. Meters will be read at regular intervals for the preparation of regular metered service bills and as required for the preparation of opening bills, closing bills and special bills. Each meter will be read separately. It may not always be possible to read meters regularly on the same day of each period. Should a monthly billing period contain less than 27 days or more than 33 days a pro rata correction in the bill will be made. Proportionate adjustments will be made when other billing periods are used.

3. Opening bills, closing bills, monthly bills rendered for period of less than 27 days or more than 33 days, and other bills requiring proration, will be computed in accordance with the applicable schedule, but the amount of the fixed charge or minimum charge specified therein will be prorated on the basis of the ratio of the number of days in the period to the number of days in the average billing period, based on an

average month of 30.4 days. Should the total period of service be less than one month no proration will be made and no bill shall be less than the specified monthly fixed charge or minimum charge.

4. On each bill for water service rendered by the City to its consumers will be printed substantially the following language:
"This bill is due upon receipt and becomes delinquent if not paid on the first day of the calendar month after its due date. Upon delinquency of this bill, service may be discontinued and a basic penalty of 10% of the amount of this bill will be added for the first month delinquent and an additional penalty of 1/2 of 1% of the amount of the bill and basic penalty will be added for each month during the time the bill remains unpaid after its delinquent date. A cash deposit and a reconnection charge may be required to re-establish service."

(Based on Sec. XI, Ord. 478)

§ 2-16.10 Temporary Service.

1. The City will, if no undue hardship to its existing consumers will result therefrom, furnish temporary service under the following conditions:
   a. The applicant will be required to pay to the City, in advance, the estimated net cost of installing and removing the facilities necessary to furnish the service; and
   b. Where duration of service is to be less than one month, the applicant may also be required to deposit cash equal to the estimated bill, subject to adjustment and refund or repayment in accordance with actual bill rendered upon discontinuance of service; or
   c. Where the duration of service is to exceed one month, the applicant may also be required to establish his credit in the manner prescribed for permanent service in Section 2-16.08.

2. In the event a temporary service becomes permanent, the City will refund to the temporary consumer the amount paid for a temporary service installation upon payment of the applicable connection fee provided for in Article 2 of this chapter.

(Based on Sec. VIII, Ord. 478)

§ 2-16.11 Refusal to Serve.

1. The City may refuse an application for service under the following conditions:
   a. If the applicant fails to comply with the provisions of this article; or
   b. If in the judgment of the Director the intended use of the service is of such a nature that it would be detrimental or injurious to the water service furnished by the City to other consumers; or
   c. If in the judgment of the Director the intended use of the service is dangerous or unsafe or of such a nature that satisfactory service cannot be rendered; or

d. If in the judgment of the Director the intended use of the service would result in a negligent or wasteful use of water which would affect the City's water service.

2. The City shall have the right to refuse water service to any premises if necessary to protect itself against fraud or abuse.

3. If service has theretofore been discontinued for fraudulent use, service will not be rendered until the Director has determined that all conditions of fraudulent use or practice have been corrected.

4. When an applicant is refused service under the provisions of this section, the Director shall inform him of the reason for the refusal to serve him and of his right of appeal hereunder.

(Based on Sec. IX, Ord. 478)

§ 2-16.12 Discontinuance of Service. Any consumer may have his water service discontinued by giving notice to the Department requesting discontinuance not less than two days prior to the requested date of discontinuance. Each such consumer shall pay all water charges up to and including the date of discontinuance stated in such notice. In any case where such notice is not given, the consumer shall be required to pay for water service until two days after the Department has knowledge that the consumer has vacated the premises or otherwise discontinued water service. The City shall make a reconnection charge for restoring water service to any consumer whose water service has been discontinued at his request. Such charge shall be $5.00 for reconnection of service during regular working hours, and $10.00 for reconnection of service at any time other than during regular working hours when the consumer has requested that reconnection be made at such other time.

(Based on Sec. X, Ord. 478)

§ 2-16.13 Enforcement Measures.

1. A consumer's water service may be discontinued for nonpayment of a bill for water service furnished if the bill is not paid within 15 days after it has become delinquent. A consumer's water service may also be discontinued for nonpayment of a bill for water service furnished at a previous or different location served by the City, if such bill is not paid within 30 days after it has become delinquent. No service will be discontinued under this paragraph until at least five days after deposit by written notice from the Director to such consumer in the United States Post Office of Pleasanton, Alameda County, California, addressed to the person to whom notice is given and stating the City's intention to discontinue service.

2. The City may discontinue service without notice to any premises where a consumer's installation for utilizing the service is found by the Director to be dangerous or unsafe or where the use of water on such premises is found by the Director to be detrimental or injurious to the water service furnished by the City to other consumers, or where the Director finds that negligent or wasteful use of water exists on any premises which affects the City's water service. The City shall

have the right to discontinue water service to any premises if necessary to protect itself against fraud or abuse.

3. In the event of violation of any terms of this chapter (except paragraphs 1 and 2 of this section), the Department may disconnect the premises to which such violation relates from the water system after first notifying in writing the person causing, allowing or committing such violation, specifying the violation and, if applicable, the time after which (upon the failure of such person to prevent or rectify the violation) the Director will exercise his authority to disconnect the premises from the water system; provided that such time shall not be less than five (5) days after the deposit of such notice in the United States Post Office at Pleasanton, Alameda County, California, addressed to the person to whom notice is given; provided, however, that in the event such violation results in a public hazard or menace, then the Director may enter upon the premises without notice and do such things and expend such sums as may be necessary to abate such hazard, and the reasonable value of the things done and the amounts expended in so doing shall be a charge upon the person so in violation.

4. Upon failure of any consumer billed or the owner of any premises to pay any water service charge subsequent to delinquency, the following action shall be taken by the City or the Director to enforce such payment, to wit:
   a. In each case where any bill for water service remains unpaid after such bill becomes delinquent, and for sixty days thereafter the Director shall (1) disconnect the premises from the water system for nonpayment of water bills, and (2) cause an action at law to be brought on behalf of the City against the person responsible for payment of such bill to recover the amount of such bill and the costs of such action.

5. Whenever any premises have been disconnected from the water system for any violation of this chapter, such premises shall not be reconnected to the water system until all delinquent charges have been paid, together with a reconnection charge of $5.00 for reconnection of service during regular working hours, and $10.00 for reconnection of service at any time other than during regular working hours when the consumer has requested that reconnection be made at such other time, and until credit is established pursuant to Section 2-16.08 hereof. When any person's premises have been disconnected from the water system under the provisions of this paragraph, the Director shall inform him of the reason for the disconnection and of his right of appeal hereunder.

(Based on Sec. XII, Ord. 478)

§ 2-16.14 Meter Tests and Adjustment of Bills.

A. Tests.

1. Prior to Installation. Every meter will be tested prior to being installed, and no meter will be placed in service if found to register more than 2% fast or slow.

2. On Consumer's Request.
   a. A consumer may, on not less than one week's notice, require the City to test the meter serving his premises.
   b. No charge will be made for such a test, except where a consumer requests a test within six months after installation of the meter or more often than once a year, in which case he will be required to deposit with the City the following amount to cover the cost of the test:

Size of Meter	Amount of Deposit
One inch or smaller	$5.00
Larger than one inch	7.50

   c. This deposit will be returned if the average meter error is found to be more than 2% fast. The consumer will be notified not less than five days in advance of the time and place of the test.

   d. A consumer shall have the right to require the City to conduct the test in his presence or in the presence of his representative. Where the City has no proper meter testing facilities available locally, the meter may be tested by an outside meter manufacturer or its agency, or by any other reliable organization equipped for water meter testing, in which latter case the consumer may demand a duly notarized statement, certifying as to the method used in making the test and as to the accuracy thereof.

   e. A report showing the results of the test will be furnished to the consumer within 15 days after completion of the test.

B. Adjustment of Bills for Meter Error.
   1 Fast Meters. When, upon test, the average meter error is found to be more than 2% fast, the City will refund to the consumer the amount of the overcharge based on corrected meter readings for the period the meter was in use but not exceeding six months.

   2. Slow Meters. When, upon test, a meter is found to be registering more than 5% slow, the City may bill the consumer for the amount of the undercharge based upon corrected meter readings for the period the meter was in service but not exceeding three months.

   3. Nonregistering Meters. The City may bill the consumer for water consumed while the meter was nonregistering but for a period not exceeding three months at the minimum monthly meter rate, or upon an estimate of the consumption based upon the consumer's prior use during the same season of the year if conditions were unchanged, or upon an estimate based upon a reasonable comparison with the use of other consumers during the same period, receiving the same class of service under similar circumstances and conditions.

   4. General. When it is found that the error in a meter is due to some cause, the date of which can be fixed, the overcharge or the undercharge will be computed back to, but not beyond, such date.

(Based on Sec. XIII, Ord. 478)

§ 2-16.15 Notices.

1. Notices from the City to any consumer will be given in writing, either delivered to the consumer or mailed to his last known address, except that where conditions warrant or in any emergency the City may give verbal notice by telephone or in person.

2. Notices from a consumer to the City may be given by the consumer or his authorized representative verbally or in writing at the office of the Department or to an employee or agent of the Department who is authorized to receive notices or complaints, or may be sent by mail to the Department office.

(Based on Sec. XIV, Ord. 478)

§ 2-16.16 Appeals.

1. Any person who shall have a right to appeal as provided in any section of this chapter or who shall be dissatisfied with any determination hereinafter made hereunder by the Department or the Director may, at any time within thirty (30) days after such determination, appeal to the City Manager by giving written notice to the Director and to the City Manager, setting forth the determination with which such person is dissatisfied. After review and determination by the City Manager, any person who shall then be dissatisfied with such determination may, at any time within thirty (30) days after such determination, appeal to the Council by giving written notice to the City Manager and to the City Clerk, setting forth the determination with which such person is dissatisfied. The Council may, at any time, upon its own motion appeal from any determination made by the Director or the City Manager hereunder. In the event of any such appeal to the Council, the City Manager shall transmit to the Council a report upon the matter appealed. The Council shall cause notice to be given, at least ten days prior to the time fixed for such hearing, to all persons affected by such appeal, of the time and place fixed by the Council for hearing such appeal. The Council shall direct the City Clerk to mail a written notice, postage prepaid, to all such persons whose addresses are known to the Council.

2. Pending decision upon any appeal relative to the amount of any charge hereunder, the person making such appeal shall pay such charge. After the appeal is heard, the Council shall order refunded to the person making such appeal such amount, if any, as the Council shall determine should be refunded.

(Based on Sec. XV, Ord. 478)

§ 2-16.17 Disposition of Revenues. All revenues received by the Finance Department or the City under this chapter, excepting all connection charges provided for in Article 2 of this chapter, and all refundable deposits made to establish credit, shall be deposited within a reasonable time after receipt thereof in a depository bank of the City, and said sums, together with any interest earned thereon, shall on or before the first business day of each calendar month next succeeding the calendar month in which such revenues shall have been collected, be deposited by the City in the manner and for the purposes provided and with the Fiscal Agent designated, in or pursuant to that

certain Resolution adopted by the Council on March 27, 1967, entitled: RESOLUTION PROVIDING FOR THE ISSUANCE OF $750,000 PRINCIPAL AMOUNT OF CITY OF PLEASANTON 1967 WATER REVENUE BONDS AND OF $400,000 PRINCIPAL AMOUNT OF SERIES A BONDS OF SAID ISSUE, AND PRESCRIBING THE TERMS, CONDITIONS AND FORM OF SAID SERIES A BONDS.

(Based on Sec. 1, Ord. 481, amending Ord. 478)

Article 2

Water Connection Fees

§2-16.21 Connection Charges. To establish appropriate provisions for the construction and expansion of the water system of the City, including transmission mains, storage and pumping facilities, and to be assured that the cost of such construction and expansion is borne by those who receive the benefits thereof, there is hereby established connection charges for all connections made to the water system of the City after the effective date of Ordinance No. 466, September 9, 1966.

The amount of the connection charge shall be in accordance with the amount specified in the Resolution Establishing Various Fees and CHarges for Municipal Services of the City of Pleasanton.

Water connection charges shall be paid for all new construction connected to the water system except for new construction required for the reconstruction, rehabilitation or repair to an existing structure damaged or destroyed by a natural castastrophe or Act of God, including but not limited to fires, earthquakes, and floods. The owner of a dwelling or business so affected shall not enlarge the premises beyond its previous water requirements without paying the increased water connection fee.

The charge shall be the difference between the current connection fee of the the of construction and any connection fee previously paid by that property. However, water connection charges shall not be levied for temporary uses. For the purpose of this article temporary uses shall mean those uses which are reasonably expected to be completed and removed within six months of the connection. The Director of Public Works shall determine whether a use is a temporary one, subject to final determination by the City Council in the event of an appeal. The Director of Public Works may extend the period in which no connection fee is paid for a period not to exceed an additional six months, upon finding that the use shall be concluded within that time period.

§2-16.22 Developer's Obligations.

a. All developers will be required to:

1. Construct at their sole expense all of the in-tract and perimeter facilities directly required by their development, as shown by an approved engineering design and in accordance with the Design.Guide of the City.

2. Pay the connection charges established by Section 2-16.21.

3. Reimburse to the City the required front foot charges applicable to existing water lines, either perimeter or main extensions. Funds from such front foot charges shall be deposited by City in the Water Improvement Fund.

4. Reimburse to the City the required amounts in accordance with any outstanding mutual benefit district or reimbursement agreements applicable.

b. Developer may also be required to construct off-tract water facilities extensions to serve developer's property; or to oversize certain in-tract, perimeter or off-tract facilities; or to construct facilities normally considered to be of general City obligation. In such cases developer shall be entitled to apply to the City for reimbursement pursuant to a reimbursement agreement.

c. The City, in its sole discretion, shall determine the adequacy of the design of any addition to the City water system and the necessity for oversizing main extension and construction of facilities of general City obligation by developers.

d. All water facilities constructed by developer up to and including the service line shall become the property of the City.

§2-16.23 City's Obligations. The City recognizes that transmission mains and storage and pumping facilities as shown on the Master Plan for "Water Facilities Required in City of Pleasanton Planning Area for Ultimate Development of City" and certain larger distribution mains may be of benefit to more than one developer, and therefore are facilities of general City obligation to be financed by the City out of connection charges or other sources of general City revenue.

§2-16.24 Reimbursement.

a. Construction of City facilities. In the event that City in its best judgment determines that developer must construct and finance facilities that are City's obligation, then developer shall be reimbursed directly for the costs of such

construction by considering such costs to be in lieu payment of the connection charges specified in Section 2-16.21, to the extent of such costs only (or at City's option, developer may be reimbursed in the manner prescribed in sub-paragraph (b) hereof). If developer's costs exceed the total connection charges due, then developer shall be reimbursed the excess amount in the manner prescribed in sub-paragraph b. hereof.

b. Oversizing. In the event that City in its best judgment determined that developer must construct and finance a larger in-tract, perimeter or off-tract main extension than is necessary for his development alone, then developer shall be reimbursed for the cost of the oversize by reimbursement agreement with the City. The term of said agreement shall not exceed seven years, and if full reimbursement has not been made by such time the developer will not be entitled to further reimbursement under that agreement. The cost of the oversize shall be calculated by taking the difference in cost between what was installed and what would have been required to serve developer's property alone. Such costs shall be established by the Director of Public Works.

c. Perimeter mains. In the event that City in its best judgment determines that developer must construct and finance a perimeter main, then developer shall be reimbursed by reimbursement agreement for one-half of the cost of the perimeter main. Such agreement shall provide among other things that reimbursement will be on the basis of the front footage of land that develops along the perimeter main itself. The term of such agreement shall not exceed seven years and if full reimbursement has not been made by such time the developer will not be entitled to further reimbursement under that agreement. Provided further, however, that developer shall not be entitled to apply for or receive any reimbursement from front footage fees from land which cannot be served by his perimeter main as the result of some barrier such as a State freeway, railroad track, drainage canal or boundary line of the master water plan area.

d. Main Extensions. In the event that developer must construct and finance an off-tract main extension, then developer shall be reimbursed by reimbursement agreement. Such agreement shall provide among other things that reimbursement will be on the

basis of the front footage of land that develops along the main extension in proportion to the total front footage of the main itself considering both sides. The term of such agreement shall not exceed seven years, and if full reimbursement has not been made by such time the developer will not be entitled to further reimbursement under that agreement. Provided further, however, that developer shall not be entitled to apply for or receive any reimbursement from front footage fees from land which cannot be served by the main extension as the result of some barrier such as a State freeway, railroad track, drainage canal or boundary line of the master water plan area.

§2-16.25 Special Funds. There is hereby established a special fund as follows:

a. Water Improvement Fund. This fund shall be established from the revenue received from Water Connection Charges as defined in Section 2-16.21.

§2-16.26 Adjustments and Exceptions. Upon application, and good cause shown, after a public hearing, the City Council may in its sole discretion modify or waive any of the charges herein provided for or make whatever adjustments and exceptions to the requirements of this article that the City Council may deem necessary in order to vary or modify the strict application of the terms of this article in cases in which there are practical difficulties or unusual hardships in the way of such strict applications or in the interest of justice. Applications may be made by developers or by City.

§2-16.27 Advance-in-Aid.

a. When the City Council determines that the best interests of the City will be served by construction of a water main, it may agree to an advance-in-aid to be paid upon acceptance of completed water main construction. Said advance-in-aid may be for all or any part of cost of said water main extension.

b. Source of monies for such advance-in-aid shall be the Water Improvement Fund of the City, or any other source approved by the City Council.

c. Each application for advance-in-aid under this section shall include the following items which

shall be evaluated by the City Council prior to allocation of funds:

1. Requested amount of advance.
2. Any public purpose which may be served.
3. Number of acres served in the development.
4. Potential fees from the development.
5. Any direct benefit to the Water System.

d. The City Council may approve or reject any or all parts of any application made for advance-in-aid under this section. Nothing contained in this section shall be construed as requiring the City to spend all or any part of monies in the Water Improvement Fund.

§2-16.28 Payment of Fees.

a. Connection charges shall be paid at the time of application for a building permit or installation of a water meter, whichever comes first.

b. Front foot charges shall be paid for all of a property fronting an existing line for which reimbursement is due prior to the time that any part of that property is connected to the water system. This will normally be at the time of approval of a final map for new subdivisions or at the time of application for a building permit or meter installation for other than subdivisions.

§2-16.29 Credits. A credit against connection charges may be permitted for all lands subject to annexation agreements or subdivision agreements executed prior to the effective date of this article or for facilities of general City obligation which have been installed by Assessment Districts, Benefit Districts or other methods not financed by the City. This credit shall be calculated by the Director of Public Works, and shall be prorated where necessary, and shall be subject to final determination by the City Council in the event of appeal.

Article 2 is based on Ordinance No. 466 as amended by Ordinance No. 757.

Article 3

Well Standards

§ 2-16.45 Title. This article shall be known as the "Well Standards Ordinance of the City of Pleasanton, adopting by reference the well standards of the County of Alameda, in order to pr provide uniform regulations consistent with the County of Alameda for the construction, repair, reconstruction, destruction or abandonment of wells within the City of Pleasanton.

§ 2-16.46 County of Alameda Ordinance No. 73-68 entitled "An Ordinance to Regulate the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells within the Boundaries of the County of Alameda", adoption by Reference. The well standards regulations of the County of Alameda adopted by Ordinance No. 73-68 on the 17th day of July, 1973 and entitled, " An Ordinance to Regulate the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells Within the Boundaries of theCounty of Alameda" is hereby adopted as the well standards ordinance of the City of Pleasanton, regulating the Construction, repair, reconstruction, destruction or abandonment of wells within the City of Pleasanton. Three printed copies of such Alameda County regulations (Primary Code) and three printed copies of Chapter II of the Department of Water Resources Bulletin No. 74, "Water Well Standards: State of California" and Appendixes E, F, and G a part thereof, together with the supplemental standards of Department of Water Resources Bulletin No. 74-2 "Water Well Standards: Alameda County" and Department of Water Resources Bulletin No. 74-1, "Cathodic Protection Wells Standards: State of California" (secondary code), are on file in the office of the City Clerk, to which reference is hereby made for further particulars.

§ 2-16.47 Administration and Enforcement. The Alameda County Public Works Department, through the Alameda County Flood Control and Water Conservation District, is hereby granted jurisdiction to administer and enforce these regulations on behalf of the City of Pleasanton.

(Based on Ord. 720, Adopted February 4, 1974.)

Article 4

Control of Backflow and Cross-connections

§ 2-16.48 Cross-connections Control - General Policy.

1. Purpose. The purpose of this Article is:

   a. To protect the public potable water supply of the City of Pleasanton from the possibility of contamination or pollution by isolating within its customers' internal distribution system(s) or its customers' private water system(s) such contaminants or pollutants which could backflow or back-siphon into the public water supply system; and

   b. To promote the elimination or control of existing cross-connections actual or potential, between its customers' in-plant potable water system(s) and non-potable water systems, plumbing fixtures and industrial piping sytems; and

   c. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

2. Responsibility. The Director of Public Works shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of said Director of Public Works, an approved backflow prevention device is required at the city's water service connection to any customer's premises, for the safety of the water system, the Director of Public Works or his designated agent shall give notice in writing to said customer to install such an approved backflow prevention device at each service connection to his premises. The customer shall immediately install such approved device or devices at his own expense; and failure, refusal or inability on the part of the customer to install said device or devices immediately shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

§ 2-16.49 Definitions.

1. "Director of Public Works." The Director of Public Works as head of the Water and Utilities Department of the City of Pleasanton is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.

2. "Approved." Accepted by the Director of Public Works as meeting an applicable specification stated or cited in this ordinance, or as suitable for the proposed use.

3. "Auxiliary Water Supply." Any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids." These waters may be polluted or contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

4. "Backflow." The flow of water or other liquids, mixtures or substances under pressure into the distributing pipes of a potable water supply system from any source or sources other than its intended source.

5. "Back-siphonage." The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

6. "Backflow Preventer." A device or means designed to prevent backflow or back-siphonage.

   a. Air-Gap. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel; and, in no case less than one inch. When an air-gap is used at the service connection to prevent the contamination or pollution of the public potable water system, an emergency by-pass shall be installed around the air-gap system and an approved reduced pressure principle device shall be installed in the by-pass system.

   b. Reduced Pressure Principle Device. An assembly of two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of a recognized and City approved testing agency for backflow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two check valves at a level less than the pressure on the public water supply side of the device. At cessation of the normal flow the pressure between the two check valves shall be less than the pressure on the public

water supply side of the device. In case of leakage of either of the check valves the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these devices must be readily accessible for in-line maintenance and testing and be installed in a location where no part of the device will be submerged.

c. Double Check Valve Assembly. An assembly of two independently operating approved check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications and approval of a recognized and City approved testing agency for backflow prevention devices. To be approved, these devices must be readily accessible for in-line maintenance and testing.

7. "Contamination." Means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.

8. "Cross-connection." Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow or back-siphonage may occur into the potable water system. A water service connection between a public potable water distribution system and a customer's water distribution system which is cross-connected to a contaminated fixture, industrial fluid system or with a potentially contaminated supply or auxiliary water system, constitutes one type of cross-connection. Other types of cross-connections include connectors such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices, sliding multiport tube, solid connections, etc.

9. "Cross-connections - Controlled." A connection between a potable water system and a non-potable water system with an approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.

10. "Cross-connection Control by Containment." The installation of an approved backflow prevention device at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention device on the service line leading to and supplying a portion of a customer's water system

where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of cross-connection.

11. "Hazard, Degree of." The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

    a. Hazard - Health. Any condition, device or practice in the water supply system and its operation which could create, or in the judgment of the Director of Public Works may create a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect, including cross-connections, in a water system.

    b. Hazard - Plumbing. A plumbing type cross-connection in a customer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device. Unprotected plumbing type cross-connections are considered to be a health hazard.

    c. Hazard - Pollutional. An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

    d. Hazard - System. An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

12. "Industrial Fluids System." Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of processed waters and "used waters" originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies, circulated cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

13. "Pollution." Means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

14. "Water - Potable." Any water which, according to recognized standards is safe for human consumption.

15. "Water - Nonpotable." Water which is not safe for human consumption or which is of questionable potability.

16. "Water - Service Connections." The terminal end of a service connection from the public potable water system; i.e., where the Water Purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

17. "Water - Used." Any water supplied by a Water Purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the Water Purveyor.

§ 2-16.50 Requirements.

1. Water System.

   a. The water system shall be considered as made up of two parts: The Utility System and the Customer System.

   b. Utility System shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.

   c. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

   d. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

e. The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water to points of use.

2. Policy.

a. No water service connection to any premises shall be installed or maintained by the Water Purveyor unless the water supply is protected as required by State laws and regulation and this ordinance. Service of water to any premises shall be discontinued by the Water Purveyor if a backflow prevention device required by the ordinance is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

b. The customer's system should be open for inspection at all reasonable times to authorized representatives of the Director of Public Works to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Director of Public Works shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with State and City statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

c. An approved backflow prevention device shall also be installed on each service line to a customer's water system in all cases, before the first branch line leading off the service line wherever the following conditions exist:

(1) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Director of Public Works, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.

(2) In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard. This shall include the handling

of processed waters and waters originating from the utility system which have been subject to deterioration in quality.

(3) In the case of premises having (a) internal cross-connections that cannot be permanently corrected and controlled, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line.

d. The type of protective device required under subsections 2.c.(1), (2) and (3) shall depend upon the degree of hazard which exists as follows:

(1) In the case of any premises where there is an auxiliary water supply as stated in subsection 2.c.(1) of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device.

(2) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

(3) In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device. Examples of premises where these conditions will exist include chemical manufacturing plants, hospitals, mortuaries and plating plants.

(4) In the case of any premises where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connection.

(5) In the case of any premises where, because of security requirements or other prohibitions or restrictions it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow or back-siphonage from the premises by the installation of a backflow prevention device in the service line. In this case, maximum protection will be required; that is, an approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed in each service to the premises.

(6) In the case of premises with cross-connections to sewage lines, pumps, flushers, etc., the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device. Examples include sewage treatment plants and pumping stations.

(7) In the case of Tanker and Spray Tanks of 49 gallons or more, air-gap separation or an approved reduced pressure principle backflow prevention device is required.

e. Any backflow prevention device required herein shall be of a model and size approved by the Director of Public Works. The term "Approved Backflow Prevention Device" shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) entitled:

AWWA C506-78 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices:

and, have met completely the laboratory and field performance specifications of the Foundation for Cross-connection Control and Hydraulic Research (FCCC & HR) of the University of Southern California established by

Specifications of Backflow Prevention Devices - #69-2 dated March 1969 or the most current issue.

Said AWWA and FCCC & HR standards and specifications have been adopted by the Director of Public Works. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCC & HR Specifications. The following testing laboratory has been qualified by the Director of Public Works to test and certify backflow preventors:

Foundation for Cross-connection Control
and Hydraulic Research
University of Southern California
University Park
Los Angeles, California 90007

Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the Director of Public Works.

Backflow preventors which may be subjected to back pressure or back-siphonage that have been fully tested and have been granted a Certificate of Approval by said qualified laboratory and are listed on the laboratory's current list of "Approved Devices" may be used without further test or qualification.

f. It shall be the duty of the customer-user at any premises where backflow prevention devices are installed to have certified inspections and operational tests and repairs made at least once per year. In those instances where the Director of Public Works deems the hazard to be great enough, he may require certified inspections at more frequent intervals. These inspections, tests and repairs shall be at the expense of the water user and shall be performed by the device manufacturer's representative, or by a certified tester approved by the Director of Public Works. It shall be the duty of the Director of Public Works to see that these timely tests are made. The customer-user shall notify the Director of Public Works in advance when the tests are to be undertaken so that he or his representative may witness the tests if so desired. These devices shall be repaired, overhauled or replaced by a certified individual or agency at the expense of the customer-user whenever said devices are found to be defective. Records of such tests, repairs and overhaul shall be kept and made available to the Director of Public Works.

g. All presently installed backflow prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection 2.f., be excluded from the requirements of these rules so long as the Director of Public Works is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the Director of Public Works finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

h. All existing water connections which may be deemed by the Director of Public Works to be subject to backflow prevention will, upon written notice, have an appropriate backflow prevention device installed and inspected within sixty (60) days of said notification.

(Based on Ordinance 1024)

Article 1

Adoption of Uniform Housing Code

§2-16.32 Adoption of the 1979 Edition of the Uniform Housing Code. There is hereby adopted by reference by the City of Pleasanton the Uniform Housing Code of 1979, except such portions as are hereinafter amended, modified or deleted and the same is hereby adopted and incorporated as fully as if set out at length herein. Said Uniform Housing Code is the UNIFORM HOUSING CODE, 1979 Edition, prepared by the International Conference of Building Officials. Three (3) certified copies of which are on file with the City Clerk of the City of Pleasanton for use by the public.

Article 2

Enforcement - Appeals

§ 2-16.42 Enforcement. This chapter and the adopted code shall be enforced by the Director of Community Development of the City of Pleasanton acting either directly or through properly authorized agents acting within the scope of the particular duties delegated to them by the Director of Community Development; for such purpose the Director of Community Development or his agent shall have the powers of a police officer. The procedure for enforcement is granting of variances, notice, appeals, penalties and liability shall be consistent with the procedures therefor provided for in Article 2, Chapter 3, Title 11 of this code.

(Based on Sec. 4, Ord. 645)

Heritage Trees

TITLE II - ZONING AND DEVELOPMENT

Chapter 10

PRESERVATION OF TREES ON PRIVATE PROPERTY

Article 1 - Purpose and Definitions

Article 2 - Permit Procedure

Article 3 - Preservation & Maint. of Existing Heritage Trees

Ord. 841

Article 1

Purpose and Definitions

§2-17.01 Purpose and Intent. The City of Pleasanton lies largely in a valley in which substantial portions were and are covered by native or indigenous trees. The City recognizes that preservation of such trees enhances the natural scenic beauty, sustains the long term potential increase in property values which encourages quality development, maintains the ecology, moderates the effect of extreme temperatures, prevents erosion of topsoil, helps create an identity and quality in the City which enhances the attractiveness of the City to visitors and increases the oxygen output of the area which is needed to combat air pollution. For these reasons the Council finds that in order to promote the public health, safety and general welfare of the City of Pleasanton while at the same time recognizing individual rights to develop private property in a manner which will not be prejudicial to the public interest it is necessary to enact regulations controlling the removal and preservation of "heritage" trees within the City of Pleasanton. However, the Council also recognizes that under certain circumstances "heritage" trees may properly be removed. Those circumstances include where "heritage" trees are dangerous; dead or diseased; so situated on undeveloped land that their preservation would preclude feasible development; or so abundant their removal would not destroy the area's natural beauty or ecology or cause erosion. It is the intent of this ordinance to preserve as many "heritage" trees as possible on land about to be developed, through the development review process.

§2-17.02 Definitions. For the purpose of this chapter, certain words and terms used herein are defined as follows:

a. "Heritage Tree" shall mean any of the following:
   1. Any tree with a circumference of fifty-five (55) inches or more measured two and one-half (2-1/2) feet above ground level.
   2. Any tree thirty-five (35) feet or more in height.
   3. Any tree of particular historical significance specifically designated by official action.
   4. A stand of trees the nature of which makes each dependent upon the others for survival.

b. "Director" shall mean the Director of Public Works or his designated representative.

§2-17.03 Exceptions. The provisions of this Chapter shall not apply to fruit trees or, when part of an orchard, to nut bearing trees the produce of which is used for commercial purposes.

(Based on Ord. 640, amended by Ord. 782, 5/10/76 and amended in its entirety by Ord. 841, 1/10/78)

Article 2

Permit Procedure

§2-17.04 Permit Required. No person shall cut down, destroy or remove any heritage tree growing within the City limits from any property without a permit except as provided herein.

§2-17.05 Permit Procedures. Except as provided in Section 2-17.08, any person desiring to cut down, destroy or remove one or more heritage trees on any property in the City of Pleasanton shall make application to the Director. Said application shall contain the number, species, size and location of trees to be cut down, destroyed or removed and a brief statement of the reason for removal as well as any other pertinent information he may require. The permit, if granted, shall entitle the applicant to remove only those trees designated by permit. Prior to the issuance of such permit, the Director shall visit and inspect the property, the tree or trees in question, and the surrounding area and shall ascertain the following:

a. The condition of the tree with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility service and whether or not the tree acts as host for a plant which is parasitic to another species of tree which is in danger of being exterminated by the parasite.

b. The necessity to remove the tree in order to construct any proposed improvements to allow economic enjoyment of the property.

c. The number of existing trees in the neighborhood or area on improved property and the effect removal would have upon the public health, safety, general welfare of residents and upon the property and beauty of the area.

d. The topography of the land upon which the tree or trees are situated and the effect of removal thereof upon erosion, soil retention, and diversion or flow of surface waters.

e. Good forestry practices, i.e. the number of healthy trees that a given parcel of land will support.

The Director may refer any application to any City department or commission for a report and recommendation.

(Based on Ord. 640, amended by Ord. 782, 5/10/76 and amended in its entirety by Ord. 841, 1/10/78)

Permit Procedure (cont.)

§2-17.06 Action by Director, Findings. The Director shall issue a permit to remove a tree or trees if it is determined that one of the following conditions exist:

a. The tree is in such a dangerous or hazardous condition as to threaten or endanger the safety of people, structures, other property, or other heritage trees.

b. The tree is dead, dying or diseased and good forestry practices cannot be reasonably undertaken to preserve the tree; or

c. Where the tree in question is not diseased or hazardous, the removal of tree is consistent with the purposes and intent of this chapter and in keeping with the health, safety and general welfare of the community.

The Director shall notify the applicant in writing of the determination giving the reason for the application's approval or denial.

§2-17.07 Appeal. Any decision made by the Director to deny tree removal may be appealed by written application by any affected resident or property owner in the City of Pleasanton to the City Council. Such appeal must be submitted in writing to the City Clerk within twenty (20) days of the decision being appealed and shall briefly state facts and the grounds of the appeal and be signed by the appellant. Upon receipt of said appeal the City Clerk shall set a date for hearing before the City Council. The Director shall submit a report to the Council setting forth the factual determinations required by Section 2-17.05, along with any departmental recommendations. The Council may conduct a public hearing on the appeal, however, compliance with Section 2-5.08 (Public Hearing and Notice) is not required. Following the hearing of any such appeal the City Council may affirm, reverse, or modify the action of the Director and may take any action thereon which would have been authorized in the first instance. The action of the City Council on any such appeal shall be final and conclusive.

§2-17.08 New Property Development. Any person desiring to cut down, destroy, or remove one or more trees on any property in the City which is related to the development of property requiring design review shall make application to the Design Review Board for such removal as a part of the regular design review application.

(Based on Ord. 640, amended by Ord. 782, 5/10/76 and amended in its entirety by Ord. 841, 1/10/78)

Permit Procedure (cont.)

The applicant provide a tree survey plan specifying the precise location, size, and species of all existing trees on the property with a special notation of those classified as Heritage Trees. The survey shall also indicate which trees are proposed for removal.

This tree survey plan shall be forwarded to the Director who shall, after making a field visit to the property, indicate in writing which trees are recommended for preservation using the same standards set forth in Section 2-17.05. This report shall be made part of the staff report to the Design Review Board upon its consideration of the application for new property development.

The Design Review Board through its site and landscaping plan review shall endeavor to preserve all trees recommended for preservation by the Director. The Design Review Board may determine that any of the trees recommended for preservation should be removed, if there is evidence submitted to it, that due to special site grading or other unusual characteristics associated with the property the preservation of the tree(s) would significantly preclude feasible development of the property.

Approval of final site and landscape plans by the Design Review Board indicating which trees are to be removed shall constitute the tree permit for the purpose of this chapter. An appeal from the decision of the Design Review Board may be made in the manner provided for in Section 2-10.11 (Appeal to City Council).

§2-17.09 Emergency. In case of emergency caused by the tree being in a hazardous or dangerous condition requiring immediate action for the safety of structures or human life such tree may be removed by permission of the Director.

(Based on Ord. 640, amended by Ord. 782, 5/10/76, and amended in its entirety by Ord. 841, 1/10/78)

Article 3

Preservation and Maintenance of Existing Heritage Trees

§2-17.10 Protection of Existing Heritage Trees. All contractors, developers and owners of property with existing heritage trees shall comply with the following regulations:

a. When proposed developments encroach into the drip line area of any heritage tree, special construction to allow the roots to breathe and obtain moisture shall be required as determined by the Director.

b. The existing ground surface without four (4) feet (measured horizontally) of the base of any heritage tree shall not be cut, filled or compacted. Tree wells may be used where advisable. Excavation adjacent to any such tree shall not be permitted where damage to the root system will result.

c. No oil, gas, chemical, heavy construction machines or other construction materials shall be stored within ten (10) feet of any heritage tree.

d. No wires, unless those needed for support of the tree, or signs other than small tree identification signs shall be attached to any heritage tree.

e. The Director shall be notified by the contractor or developer or owner of any damage that occurs to a tree during construction so that proper treatment may be administered by the contractor.

§2-17.11 Pruning and Maintenance. All pruning of heritage trees shall comply with guidelines established by the Director.

§2-17.12 Other Tree Provisions. The provisions of this article shall supplement but not supplant other provisions of this code relating to the preservation of trees.

(Based on Ord. 640, amended by Ord. 782, 5/10/76, and amended in its entirety by Ord. 841, 1/10/78)

TITLE II - ZONING AND DEVELOPMENT

Chapter 11

SWIMMING POOLS

Article 1 - Administration

Article 2 - Requirements

Article 3 - Enclosures

Chapter 11

SWIMMING POOLS

§ 2-18.30 GENERAL: The provisions of this chapter are intended to regulate the installation of swimming pools within the City of Pleasanton and to supplement rather than supplant other provisions of this Code relating to swimming pools. Where appropriate as determined by the Administrative Authority the provisions of Chapters 3, 5, 6 and 7 of this Title relating to the Uniform Building, Plumbing, Electrical, and Mechanical Codes, respectively, shall apply. In the event of conflict between the provisions of this chapter and other provisions of this Code those provisions most restrictive shall control.

(Based on Ord. 655)

2-18.31 Application and Exemptions. This chapter shall apply to all "swimming pools" as defined in Sec. 2-5.30(a). The administrative authority shall be empowered to exempt any structures covered by this section from any provisions of this chapter which, when applied to them, would be unreasonable. The administrative authority shall make and keep a record of all such exemptions.

(Based on Ord. 831, adopted 9/13/77)

Article 1

Administration

§ 2-18.34 Administrative Authority. Whenever the term "administrative authority" is used in this Code, it shall be construed to mean the Director of Community Development or his authorized representatives.

§ 2-18.35 Plans and Specifications.

a. The administrative authority may require the submission of plans, specifications, drawings, and such other information as he may deem necessary, prior to the commencement of, and at any time during the progress of, any work regulated by this chapter.

b. All design, construction, and workmanship shall be in conformity with accepted engineering practices and shall be of such character as to secure the results sought to be obtained by this chapter. The administrative authority shall require that plans, specifications, and drawings be prepared and certified by a registered professional engineer of the appropriate discipline, i.e., for the pool structure, a registered civil or structural engineer, and for the mechanical system, a registered civil or mechanical engineer. Master plans may be submitted in fulfillment of this paragraph.

c. It shall be the responsibility of the permittee to obtain and furnish a letter from the responsible registered engineer certifying that the structural designs are suitable for the conditions actually encountered on the site.

d. When the permittee desires, he may use the manufacturer's standard structural and mechanical details for portable pools erected on the surface of the ground.

e. The entire design of matched components shall have sufficient capacity to provide a complete turnover of pool water in twelve (12) hours or less.

§ 2-18.36 Permit Required. No swimming pool installation, alteration, or repair work shall be commenced until a permit to do such work first shall have been obtained from the administrative authority. Exception: No permit shall be required for the repair of any pump, filter, heater, or other component part, piping, valves, or pool structure on which repair or replacement is valued at less than One Hundred and No/100ths ($100.00) Dollars for labor and material.

§ 2-18.37 Application for Permit. Any person legally entitled under the State Contractor's License Law to apply for and receive a permit shall make such application on forms provided for that purpose. He shall give a description of the character of the work proposed to be done and the location, ownership, occupancy, and use of the premises in connection therewith.

Applications for permits for new construction shall be accompanied by plans in duplicate, and in sufficient detail, including the following:

a. A plot plan dimensioned and drawn to a scale of not less than one-eighth (1/8") inch per foot, and showing at least the following:

1. Property lines, easements, rights-of-way of record, and overhead utilities adjacent to or over the property;

2. Existing structures, fencing, retaining wall and other relevant characteristics, including retaining walls to be built;

3. The proposed pool shape, dimensioned and located to show setbacks, side yards, and clearances from existing structures;

4. The proposed mechanical equipment pad, dimensioned and located as to setbacks and side yards;

5. All deck equipment items, if included;

6. The proposed deckwork configuration, showing its anticipated drainage;

7. The anticipated overall drainage of the pool site; and

8. The proposed fencing;

b. A structural plan showing at least the following:

1. The type of construction, whether gunite, poured concrete, prefabricated, or other;

2. The pool dimensions, including the depth, and adequate cross-sections drawn to scale;

3. The reinforcing steel schedule and detail;

4. A statement concerning the anticipated nature of the soil under and around the pool structure. A soil condition report shall be submitted where required by the administrative authority. In lieu of a soil report an expansive soil steel schedule may be used.

5. The interior finish details;

6. The pool edge details; and

7. Computations, stress diagrams, and other data sufficient to show the correctness of the plans; and

c. A mechanical plan showing at least the following:

1. The volume, system flow rate in gallons per minute, and turnover in hours;

2. The type and size of filtration system;

3. The type and size of pool heater, if included, including the method of venting and provisions for combustion air;

4. The pool piping layout with all sizes shown and types of material to be used, and showing the location on the main outlet, surface skimmers, and inlets;

5. The rated capacity of the pool pump in G.P.M. at the design head with the size and type of motor indicated and identified as self-priming or straight centrifugal;

6. The means of adding makeup water;

7. The size, length from source to heater, and routing of the gas lines; and

All plans and documents submitted shall be on substantial paper and shall show the name and address of the person under whose supervision the documents were prepared.

§ 2-18.38 Cost of Permit. Every applicant for a permit to install, alter, or repair a swimming pool shall pay for each permit issued at the time of issuance a fee in accordance with the schedule set by a resolution of the City Council.

Any person who shall begin any work for which a permit is required by this ordinance without having obtained a permit shall, if subsequently allowed to obtain a permit, pay Ten and No/100 ($10.00) Dollars, plus double the permit fee fixed by the above resolution for such work; provided, however, this provision shall not apply to emergency work.

§ 2-18.39 Inspections.

a. All work to be inspected. All swimming pool installations or alterations thereto, including equipment, piping, and appliances related thereto, shall be inspected by the administrative authority to insure compliance with all the requirements of the chapter prior to covering or concealment of the work.

b. Notification. It shall be the duty of the person doing the work authorized by the permit to notify the administrative authority that such work is ready for inspection. Such notification shall be given no less than twenty-four (24) hours before the work is to be inspected.

c. Required Inspections. The following inspections shall be made and approval given pursuant to Uniform Building, Plumbing, Electrical and Mechanical Codes for each of the following:

1. Forms, excavation, and steel inspection;

2. Rough plumbing, including test on lines at 30 p.s.i.

3. Electrical bonding of the pool equipment and reinforcement as required;

4. Electrical conduit and wiring installation prior to covering and including the change of electric service if required;

5. Electrical and plumbing final inspection and approval.

6. Equipment foundation;

7. Approved fence and gate completely installed with approved closers and latches, if required;

8. Gas inspections, if required;

9. Enclosure for heaters, boilers, and electrical equipment, if required; and

10. All flues in place and complete.

When in the opinion of the administrative authority because of particularly unusual conditions including but not limited to soil, topography, proximity of buildings or untested construction techniques, it appears that continuous inspection during the placing of the structure is desirable, the administrative authority shall have the right to require such continuous inspection by a responsible registered engineer who shall thereafter submit a letter certifying as to the proper execution of the work.

d. Prefinal inspection required. It shall be required that all swimming pools shall be in a completed state, having received all inspections and approvals as required, prior to plastering and filling the pool with water.

e. Final inspection. All swimming pool installations shall be completed and the pool shall be completely filled with water and in operation before final inspection.

f. Failure to call for inspection. Failure to call for the proper inspections and securing approval for each inspection will be considered a separate violation and continuing violation.

§ 2-18.40 Expiration of Permits. Every permit issued by the administrative authority under the provisions of this chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within sixty (60) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of sixty (60) days. Before such work can be recommenced, a new permit shall be first obtained at one half the fee for a new permit if no substantial alteration in plans is made.

§ 2-18.41 Correction of Errors. The issuance of a permit based upon submitted plans and specifications shall not prevent the administrative authority from thereafter requiring the correction of errors in such plans and specifications, or from preventing construction operations being carried on thereunder, when in violation of this chapter or any other pertinent law, or from revoking any approval when issued in error.

§ 2-18.42 Permittee's Responsibilities.

a. The applicant for the pool building permit shall be considered to be the prime contractor and shall be responsible for all work required by this chapter.

(b) When any work is to be done by persons other than the prime contractor or licensed subcontractors in his employ, separate, additional permits shall be procurred by the person or persons doing such work, and an additional fee paid therefor. (Amended by Ord. 382)

§ 2-18.43 Scope and Application of Chapter Provisions.

a. With the exception of Article 3 hereof, no provisions of this chapter shall be deemed to require a change in any portion of a swimming pool system or any other work regulated by this chapter in or on an existing swimming pool, when such work was installed in accordance with the law prior to the effective date of this chapter, except when any swimming pool system or work regulated by this chapter is determined by the administrative authority to be in fact dangerous, unsafe, and a menace to life, health, or property.

b. The provisions of this chapter shall apply to all new construction and to any alterations, repairs, or reconstruction, except as provided in this chapter.

c. All work performed in the construction of a pool shall comply with the provisions of this chapter.

§ 2-18.44 Repairs and Alterations. On existing premises on which swimming pool installations are to be altered, repaired, or renovated, deviations from the provisions of this chapter are permitted provided such deviations are found to be necessary and are first approved by the administrative authority.

§ 2-18.45 Violations. Any person firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor.

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for or an approval of, any violations of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid, except insofar as the work or use which it authorizes is lawful.

Article 2

Requirements

§ 2-18.48 Location

a. Neither pool water line nor pool equipment shall be placed closer than five (5) feet to any property line.

b. Pool walls placed closer than five (5) 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 the pool permit.

c. No pool shall be placed within required front or side yard setbacks without first being approved by the Board of Adjustment through variance procedures required under Chapter 2 of Title II of the Ordinance Code of the City of Pleasanton.

§ 2-18.49 Pool Fittings. Pool fittings shall be of an approved type and design as to be appropriate for the specific application.

a. Surface skimmers. Approved surface skimmers are required and shall be installed in strict accordance with the manufacturer's installation instructions. Skimmers shall be installed on the basis of one per 1000 square feet of surface area, or fraction thereof, and shall be designed for a flow rate of at least 25 G.P.M. per skimmer.

b. Main outlet. An approved main outlet shall be provided at the deepest point in every pool for emptying and/or circulation of the water in the pool. For other than portable pools this outlet shall be installed by means of an approved prefabricated assembly which incorporates a removable grate or antivortex plate and which also provides for a hydrostatic relief tube or system to effectively protect the pool structure.

c. Inlet fittings. Approved manufactured inlet fittings for the return of recirculated pool water shall be provided on the basis of at least one per 14,400 gallons of pool capacity. Such inlet fittings shall be of such design and construction as to insure an adequate seal to the pool structure and shall incorporate a convenient means of sealing for pressure testing of the pool circulation piping. Inlets shall be located so as to aid in establishing flow patterns within the pool which are beneficial to effective skimming of the pool surface and mixing of the pool contents. Where more than one inlet is required, the shortest distance between any two (2) required inlets shall be at least twenty (20') feet.

d. Vacuum fittings. Approved manufactured vacuum fittings, where provided, shall be located in a convenient position below the minimum operating water level.

e. Gutter fittings. Approved manufactured gutter fittings, where provided, shall be installed in accordance with the manufacturer's instructions.

§ 2-18.50 Circulating Pumps.

a. Pool circulating pumps shall be of an approved type and shall be equipped on the inlet side with an approved type hair and lint strainer.

b. Pumps shall have a design capacity at the following heads:

1. Pressure diatomaceous earth: At least sixty (60) feet.

2. Vacuum diatomaceous earth: Twenty (20") inches vacuum on the suction side and forty-five (45') feet total head.

3. Rapid sand: At least forty-five (45') feet.

4. High rate sand: At least sixty (60') feet.

c. Pump impellers, shafts, wear rings, and other working parts shall be of corrosion resistant materials. Pumps in sizes up to and including two (2) horsepower shall have pump cases of corrosion-resistant materials. Pumps in sizes over two (2) horsepower may have cast iron pump cases.

d. The following is a list of presently accepted corrosion-resistant materials:

1. Approved copper alloys (including bronze and brass):

2. AISI type 300 series stainless steel:

3. Monel; and

4. Approved synthetic (certain plastics, fiberglass, etc.) materials.

§ 2-18.51 Filters.

a. Diatomite type filters. Diatomite type filters shall be of an approved type for operation under either pressure or vacuum. The design capacity shall not exceed two (2) gallons per minute per square foot of effective filter area for pressure and/or vacuum filters. A two and one-half (2 1/2) gallon per minute per square foot rate is permissible when body feed is used.

b. Operating instructions. Every filter system shall be provided with written operating instructions.

c. Filter accessories. A filter system shall be equipped with the following:

1. An influent pressure gauge shall be provided;

2. A valve to release the air at the top of each filter; and

3. A hose bib sufficient to drain water.

4. A backwash sight glass where the backwash discharge outlet to the receptor is not visible from the backwash control valve.

Note: Sight glass shall be installed adjacent to the backwash control valve.

§ 2-18.52 Equipment Foundations and Enclosures. All mechanical equipment shall be set on a finished poured-in-place concrete or gunnite (no rebound permitted) base or slab. All mechanical equipment, unless approved for outdoor installation, shall be adequately protected against the weather or installed within a building.

§ 2-18.53 Accessibility and Clearances. Equipment shall be so installed as to provide ready accessibility for cleaning, operating, maintenance, and servicing.

§ 2-18.54 Waste Water Disposal.

a. General. No direct or indirect connection shall be made between any storm drain, sewer, drainage system, or subsoil drainage line and any line connected to a swimming pool.

Plans and specifications for any deviation from the above manner of installation shall first be approved by the administrative authority before any portion of any such system is installed.

b. Separation tank. A separation tank of an approved type shall be used.

A separation tank shall be constructed of corrosion-resistant materials for a design pressure of fifty (50) psi. The tank shall be provided with a quick removable cover, inlet and outlet connections, site glass, pressure gauge, and air cock. The collector bag shall be of material resistant to moisture and chemicals customarily used in swimming pools and shall be provided with a back support for free water flow and to prevent the rupture of the separator bag.

Separation tanks shall contain usable volume according to the following schedule:

Actual Effective Filter Area (Square Feet)	Usable Volume (Cubic Inches)
10	225
15	338
20	450
25	562
30	675
35	787
40	900
45	1012
50	1125
60	1350

For above sixty (60) square feet effective filter area, provide a usable volume on the basis of twenty-two and one-half (22 1/2) cubic inches per square foot of effective filter area.

§ 2-18.55 Water Supply. All pools shall be equipped with an approved type of filling system with backflow protection. No over-the-rim fill spout shall be accepted unless located under a diving board or properly guarded.

§ 2-18.56 Water Heating Equipment. Swimming pool water heating equipment shall conform to the design, construction, and installation requirements as provided for in Uniform Plumbing Code, shall bear the A.G.A. label, shall include a consideration of combustion air, venting, and gas supply requirements for water heaters and, in addition, the following shall be required:

a. When the heater is installed in a pit, the pit shall be provided with approved drainage facilities.

b. All water heating equipment shall be installed with flanges or union connections adjacent to the heater.

c. When water heating equipment is installed in a closed system, i.e., has a valve between the appliance and the pool, a pressure relief valve shall be installed on the discharge side of the water heating equipment. For

units up to and including 200,000 BTU/hr input, the relief valve shall be A.G.A. rated, and for inputs over 200,000 BTU/hr., the valve shall be A.S.M.E. rated.

d. A check valve shall be located between the heater and the filter.

§ 2-18.57 Gas Piping.

a. Workmanship. No gas piping shall be strained or bent, and no appliance shall be supported by or develop any strain or stress on its supply piping.

b. Inspections.

1. Upon completion of the installation, alteration, or repair of any gas piping, and prior to the use thereof, the administrative authority shall be notified that such gas piping is ready for inspection.

2. The administrative authority shall make the following inspections and shall either approve that portion of the work as completed or shall notify the permit holder wherein the same fails to comply with this chapter:

i. The rough piping inspection shall be made after all gas piping authorized by the permit has been installed and before any such piping has been covered or concealed, or any fixture or appliance has been attached thereto. This inspection shall include a determination that the gas piping size, material, and installation meet the requirements of this chapter.

This inspection shall include an air pressure test, at which time the gas piping shall stand a pressure of not less than fifteen (15) pounds per square inch gauge pressure, and shall hold this pressure for a length of time satisfactory to the administrative authority, but in no case for less than fifteen (15) minutes with no perceptible drop in pressure.

ii. The final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be covered are concealed and after any fixture, appliance, or shutoff valve has been attached thereto.

3. In cases where the work authorized by the permit consists of a minor installation of additional piping to piping already connected to a gas meter, the foregoing inspections may be waived at the discretion of the administrative authority. In this event the administrative authority shall make such inspection as he deems advisable in order to assure himself that the work has been performed in accordance with the intent of this chapter.

Article 3

Enclosures

§ 2-18.59 Fencing of Swimming Pools Required.

a. All swimming pools within the City shall be fenced with an approved fence as provided in this article.

1. An approved fence shall meet the following requirements:

i. Every person in possession of land within the City, either as an owner, purchaser under contract, lessee, tenant, licensee, or otherwise, upon which land is situated a swimming pool or other out-of-doors body of water, designated, constructed, and used for swimming, dipping, or immersion purposes by men, women, or children, having a depth in excess of eighteen (18") inches or with a surface area exceeding 250 square feet, shall maintain on the lot or premises upon which such pool or body of water is located, and completely surrounding such pool or body of water, a fence or wall not less than four and one-half (4 1/2') feet high, (measured outside the enclosure), with openings, holes, or gaps therein no larger than four (4") inches measured horizontally, except for doors or gates; provided, however, a single-family dwelling house or accessory building may be used as part of such enclosure.

ii. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, the door of any dwelling occupied by human beings and forming a part of the enclosure hereinabove required need not be so equipped, with the exception of breezeways, back doors or garages, and similar structures affording access to the pool, which shall be self-closing and self-latching, with such latching device placed at least four (4') feet above the ground level or otherwise made inaccessible from the outside to small children.

b. The administrative authority may grant an exception to the requirements of fencing a swimming pool when he finds there is a barrier existing on the premises by reason of vegetation, landscaping, or topography suitable to prevent children from straying into the pool.

Based on Ord. 655

Chapter 12

GEOLOGIC HAZARDS

§ 2-19.01. Purpose of Chapter. The purpose of the provisions of this chapter is to require the consideration of geologic hazards when considering applications and permits for new real estate developments or structures for human occupancy.

§ 2-19.02 Definitions. For the purposes of this chapter certain terms are defined as follows:

a. Active fault. "Active fault" shall mean any fault which has had surface displacement within Holocene time.

b. Application or approval. "Application or approval" shall mean the documents necessary for consideration of a land use request and the necessary authorization by various departments and governmental bodies of the City before construction may proceed. These items shall include, but not be limited to, tentative maps, parcel maps, minor subdivisions, conditional use permits, variances and building permits.

c. Director. "Director" shall mean the Director of Housing & Community Development or his duly appointed representative.

d. Fault trace. "Fault trace" shall mean the line formed by the intersection of a fault and the earth's surface and also shall mean the representation of a fault as depicted on a map.

e. Fault zone. "Fault zone" **shall mean** an area comprising related faults which commonly are braided and subparallel but may by branching and divergent.

f. New real estate development. "New real estate development" shall mean any new development of real property which contemplates the eventual construction of structures for human occupancy.

g. Potentially active fault. "Potentially active fault" shall mean any fault considered to have been active during Quaternary time, and which no direct evidence establishes to have become inactive before Holocene time.

h. Qualified geologist. "Qualified geologist" shall mean a geologist registered in the State of California, licensed by the State board of Registration for geologists to practice geology in California.

i. Special studies zones. "Special studies zones" shall mean those areas located within the City and designated as special studies zones by the State Geologist pursuant to Section 2622 of the Public Resources Code of the State, including any revisions and additions to the special studies zones designated by the State in accordance with said section.

j. Structure for Human Occupancy. "Structure for human occupancy" shall mean a structure that is regularly, habitually, or primarily occupied by humans, excluding freeways, roadways, bridges, railways, airport runways, tunnels, swimming pools, decorative walls and fences and minor work of a similar nature, and alterations or repairs to an existing structure, provided that the aggregate value of such alteration or repair shall not exceed 50% of the value of the existing structure and shall not adversely affect the structural integrity of the existing structure. A mobile home with a body width greater than eight (8) feet is a structure for human occupancy.

§ 2-19.03. Compliance with Chapter Provisions Require prior to the consideration of an application for a new real estate development or structure for human occupancy to be located in a special studies zone, the provisions of this chapter shall be reviewed and adhered to.

§ 2-19.04. Construction Limitations. No new real estate development or structure for human occupancy shall be constructed across the trace of a known active fault which is shown on maps in the Department of Housing and Community Development. Furhermore, the area within fifty (50) feet of an active fault shall be assumed to be underlain by active branches of the fault unless and until proven otherwise by an appropriate geologic investigation by and submission of a report from a qualified geologist.

§ 2-19.05. Review of Need for Geologic Report. The director shall review each application for a new real estate development or structure for human occupancy to determine if the proposed project is located within a special studies zone. If, after such review, it is determined that the proposed project will be located within a special studies zone, the Director shall advise the applicant in writing of his findings and the amount required to be deposited, pursuant to the City of Pleasanton Resolution Establishing Fees and Charges for Various Municipal Services, for preparation of a geologic report. Upon receipt of the required fee, the Director shall cause the geologic report to be prepared by a qualified geologist selected by the City.

§ 2-19.06. Preparation of the Report. The geologic report required by this chapter shall be prepared and based on an investigation conducted in accordance with the standdard practices and current state of the art used to determine the location, absence and effect of an active fault. Subsurface exploration shall be employed if a lack of distinquishable fault features in the vicinity prevents the qualified geologist from determing from onsite examination, review of available airial photographs, or by other means whether the standards set forth in § 2-19.04, or other standards established pursuant to this chapter are satisfied.

§ 2-19.07. Waiver and Exception.

a. Waiver. The Director, based on the advise and recommendation of a qualified geologist retained by the City pursuant to this chapter, is satisfied that there is sufficient technical information available from previous geologic studies and reports to determine that no undue fault hazard exists, he may waive the

requirement that a geologic report be prepared pursuant to this chapter. This determination shall be in writing, citing the reasons for such waiver.

b. Exceptions. The requirement of filing a geologic report may be satisfied for an individual one or two-family residence if, in the judgement of the Director, it has been determined from previous studies that no undue fault hazard exists. Written justification for this determination shall be transmitted by the Director to the State Geologist for his approval.

c. State Approval Required. Any waiver or exception required shall be allowed only upon receipt of the approval of the State Geologist.

§ 2-19.08. Consideration of Report. The geologic report prepared pursuant to this chapter shall be used by the appropriate City board, commission, council or staff person required to pass upon the new real estate development or structure for human occupancy to aid it in making its decision. The approving body may approve, deny or impose necessary conditions required to protect the public health, safety and general welfare from geologic hazards.

§ 2-19.09. Appeal. The decision of the approving board, commission or staff person may be appealed pursuant to the applicable appellate provisions set forth in the Ordinance Code.

§ 2-19.10. Additional Regulations. In addition to the regulations set forth in this chapter, the Department of Housing and Community Development, with the consent of the City Council, may adopt such standards or regulations as are necessary to protect the public from siesmac hazards. These standards or regulations may be more stringent than, but shall not be in conflict with, the provisions of any policies and criteria adopted by the State Mining and Geology Board pursuant to Section 2623 of the Public Resources Code of the State of California. Except where more stringent standards or regulations have been adopted, the policies and criteria adopted from time to time by the State Mining and Geology Board shall apply within the City of Pleasanton.

(Based upon Ord. 751)

TITLE II - ZONING AND DEVELOPMENT

Chapter 13

~~RESIDENTIAL ALLOCATION PROGRAM~~

Chapter 13

GROWTH MANAGEMENT PROGRAM

Section 2-20.01. Purpose. The City of Pleasanton has undergone a variety of transformations in the past decade which have affected the growth patterns, housing supply and availability of municipal services. Prior to the mid-1960's Pleasanton was a rural community with primary emphasis upon agricultural activities. During the period 1963 to 1971 the community experienced an unprecedented growth due to the transition of agricultural properties into housing subdivisions; the community was one of the fastest growing communities in the State during the 1960's. Subsequent to 1971, the rate of growth has diminished perceptively due to more stringent sewage discharge standards, air quality concerns, cease and desist orders affecting sewage connections, fluctuations in the economy, litigation and similar problems affecting development.

In response to past development practices and as a result of the findings set forth herein, this ordinance sets forth a method for regulating residential development in the best interests of the property owner, the developer and the citizens of Pleasanton. This ordinance will regulate the number of residential units available for development annually, it will establish a method for dispensing said units, and it will assist the City Council, Planning Commission and City staff in implementing the goals and policies of the City's general plan. In addition, this ordinance will provide direction to landowners and developers as to the City's intentions regarding residential development so that a more definitive assessment of the development potential of the property can be undertaken by the landowner and developer.

This ordinance is an amendment to the former Chapter 13, Residential Allocation Program, adopted on March 13, 1978. Significant changes in the growth management process have been made to simplify the procedures for receiving development approval and to reduce the adverse impacts of the former Residential Allocation Program in the production of affordable housing while minimizing the effects of unrestrained residential growth.

This ordinance does not apply to commercial/industrial developments. The growth which has occurred in the City in the past has been heavily in favor of residential development. In order to encourage commercial/industrial uses which will assist in employing residents of Pleasanton and help decrease dependency upon commuting to the Hayward-Oakland area for employment, the City Council does not wish to limit the number of commercial/industrial connections which will be available annually.

Section 2-20.02. Objectives. The protection of the public health, safety and general welfare requires the establishment of a Growth Management Program to accomplish the following:

(a) Provide for a mechanism to phase growth over the period of the City's 1976-1996 General Plan.

(b) Provide for the annual construction of residential units in accordance with the population benchmarks of the General Plan.

(c) Facilitate and implement the realization of General Plan goals which cannot be accomplished by zoning alone, including the goals of the housing element.

(d) Provide significant incentives to developers to include subsidized housing in their undertakings or provide financial assistance to accomplish this goal.

(e) Encourage developers to provide affordable housing.

(f) Insure that capital improvements identified in the General Plan and requried to adequately serve the area to be developed are provided in whole or in part.

(g) Allow for the orderly satisfaction of claims for development of projects party to annexation and settlement agreements, many of which have made substantial commitments toward development in Pleasanton, while making provision for development of projects throughout the city.

Section 2-20.03. Allocation Required. Except as otherwise provided in this chapter, no subdivision shall be accepted for filing which creates residentially developable lots nor shall any building permit be issued for any new residential unit, including a mobile home, unless the development has received development approval from the City Council pursuant to Section 2-20.05.

Section 2-20.04 Exemptions. The provisions of Section 2-20.03 of this chapter shall not be applicable to the following projects:

(a) Construction of one single-family residence on a legally existing, R-1 or A zoned lot, including lots legally in existence prior to the effective date of this ordinance and lots legally created under subsection (b) below.

(b) Subdivisions of four (4) or fewer residential lots.

(c) Projects which have entered into special agreements with the City to participate in the Mortgage Revenue Bond Program.

(d) Affordable housing projects selected by the City Council for development through the City's affordable housing competition.

(e) Mobile homes and other living quarters proposed for erection on school sites and commercial properties for security purposes, not exceeding one dwelling per site.

(f) Proposals for condominium conversion subdivisions.

(g) Lower-income housing developments using the allocation established for such developments as set forth in Section 2-20.05(b)(2) of this chapter.

(h) Multi-family rental projects of four dwelling units or less and the addition of up to four dwelling units to existing multi-family rental projects subject to appropriate zoning and the review and approval procedures contained in Chapter 2 of this Title provided that the owner shall agree not to attempt to convert such units to condominium ownership for a period of at least ten (10) years. This agreement shall run with the land and shall be binding on successors. (Ord. 1042)

Development approval for exempt projects shall be governed by the provisions of the Growth Management Program guidelines established pursuant to Section 2-20.12.

Section 2-20.05 Development Approval Process.

(a) Long-Term Agreements. It is the intent of the long-term agreement provision to afford larger projects the opportunity to efficiently plan and develop their projects within a framework of a city-wide controlled growth rate in accordance with its General Plan while affording a continuing opportunity for smaller projects to develop as well. The long-term agreement shall constitute the development approval for the entire project so long as the project proceeds in accordance with its terms and conditions.

(1) Eligible Projects. Projects eligible to be covered by long-term agreements shall meet the following criteria:

(i) Contain a minimum of 100 units; for purposes of meeting this minimum project size requirement, projects with prior RAP phased approvals may count all units in the phased approval for which building permits have not been received as part of the "project."

(ii) Contain sufficient information about the project which is to be the subject of the long-term agreement for the Council to enter into a long-term agreement, the sufficiency of the information to be determined by the City Council in its sole discretion. Prior governmental approvals as enumerated in subsection 2-20.05(b)(5) would normally suffice although no prior governmental approvals are required.

(2) Application Procedure. Any developer of a project meeting the eligibility requirements for long-term agreements may request a long-term agreement in accordance with the guidelines for preparation and negotiation of such agreements established pursuant to Section 2-20.08. The decision to enter into a long-term agreement shall be at the sole discretion of the City Council.

(3) Contents of Long-Term Agreement. The long-term agreement shall contain the number of units per year the developer shall be allowed to construct. The agreement may also contain any other terms as may be mutually agreed upon which may be necessary to promote the public health, safety, and general welfare and conform the project to all General Plan goals and policies.

(b) Yearly Allocation for Smaller Projects. All non-exempt projects not covered by long-term agreements shall be required to secure development approval under the yearly allocation process described in this subsection and as may be further delineated in the guidelines established pursuant to Section 2-20.08.

(1) Establishment of Yearly Housing Construction Goals. The City Council, following a public hearing, shall establish annually the number of residential units desired to be constructed for the next year and, if it so chooses, the number of units within certain categories (eg. single-family or multiple units) in order to meet the General Plan goals and policies. The total number of units desired to be constructed shall be the annual housing target. In making this determination the City Council shall consider the following:

(i) The General Plan growth rate;

(ii) Number of residential units authorized by long-term agreements;

(iii) The number of residential units previously authorized but not developed, including exempt units;

(iv) The number of residential units authorized in previous years; and

(v) Comments received at the public hearing held in conjunction with the allocation.

(2) Lower-Income Housing Set-Aside. The City Council may set aside at least ten percent (10%) of the annual housing target for lower-income housing

(3) Yearly Allocation for Smaller Projects. After establishing the annual housing target, the City Council shall establish the yearly allocation for smaller projects. This allocation shall be the number of units remaining to be constructed after units allowed to be built for that year in long-term agreements and the lower-income set-aside have been deducted from the annual housing target.

(4) Application Procedures. At the meeting at which the City Council establishes the yearly allocation for smaller projects, it shall establish the date for commencement of receipt of applications for development approval of smaller projects. A developer may apply for approval at any time on or following the date set for receipt of such applications for that annual period in accordance with the guidelines established pursuant to Section 2-20.08.

(5) Projects Eligible to Apply. In order to be considered for development approval, a project must

have received all prior governmental approvals, except for subdivision approval, at least 30 days prior to the date set by the City Council for receipt of applications. The following are examples, though not exclusive, of required prior approvals:

(i) If the project requires Planned Unit Development (PUD) or Hillside Planned Unit Development (HPD) approvals, all necessary general plan changes, zoning and development plan approvals must have been received.

(ii) If the project involves regular zoning (R-1-6500, etc.), requiring only approval of tentative and final maps, the environmental assessment must be completed and the preliminary plan and all other required information must have been submitted and reviewed by the Staff Review Board.

(iii) If the project only requires Design Review approval, it must have received all of said approvals.

Any project not covered by a long-term agreement and meeting the above listed prior governmental approvals is eligible to apply.

(6) Number of Units Per Project. A developer may apply for any number of units not to exceed the maximum number per project for that year's allocation established by the City Council at the time of establishing the yearly allocation for smaller projects.

(7) Selection of Projects. Procedures for the selection of projects to receive development approval shall be set forth in the growth management procedures and guidelines established pursuant to Section 2-20.08.

(8) Requirements of Projects Selected. Projects approved shall be required to meet any requirements designed to promote the public health, safety, and general welfare and to conform to the General Plan goals and policies contained in the guidelines established pursuant to Section 2-20.08.

(9) Lapse of Development Approval. Any development approval for projects granted under the yearly allocation for smaller projects shall lapse and

be of no further force and effect if the construction is not commenced on any building within 18 months. Council may at its discretion extend the period in which to commence construction for any project.

(10) Subsequent Modification. Once a project has received growth management approval pursuant to this section, subsequent modification of approved plans will be permitted without voiding that growth management approval under the following circumstances:

(i) All other required approvals as set forth in Section (5) must be obtained for the modified plan.

(ii) Lapse of growth management approval for the original number of units will occur on the same date as for the original growth management approved plan in accordance with Section (9).

(iii) If the number of units in the modified plan exceeds the number of units in the original approved plan, then a separate growth management approval must be obtained for the additional units.

Section 2-20.06. Application. Any application for development approval shall be made on the forms established by the Planning Division of the Department of Community Development, shall contain that information necessary to properly administer the Growth Management Program and shall be filed with the Director of Planning and Community Development. The application shall be accompanied by a fee established by the resolution establishing fees and charges for various municipal services.

Section 2-20.07. Assignment. All development approvals, when issued, shall run with the land and are not transferrable except with the land, subject to the provisions herein relating to lapsing of development approval.

Section 2-20.08. Guidelines and Procedures. The Council shall establish by resolution the procedures and guidelines for implementing the provisions of this ordinance. Said guidelines may be changed from time to time as needed to meet the goals and objectives of the General Plan and this ordinance.

Section 2-20.09. Effect of Approval. The granting of development approval pursuant to the procedures and provisions of this ordinance shall not exempt nor affect the developer's obligation to obtain all required zoning, environmental, subdivision and other approvals as are required by statute or ordinance as a prerequisite to the application for building permits.

Section 2-20.10. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City of Pleasanton hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 2-20.11. Repeal of Conflicting Provisions. If any ordinance or resolution of the City of Pleasanton which is in effect on the effective date of this ordinance conflicts with the provisions of this ordinance, then, in that event, such ordinance or resolution or portion thereof is hereby repealed to the extent of such conflict only.

Section 2-20.12. Previous Approvals. Residential Allocation Permits or Exemptions granted by the City Council to projects prior to March 25, 1982 shall continue in full force and effect, subject to the terms and conditions of their issuance.

(Based on Ord. 1023, amended by Ord. 1057)

TITLE II - ZONING AND DEVELOPMENT

CHAPTER 14

Flood Damage Prevention

Article 1

Statutory Authorization, Findings of Fact, Purpose and Objectives

§ 2-21.11 Statutory Authorization. The Constitution of the State of California authorizes local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

§ 2-21.11 Findings of Fact.

(1) The flood hazard areas of Pleasanton may subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§ 2-21.12 Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) To insure that potential buyers are notified that property is in an area of special flood hazard; and,

(8) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 2-21.13 Methods of Reducing Flood Losses. In order to accomplish its purposes, this ordinance includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Article 2

Definitions

§ 2-21.20 Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

(a) "Appeal" means a request for a review of the City Engineer's interpretation of any provision of this ordinance or a request for a variance.

(b) "Area of shallow flooding" means a designated AO or VO Zone of the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

(c) "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as Zone A, AO, AH, A1-30, VO, and V1-30 on the FIRM.

(d) "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

(e) "Breakaway walls" mean any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which are not part of the structural support of the building and which are so designed as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

(f) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

(g) "Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

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

(i) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland waters and/or

(2) The unusual and rapid accumulation of runoff or surface waters from any source.

(j) "Flood Boundary Floodway Map" means the official map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

(k) "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(l) "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

(m) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cummulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary Floodway Map.

(n) "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

(o) "Mobile home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

(p) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

(q) "New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities or servicing the lot (including, at a

minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

(r) "Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

(s) "Structure" means a walled and roofed building or mobile home that is principally above ground.

(t) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(1) before the improvement or repair is started; or

(2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

(1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

(2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(u) "Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

Article 3

General Provisions

§ 2-21.30 Lands to Which this Ordinance Applies. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Pleasanton as indicated on the latest revised FIRM for the City of Pleasanton or, for newly annexed areas not shown on Pleasanton's FIRM, the latest revised FIRM for the County of Alameda.

§ 2-21.31 Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Pleasanton," dated December, 1979, and as revised on May 13, 1980, with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at 200 Bernal Avenue. Revisions to areas of special flood hazard shall be based upon subsequent Flood Insurance Studies conducted pursuant to Federal Insurance Administration regulations and shall be incorporated by reference into this ordinance on the effective date of the revisions.

§ 2-21.32 Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

§ 2-21.33 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 2-21.34 Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

a. Considered as minimum requirements;

b. Liberally construed in favor of the governing body; and

c. Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 2-21.35 Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Pleasanton, any officer or employee thereof, or the Federal Insurance Administration, for any administrative decision lawfully made thereunder.

(Based on Ord. 949 as amended by Ord. 1020)

Article 4

Administration

§ 2-21.40 Establishment of Development Permit. A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 2-21.31. Application for a Development Permit shall be made on forms furnished by the City Engineer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage or materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(1) Proposed elevation in relation to mean sea level, of the lowest habitable floor (including basemen) of all structures; in Zone AO elevation of existing grade and proposed elevation of lowest habitable floor of all structures.

(2) Proposed elevation in relation to mean sea level to which any structure will be flood proofed;

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 2-21.50(C)(3); and,

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 2-21.41 Designation of the City Engineer. The City Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

§ 2-21.42 Duties and Responsibilities of the City Engineer. Duties of the City Engineer shall include, but not limited to:

A. Permit Review.

(1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

(2) Review all permits to determine that the site is reasonably safe from flooding.

(3) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated

development will not increase the water surface elevation of the base flood more than one foot at any point.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 2-21.31, Basis for Establishing the Areas of Special Flood Hazard, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 2-21.50 through Section 2-21.55.

C. Information to be Obtained and Maintained. Obtain and maintain for public inspection and make available as needed for Flood Insurance Policies:

(1) the certified elevation required in Section 2-21.50 through 2-21.55;

(2) the certification required in Section 2-21.50 (C)(2);

(3) the floodproofing certification required in Section 2-21.50 (C)(3); and

(4) the certified elevation required in Section 2-21.53(B).

D. Alteration of Watercourses.

(1) Notify adjacent communities and the Department of Water Resourses prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

E. Interpretation of FIRM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 2-21.60 through 2-21.61.

Article 5

Provisions for Flood Hazard Reduction

§ 2-21.50 Standards of Construction. In all areas of special flood hazards the following standards are required:

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All mobile homes shall meet the anchoring standards of Section 2-21.54(A).

B. Construction Materials and Methods.

(1) All new construction and substantial improvement shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Elevation and Floodproofing.

(1) New construction and substantial improvement of any structure shall have the lowest habitable floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in Section 2-21.50(C)(3). Upon completion of the structure the elevation of the lowest habitable floor including basement shall be certified by a registered professional engineer or surveyor and provided to the official set forth in Section 2-21.42(C).

(2) New construction and substantial improvement of any structure in Zone AO shall have the lowest floor, including basement, elevated to or above the depth number specified on the FIRM. If there is no depth number on the FIRM, the lowest floor, including basement, shall be elevated one foot above the crown of the nearest street. Nonresidential structures may meet the standards in Section 2-21.50(C)(3). Upon completion of the structure a registered professional engineer shall certify that the elevation of the structure meets this standard and provided to the official set forth in Section 2-21.42(C).

(3) Nonresidential construction shall either be elevated in conformance with Section 2-21.50(C)(1) or (C)(2) or together with attendant utility and sanitary facilities:

(a) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 2-21.42(C).

(4) Mobile homes shall meet the above standards and also the standards in Section 2-21.54.

§ 2-21.51 Standards for Storage of Materials and Equipment.

(a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

(b) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

§ 2-21.52 Standards for Utilities.

(A) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters;

(B) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 2-21.53 Standards for Subdivisions.

(A) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

(B) All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the official as set forth in Section 2-21.42(C)(3).

(C) All subdivision proposals shall be consistent with the need to minimize flood damage;

(D) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(E) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

§ 2-21.54 Standards for Moblie Homes and Mobile Home Parks and Subdivisions.

A. Anchoring. All mobile homes and additions to mobile homes shall be anchored to resist flotation, collapse, or lateral movement by one of the following methods:

(1) by providing an anchoring system designed to withstand horizontal forces of 25 pounds per square foot and up lift forces of 15 pounds per square foot;

(2) by providing over-the-top and frame ties to ground anchors. Specifically:

(a) over-the-top ties be provided at each of the four corners of the mobile homes, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long require only one additional tie per side;

(b) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long require only four additional ties per side; and,

(c) all components of the anchoring system be capable of carrying a force of 4,800 pounds.

B. Mobile Home Parks and Mobile Home Subdivisions. The following standards are required for (a) mobile homes not placed in mobile home parks or subdivisions, (b) new mobile home parks or subdivisions, (c) expansions to existing mobile home parks or subdivisions and, (d) repair, reconstruction, or improvements to existing mobile home parks or subdivisions that equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(1) Adequate surface drainage and access for a hauler shall be provided.

(2) All mobile homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home is at or above the base flood level. If elevated on pilings:

(a) the lots shall be large enough to permit steps;

(b) the pilings shall be placed in stable soil no more than ten feet apart; and,

(c) reinforcement shall be provided for pilings more than six feet above the ground level.

C. No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

§ 2-21.55 Floodways. Located within areas of special flood hazard established in Section 2-21.32 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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

(B) Prohibit the placement of any mobile homes except in an existing mobile home park or subdivision.

(C) If Section 2-21.55(A) and 2-21.55(B) are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 2-21.50 through 2-21.55, Provisions for Flood Hazard Reduction.

(D) If no floodway is identified then a set bact of 20 feet from the bank(s) of the watercourse will be established, where encroachment will be prohibited.

Article 6

Variance Procedure

§ 2-21.60 Appeal Board.

(A) The City Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this ordinance.

(C) Those aggrieved by the decision of the City Council, or any taxpayer, may appeal such decision to the Superior Court.

(D) In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other section of this ordinance, and:

(1) the danger that materials may be swept onto other lands to the injury of others;

(2) the danger to life and property due to flooding or erosion damage;

(3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) the importance of the services provided by the proposed facility to the community;

(5) the necessity to the facility of a waterfront location, where applicable;

(6) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;

(7) the compatability of the proposed use with existing and anticipated development;

(8) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(9) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

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

(E) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section 2-21.60(D) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(F) Upon consideration of the factors of Section 2-21.60(D) and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(G) The City Engineer shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

§ 2-21.61 Conditions for Variances.

(A) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(B) Variances shall not be issued within any designated floodway if any increase in flood levels during base flood discharge would result.

(C) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(D) Variances shall only be issued upon:

(1) a showing of good and sufficient cause;

(2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(E) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

CHAPTER 15

CONDOMINIUM CONVERSION PROJECTS

§ 2-25.01 Regulation of Condominium Conversion Projects. This chapter regulates the conversion of residential apartment buildings, apartment complexes, and mobile home parks to projects in which the residential units or mobile home spaces are individually owned in fact or in practical effect, whether such projects are called condominiums, townhouses, community apartments, stock cooperatives, or any other name. No person shall cause such conversion to be made except in accordance with this chapter.

§ 2-25.02 Definitions. For the purpose of this chapter the following terms shall be defined as follows:

a. Condominium Conversion Project. The conversion or subdivision of a single ownership parcel of existing improved residential real property typically containing two or more dwelling units, or of an existing mobile home park, into a form of ownership for residential purposes involving the right of exclusive occupancy or separate ownership of individual units or mobile home spaces, including but not limited to condominiums, community apartments, stock cooperatives or townhouses. As used in this chapter a "condominium project" refers to any condominium conversion project. This chapter does not apply to commercial or industrial condominium conversion projects.

b. Date of Approval of a Condominium Conversion Project Application. As used in this chapter, the date of approval of a condominium conversion project application shall be (1) the date of the City Council's action on a project application for all nonexempt conversions or (2) the date of either the Planning Commission's or Staff Review Board's action on a tentative subdivision map or preliminary parcel map for all exempt conversions.

c. Developer. Developer is the owner or subdivider with a proprietary interest in the proposed condominium conversion project.

d. Tenant. Any person who resides in a dwelling unit on multiple rental property or occupies a mobile home park space whether by month-to-month tenancy, lease or other rental agreement.

e. Elderly Tenant. An elderly tenant is any person residing in a dwelling unit on the property who is over age 62 on the date of approval of the conversion application.

f. Handicapped Tenant. A handicapped tenant is any person residing in a dwelling unit on the property who meets the definition in §50072 of the California Health and Safety Code on the date of approval of the conversion application.

§ 2-25.03 Purpose and Declarations.

a. In order to provide for the housing needs of all segments of the community, the purposes of this chapter are set forth as follows:

1. To minimize or avoid the hardship caused by the displacement of residents following the conversion of their dwellings, particularly senior citizens and the handicapped; and

2. To reduce tenant displacement by encouraging ownership of lower cost residential units by prior renters.

b. The City Council of the City of Pleasanton hereby finds and declares:

1. That the City of Pleasanton has adopted a comprehensive General Plan that establishes policies to protect the living environment of all residents of the community; and

2. That condominiums, community apartments, stock cooperatives, and townhouses differ from apartments in numerous respects and, for the benefit of public health, safety, and welfare, such projects should be treated differently from apartments in order to protect the community and the purchasers of condominiums.

§ 2-25.04 General Requirements for all Condominium Conversion Projects; Approving Body Powers. The physical standards and tenant provisions requirements contained in this chapter shall be met by every condominium conversion project unless said requirement is waived by the approving body. In granting conversion approval, the City Council, Planning Commission, or Staff Review Board shall ensure that the provisions of this chapter relating to physical standards (§2-25.09) and tenant provisions (§2-25.10) are implemented in such a manner as to maintain the public health, safety, and welfare. The approving body, following its review of each submittal, may approve, conditionally approve, or deny a project; it may also waive particular requirements of this chapter or any other sections of the Code if it finds that the conversion, despite the failure to meet all the requirements, is consistent with the General Plan and any specific plan policies governing conversions and conforms to the purposes of this chapter. The approving body may deny a request for approval if (a) the proposed conversion fails to meet any of the requirements of this chapter, (b) the conversion would be inconsistent with General or specific plan policies, (c) the proposed conversion would be inappropriate as a condominium project due to its age, condition, location, or any other matter affecting its continuing viability as an ownership project, or (d) the approving body finds that the applicant for conversion evicted a tenant immediately before or during the condominium conversion process in violation of Section 2-25.13(b).

§ 2-25.05 Exemption Condominium Conversion Projects. Condominium conversion projects falling into the following categories shall be subject to the approval process contained in §2-25.06(b) and exempt from City Council consideration:

a. Condominium conversion projects containing four (4) or fewer units.

b. Condominium conversion projects in which the tenants representing eighty-five percent (85%) of the total units in the projects have consented to the conversion. For purposes of this section, the consent of heads of household shall constitute consent for the entire household, and, when two or more co-tenants reside in a unit, the consent of a co-tenant shall represent a percentage equal to the co-tenant's proportional share of the

unit. Where a written lease still in effect exists, the tenant(s) of a unit shall be deemed to be only those named in the lease.

§ 2-25.06 Procedures. Every condominium project not exempted pursuant to §2-25.05 must secure City Council approval pursuant to this section prior to filing a subdivision map. Projects exempted from the required City Council approval shall apply for conversion approval as provided herein as part of the subdivision approval process.

a. Approval Procedures for Nonexempt Condominium Conversion Projects. Applications for nonexempt condominium conversion projects may be submitted for City Council review at any time during the year. A public hearing before the City Council shall be scheduled pursuant to the provisions of this chapter. The City Council may approve, conditionally approve, or deny application for conversions pursuant to the provisions of this chapter. Projects which are approved by the City Council may proceed to submit subdivision applications pursuant to state law and local ordinance requirements.

b. Approval Procedures for Exempt Condominium Conversion Projects. Developers of condominium conversion projects qualifying as exempt projects shall submit application required by §2-25.07(b) at the same time applications are made for tentative map or preliminary parcel map approval. Such applications may by made at any time during the year. The decision making body may approve, conditionally approve, or deny applications for conversion pursuant to the provisions of this chapter. Any decision may be appealed by an aggrieved party to the City Council.

§ 2-25.07 Application Requirements.

a. Information Required. Developers shall prepare an application for submittal to the Planning Division on a form prepared by the Planning Division and containing the information required by the Director of Planning and Community Development. The Director or his designate shall determine whether the application is complete.

b. Fees. The applicant shall pay a fee based on the actual costs of reviewing and processing the application in accordance with the Resolution Establishing Fees and Charges for Various Municipal Services.

§ 2-25.08 Public Hearing Required. A public hearing shall be held prior to a determination to approve or disapprove an application to convert at which time the reviewing body shall take testimony concerning the proposed conversion, measures proposed to be taken to meet the requirements of this chapter, and other relevant information. Notice of the public hearing shall be given in the manner required by §2-5.08 of this code. In addition, notice shall be given within ten (10) days of the hearing to every tenant in the apartment building or apartment complex proposed for conversion.

§ 2-25.09 Physical Standards. Standards for condominium conversion projects shall be as follows:

a. The design, improvement, and/or construction of a condominium conversion project shall conform to and be in full accordance with all requirements of all locally adopted building, fire, housing, and other construction codes, zoning provisions, and other applicable local, state or federal laws or ordinances relating to protection of public health and safety

laws or ordinances relating to protection of public health and safety in effect at the time of application for conversion.

b. The project CC&Rs shall make provision for the maintenance of the project's landscaping and other common areas and facilities, subject to review and approval by the City Attorney.

c. Parking shall be provided according to standards established for condominiums by Article 16 of Chapter 2 of this Title.

Notwithstanding any of the above, the reviewing body may waive any standard pursuant to §2-25.04 of this chapter.

§ 2-25.10 Tenant Provisions.

a. Notice Requirements. All tenants shall be kept fully informed of the following actions taken by the developer in proceeding to convert the project. The following notice shall be provided by the developer to all tenants:

1. 60 days written notice of intent to convert prior to the public hearing date before the City Council, Planning Commission, or Staff Review Board;

2. 10 days notice of hearing on application to convert pursuant to §2-25.09; and

3. All other notices required by the Subdivision Map Act.

Notice shall be supplied to all tenants occupying the units at any time after the filing of the initial notices of intent and said notice shall be given to prospective tenants as well.

b. Rent Increase Protection. No application for conversion shall be approved if rents have been raised on any unit during the period six months prior to the dates of approval of the condominium conversion project. Once a project has been approved, no rent increases shall be allowed prior to actual conversion of the project and sale of the units. The provisions of this subsection shall not apply to §2-25.05(b).

c. Elderly and Handicapped Tenant Rights. Any elderly or handicapped tenant, as defined in §2-25.02, who has occupied a dwelling unit or mobile home space in a proposed condominium conversion project for eighteen (18) months or more on the date of approval of the project shall have special leasehold rights. Elderly tenants shall have the right to lease their units for nine (9) years; handicapped tenants shall have the right to lease their units for seven (7) years. Such extended leases shall be under the same terms and conditions as existed at the time of activation of the application, except that rent may increase at an annual rate equivalent to the Bay Area Consumer Price Index or seven percent (7%), whichever is less. At the time of conversion, any dwelling unit subject to this extended lease provision shall be refurbished at the expense of the developer in a like manner as those units to be sold as condominiums, and said dwelling unit shall be adequately maintained for the duration of the lease. Refurbishing shall include all cosmetic improvements (painting, linoleum, carpeting, drapes, counters, etc.) as well as any structural changes required of converted units.

d. Tenant Relocation Assistance. All persons living in units or occupying mobile home spaces on the date of approval of the condominium conversion project who choose not to purchase units in the condominium conversion project shall be afforded the relocation assistance included below:

1. Relocation assistance provided by a professional property management agency, at the expense of the developer, in finding a comparable replacement rental unit, such assistance shall include at a minimum providing rental availability reports and updating same, assisting tenants inspect available units, and providing other personal services related to the relocation of each tenant;

2. Moving expenses paid for by the developer in an amount equal to the actual costs for any tenant relocating in the Tri-Valley Area or $500, whichever is less. The City Council may adjust the maximum moving expense allowable year to year to reflect increases in costs.

3. Utility connection fees paid for by the developer in an amount equal to actual expenses up to a maximum of $100. The City Council may adjust the amount required in this subsection year to year to reflect increases in costs.

e. Tenant Purchase Assistance. Tenants living in units or occupying mobile home spaces on the date of approval of the condominium conversion project shall be afforded the right to purchase their respective units or another unit in the complex under preferential terms. Preferential terms shall include the following:

1. First right to refusal to purchase their own unit;

2. Price reduction of $50 per month for every month a tenant has resided in the complex, up to a maximum of $1,000, from the price like units are offered to the general public;

3. Price reduction of $1,000 for electing to purchase the unit in an as-is condition rather than in a manner similar units are refurbished for sale to the general public. However, major renovation or improvements required of all units in meeting the standards of this chapter may not be waived and shall be completed by the developer; the price reduction shall be in lieu of cosmetic refurbishment;

4. Financing assistance including broker-type assistance in locating financing and completing applications, loan qualifying assistance by providing secondary finance, equity sharing, or other such mechanism, and providing out-of-pocket expense in the course of obtaining financing up to a maximum of $250.

Purchase assistance in (2), (3) and (4) above shall be available for tenant purchase of either his own unit or space or any other unit or space in the complex and are minimum requirements only. Nothing herein shall prevent a developer from offering additional preferential treatment. The City Council may adjust the minimum figures found in (2), (3) and (4) above year to year to reflect increases in costs.

§ 2-25.11 Enforcement. Prior to filing a final map, the developer of a condominium conversion project shall execute and record an agreement incorporating the terms and conditions of the conversion approval bidding the developer and any successor in interest to provide the assistance to tenants and to improve the project in accordance with the project approval. The agreement shall be recorded and a copy shall be provided to each tenant occupying a unit on the date of approval of the condominium conversion project. The agreement shall run to the benefit of any tenant occupying a unit on the date of the approval of the condominium conversion project.

§ 2-25.12 Dispute Resolution. Any disagreement between a tenant and a developer arising as a result of the conversion of an apartment building, apartment complex, or mobile home park and concerning the terms of this ordinance or the conditions of approval of the condominium conversion project may be brought before the Board of Adjustment for a hearing and resolution. The decision of the Board of Adjustment shall be appealable to the City Council.

§ 2-25.13 Public Policy; Lease Provisions; Evictions.

a. It shall be against the public policy embodied in this chapter to attempt to subvert its provisions by coercing the waiver of any rights or privileges created or protected herein. Any provision of a lease or rental agreement which purports to waive a tenant's rights under this chapter or which requires prior consent to the conversion of the apartment building, apartment complex, or mobile home park to a condominium conversion project shall be null, void, and unenforceable.

b. It shall be against the public policy embodied in this chapter to evict or threaten to evict or otherwise harass any tenant because of said tenant's refusal to consent to conversion, said tenant's opposition to such conversion or the anticipated refusal or opposition of said tenant.

(This Chapter based on Ord. 980, as amended by Ord. 1025)

TITLE III - (RESERVED FOR FUTURE USE)

TITLE IV - HEALTH, SAFETY, MORAL, AND GENERAL WELFARE

Chapter 1

FIRE REGULATIONS

Article 1 - Uniform Fire Code with Additions and Modifications

Article 2 - Tar Roofing Operations and Equipment

See Ord. 722

See Ord. 868

§4-1.03 Establishment of Limits of Districts in Which Storage of Flammable or Combustible Liquids in Outside Above-ground Tanks is to be Prohibited.

a. The limits referred to in Section 79.201 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside above-ground tanks is prohibited, are hereby established as follows:

All zoning districts except "A" (Agricultural) Districts. No above-ground tanks referred to in Section 79.201 shall be installed without first receiving written permission from the Fire Chief.

b. The limits referred to in Section 79.601 of the Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows:

All zoning districts except I-G (General Industrial) District.

§4-1.04 Establishment of Limits in Which Bulk Storage of Liquefied Petroleum Gases is to be Restricted. The limits referred to in Section 82.105 (a), of the Uniform Fire Code, in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows:

All zoning Districts except I-G (General Industrial) District.

§4-1.05 Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited. The limits referred to in Section 77.106 (b) of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

All zoning districts.

§4-1.06 Amendments Made in the Uniform Fire Code. The Uniform Fire Code is amended and changed in the following respects:

Section 2.302 is hereby amended to read as follows: In order to determine the suitability of alternative materials and type of construction and to provide for the reasonable interpretations of the provisions of this Code, there is hereby established a Board of Appeals, the members of which shall be the City Council of the City of Pleasanton. The City Manager shall be an ex officio member and shall act as Secretary to the Board. The City Manager shall call all meetings of the Board.

§4-1.07 Appeals.

Whenever the Fire Chief, or his duly authorized representative, shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code of this chapter do not apply or that the true intent or meaning of the Code have been misconstrued or wrongly interpreted, or there is a dispute as to the suitability of alternate materials and types of construction, then the applicant may appeal from the decision of the Fire Chief to the City Council of the City of Pleasanton sitting as the Board of Appeals within thirty (30) days from the date of the decision appealed. Such appeal shall be in writing and the City Council shall within thirty (30) days of the receipt of the appeal and by written notice to the applicant either uphold, reverse or modify the decision of the Fire Chief.

§4-1.08 New Materials, Processes or Occupancies Which May Require Permits. The City Manager, the Fire Chief and the Fire Prevention Officer shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said Code. The Fire Prevention Officer shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

(Ord. 932)

TITLE IV - HEALTH, SAFETY, MORAL, AND GENERAL WELFARE

Chapter 2

SPECIAL PERMITS

Solicitors and Certain Businesses

§ 4-1.22 Purpose. The City Council hereby declares that this article is adopted to achieve the primary purpose of regulating the activities of peddlers, solicitors, hawkers, itinerant merchants, and certain businesses in order to promote the health, safety and welfare of the inhabitants of the City of Pleasanton and not for the purpose of raising revenue. The City Council, therefore, declares that the provisions of this article be interpreted in order to accomplish the above enumerated purposes.

(Based on Sec. 1, Ord. 535)

§ 4-1.23 Solicitation by Peddlers, Hawkers, and Itinerant Merchants. It shall be unlawful for any solicitor, peddler, hawker, itinerant vendor, or any other person to go upon the premises of any private residence within the City of Pleasanton, without an invitation by the person in possession of said premises, for the purpose of soliciting orders for the sale of goods, newspapers, books, pictures, periodicals, magazines, insurance and building and loan stock or accounts, or any other personal property, or for the purpose of demonstrating or disposing of the same, unless the solicitor, peddler, hawker, itinerant vendor, or other person first applies for and obtains a permit from the Chief of Police of the City of Pleasanton. A permit shall also be required before any of the above activities may be conducted within the public right-of-way.

(Based on Ord. 535, as amended by Ord. 766)

§ 4-1.24 Regulation of Certain Business. It shall be unlawful for any person to carry on or engage in the business of a pawn shop, motel, auto wrecker, private investigator, private patrol service, security alarm service, legal card table, exhibition or entertainment event, carnival, or circus in the City of Pleasanton, unless such person first applies for and obtains a permit to do so from the Chief of Police of the City of Pleasanton.

(Based on Sec. 3, Ord. 535)

§ 4-1.25 Application for Permit: Procedure: Requirements. An application for a permit required by Section 4-1.23 or 4-1.24 of this chapter shall contain the following information and comply with the following requirements:

a. The name of the applicant.
b. The permanent home address, full local address, driver's license number and social security number of applicant and employee.
c. A brief description of the nature of the business, the goods to be sold, and organizational documents as appropriate.
d. If employed, the name and address of the employer.
e. If a vehicle is to be used, a description of the same, together with the license number or other means of identification.
f. If any food product or substance for human consumption which is not prepackaged is involved, a statement by a licensed physician dated not more than 10 days prior to the filing of the application, certifying that the applicant is free of contagious, infectious or communicable disease.
g. The applicant shall be fingerprinted and photographed; provided, however, that an applicant or a person or persons on behalf of whom

an applicant is filing who are under the age of 18 shall be exempt from the fingerprinting and photographing requirements of this subsection.

h. A statement as to whether or not the applicant has been convicted of a felony, or of a misdemeanor involving the violation of any municipal or county ordinance regulating or taxing any business, or of a misdemeanor involving moral turpitude.

i. In the event that a person, association, partnership, corporation or other legal entity applies for a permit herein on behalf of another person or persons, the application shall contain, with respect to such other person or persons, the information required by subsections (a), (b), (c), (d), (e), and (h), and comply with the requirements of subsections (f) and (g) herein.

Upon the filing of the application, the applicant shall pay a fee of $25.00 to aid in defraying the cost of regulation. A fee of $18.50 shall be paid for each employee for whom photographing and fingerprinting is required.

(Based on Ord. 535, amended by Ord. 1062)

§ 4-1.26 Investigation: Determinations. Upon receipt of an application pursuant to Section 4-1.25 of this article, the Chief of Police shall initiate an investigation of the moral character and financial responsibility of the applicant and those on whose behalf he may have filed. In determining financial responsibility and moral character, the Chief of Police shall consider any criminal record and the reputation of the applicant as determined by a check with the Better Business Bureau, or any other reputable information dispensing agency. Within three days of the initiation of his investigation, and as a result of said investigation, the Chief of Police shall make one or another of the following determinations, and shall notify the applicant thereof immediately:

a. To deny to applicant a permit if he finds that the moral character and financial responsibility of the applicant is unsatisfactory in that the applicant has been convicted of a felony or of a misdemeanor involving the violation of a city or county ordinance regulating any business, or of a misdemeanor involving moral turpitude, or if the moral character and/or financial responsibility of the applicant is otherwise unsatisfactory as determined from the reputation of the applicant; provided, however, that if one or more, but not all, of the persons on whose behalf an application is filed are determined to be of unsatisfactory moral character or financial responsibility, only their names shall be stricken from the permit.

b. To grant to the applicant a permit if the moral character and financial responsibility of the applicant is not determined to be unsatisfactory as provided in subsection (a) hereof. If a permit is granted the applicant, he and those persons on whose behalf he filed an application shall be furnished appropriate evidence of such permit, which said evidence he and/or they shall be required to display upon request.

(Based on Sec. 5, Ord. 535)

§ 4-1.27 Permit: Duration. A permit granted pursuant to this article shall be valid for one year from the date of issuance. No fee, nor any new fingerprints or photograph shall be required for the renewal of a permit required by this article so long as renewal follows within 10 days of the expiration date of the permit.

(Based on Ord. 535)

§ 4-1.28 Permit: Hours of Day. Except as provided for herein, a permit issued pursuant to this article shall not be valid on Sunday or before 9:00 a.m. or after 8:00 p.m., Monday through Saturday. Permits issued to ice cream vendors using the public right-of-way shall be valid Monday through Saturday 9:00 a.m. to 8:00 p.m. and Sunday 1:00 p.m. to 6:00 p.m.

(Based on Ord. 535, amended by Ord. 923)

§ 4-1.29 Permit: Revocation. Any permit issued pursuant to §4-1.26 may be revoked by the Chief of Police for any of the following reasons:

a. Fraud, misrepresentation or false statement contained in the application for a permit.
b. Fraud, misrepresentation or false statement made in the course of carrying on the activity authorized by the permit.
c. Violation of any provision of this article.
d. Conducting the activity authorized in the permit in an unlawful manner or in such a manner as to cause a breach of the peace or as to constitute a menace to the health, safety or general welfare of the public.
e. Conviction of any felony or of a misdemeanor involving the violation of a city or county ordinance regulating any business, or of a misdemeanor involving moral turpitude, or if the moral character and/or financial responsibility of the applicant is otherwise unsatisfactory as determined from the reputation of the applicant.

(Based on Ord. 535)

§ 4-1.30 Solicitation for Charity. It shall be unlawful for any person to go upon the premises of any private residence in the City of Pleasanton, without an invitation by the person in possession of said premises, for the purpose of soliciting contributions or soliciting sales for any charity without having first applied for and obtained a permit to do so from the Pleasanton Police Department.

(Based on Ord. 535, amended by 977 and 1062)

§ 4-1.31 Solicitation for Charity: Permit Procedure. An application for a permit to engage in the activities referred to in §4-1.30 shall provide the following information:

a. The name of any organization on whose behalf contributions are to be solicited, its address, the names of its principal officers and appropriate organization documents.
b. The name, driver's license number and social security number of each applicant who will solicit.
c. The permanent home address and the business address of the applicant.
d. If a vehicle is to be used, a description of the same, together with the license number.

e. A statement as to whether or not the applicant has been convicted of a felony or a misdemeanor involving crimes against persons or property.
f. The information required by California Business and Professions Code §17510.3 (Solicitation or Sales Solicitation for Charity; disclosure requirements . . .) with the required card or brochure attached.
g. All information shall be submitted under penalty of perjury.

(Based on Ord. 535, amended by 977)

§ 4-1.32 Solicitation for Charitable Purposes: Investigation: Determination. The Police Department shall review the application and approve it unless it finds that (1) the applicant has been convicted of a felony or a misdemeanor involving crimes against persons or property; (2) has not provided the information required by Business and Professions Code §17510.3 in the required form.

(Based on Ord. 535, amended by 977)

§ 4-1.33 Solicitation for Charitable Purposes: Revocation of Permit. Any permit to engage in the activities referred to in §4-1.30 of this article may be revoked at any time by the Police Department for the following reasons:
a. Misrepresentation of a fact material to the granting or denying of the permit.
b. Failure to comply with the Business and Professions Code §17510.3 during the solicitations.

(Based on Ord. 535, amended by 977)

§ 4-1.34 Appeal. Any person aggrieved by any action of the Police Department or Chief of Police taken pursuant to this article shall have the right of appeal to the City Council. Such appeal shall be taken by filing with the City Clerk, within fourteen (14) days after notice of the action complained of has been received by such person, a statement setting forth fully the grounds of such appeal. The Council shall set a time and place for a hearing on such appeal and the City Clerk shall promptly give notice of such hearing to the appellant in writing and mailed, postage prepaid, to the appellant at his last known address at least five days prior to the date set for such hearing. The decision and order of the Council on such appeal shall be final and conclusive.

(Based on Ord. 535, amended by 977)

§ 4-1.34(1) Alternate Appeal Procedure. Any person aggrieved by the action of the Police Department or the Chief of Police with regard to the granting, denying or revoking of a permit, may at the aggrieved's discretion, appeal to the City Manager, or his designate, in writing. Such appeal shall be considered within three working days of the notification of appeal and decided within two working days thereafter. The decision shall be conclusive and not appealable.

(Based on Ord. 977)

§ 4-1.35 Definitions. As used in this article, the words and phrases contained herein shall have the following definitions:

a. "Charity" is defined as any nonprofit community organization, fraternal, benevolent, educational, philanthropic, or service organization, governmental employee organization, any person who solicits or obtains contributions solicited from the public for charitable purposes, and any person who holds any assets for charitable purposes. Nonprofit community organization shall include political organizations.

b. "Peddlers" shall include any person, whether a resident of the City or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance from place to place from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, food products, meats, fish, vegetables, fruits, garden truck, farm products, or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance. Any person who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. The word "Peddler" shall include the words "hawker" and "huckster".

c. "Soliciter" is defined as any individual, whether a resident of the City or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance from place to place, from house to house, or from street to street, taking, or attempting to take, orders for the sale of goods, wares and merchandise, personal property or any nature whatsoever for future delivery, or for services to be furnished or performed in the future, or whose activities may, in any way, result in such sale or the furnishing of such services, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sale or not, and such definition shall include any person who, for himself or for another firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, hotel room, lodging house, apartment, shop, or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery.

d. "Transient Merchant" is defined as any person, whether as owner, agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise in the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, public rooms in hotels, lodging houses, apartments, shops, or any street, alley or other place within the City for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction; provided, however, that such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by

conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

(Based on Ord. 737, amended by Ord. 1062)

§ 4-1.36 Suspension of Solicitors Permits During Parades. No solicitation or vending shall be permitted on the public right-of-way along any parade route during any parade subject to City of Pleasanton Parade Ordinance unless a special vending permit had been issued by the Chief of Police or by the parade sponsor with the approval of the Chief of Police. This special permit shall be consistent with §4-2.1710 (Vending, Special Vending Permit) of this code.

(Based on Ord. 777)

Article 2

Teen-age Dances

§ 4-1.38 Definitions.

a. "Adult Sponsor" means any individual or organization which assumes full and complete responsibility for the direction of a teen-age dance.

b. "Teen-ager" means any person over the age of thirteen and under the age of twenty years.

c. "Teen-age Dance" means a dance held or conducted exclusively for teen-agers and to which no persons twenty years of age or older are admitted as participants.

(Based on Sec. 1, Ord. 510)

§ 4-1.39 Permit Required.

a. No person shall conduct or sponsor any teen-age dance without a written permit from the Chief of Police.

b. No person may secure a permit to conduct or sponsor any teen-age dance except an adult sponsoring group or adult individual which has been approved by the Chief of Police and which has assumed full and complete responsibility for the event, its direction and supervision.

c. The authority to issue or deny permits under this provision is hereby delegated to the Chief of Police. In his consideration of each application therefor he shall consider the following:

1. Compliance with all other applicable provisions of City ordinances;
2. The character, reputation and moral fitness of the applicant;
3. Effect upon the public health, peace, morals, safety and welfare of the community;
4. Attitude and general disposition of the applicant relative to authority of the law;
5. The findings of the Building Inspector and Fire Chief after reference of said application to each of such as the Chief of Police shall determine;
6. Adequate arrangements for adult supervision.

(Based on Sec. 2, Ord. 510)

§ 4-1.40 Action by Police Chief. The Chief of Police shall either grant or deny a permit for each applicant within ten (10) days after receipt thereof, and in the event that a permit is denied the applicant may request that the matter be reviewed by the City Council.

(Based on Sec. 3, Ord. 510)

§ 4-1.41 Attendance. No minor admitted to a teen-age dance shall be permitted to leave and thereafter re-enter the dancing premises during the course of the event, and no pass-out checks shall be issued unless required by the physical arrangement of the premises.

(Based on Sec. 4, Ord. 510)

§ 4-1.42 Alcoholic Beverages Prohibited. No alcoholic beverages shall be sold, consumed, or be available on the premises in or about which any teen-age dance is held. Admission to a teen-age dance shall be denied to any person showing evidence of drinking any alcoholic beverage or who has any alcoholic beverage on his person.

(Based on Sec. 5, Ord. 510)

§ 4-1.43 Time Limit. No dancing at any teen-age dance shall be permitted after the hour of 12:00 o'clock midnight. On special occasions permission may be requested to extend the time of a dance for an additional hour.

(Based on Sec. 6, Ord. 510)

§ 4-1.44 Participation of Adults. A person 20 years of age or over shall not attend any teen-age dance as a participant. This does not prohibit the attendance of chaperones or sponsors.

(Based on Sec. 7, Ord. 510)

§ 4-1.45 Loitering. Any person who loiters around or about the premises at which a teen-age dance is being conducted is guilty of a misdemeanor.

(Based on Sec. 8, Ord. 510)

§ 4-1.46 Revocation of Permit. The Chief of Police shall have the right to forthwith revoke any permit granted under the terms of this article and close the premises wherein dancing is conducted in the event that any of the provisions of this article are violated during the conduct of a dance held under a permit heretofore granted therefor.

(Based on Sec. 9, Ord. 510)

§ 4-1.47 Supervision by Police. If, in the discretion of the Chief of Police, the circumstances connected with the granting of the permit warrant, the sponsor may be required to provide a dance supervisor or supervisors, as he shall determine, who shall be a person or persons assigned by the Police Department and paid by the sponsor of the dance.

(Based on Sec. 10, Ord. 510)

Article 3

Taxicabs

§ 4-2.08 Definitions. For the purpose of this article certain words and phrases are defined, and certain provisions shall be construed, as herein set out, unless it shall be apparent from their context that they have a different meaning.

a. "City" as used herein is defined to be the City of Pleasanton.

b. "Street" as used herein is defined to be any place commonly used for the purpose of public travel.

c. "Taxicab" is hereby defined to be a motor-propelled passenger-carrying vehicle of a distinctive color or colors (other than ambulances and cars operated by funeral directors), and which is of such public appearance as is customary for taxicabs in common usage in this country, and which is operated at rates per mile or upon a waiting time basis or both, and which is equipped with a taximeter and which motor-propelled vehicle is used for the transportation of passengers for a fee over and along the public streets, not over a defined route, but as to route and destination, in accordance with and under direction of the person hiring such vehicle.

d. "Owner" is any person, firm, or corporation who in any manner has the proprietary use, ownership, or control of any passenger-carrying motor-propelled vehicle.

e. "Certificate" is defined as a Certificate of Public Convenience and Necessity issued by the City Council, authorizing the holder thereof to conduct a taxicab business in the City of Pleasanton, and shall be synonymous with the term owner's permit.

f. "Driver" is defined to be every person in charge of, or operating, any passenger-carrying motor-propelled vehicle as herein defined, either as an owner or employee or under the direction of owners or employees.

g. "Taximeter" is defined to be any instrument, appliance, device, or machine by which the charge for hire of a passenger-carrying vehicle is calculated, either for distance traveled or waiting time, or both, and upon said instrument, appliance, device, or machine such charge is numerically and visibly indicated.

h. "Rate Card" is defined as a card issued by the Finance Director of the City of Pleasanton for display in each taxicab which contains the maximum rates of fare then in force.

i. "Waiting Time" is defined as the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act, or fault of a passenger or passengers, or the presence of traffic congestion or blockage of a railroad crossing not reasonably foreseen by the driver.

(Amended by Ord. 662, 5/15/72)

j. "Open Stand" is defined as a public place along side the curb of a street or elsewhere in the City of Pleasanton which has been designated by the City Traffic Engineer as reserved exclusively for the use of taxicabs, when properly identified. Such open stand shall be open to any taxicab authorized to operate in the City of Pleasanton, and no open stand shall be reserved for the exclusive use of one owner.

k. "Closed Stand" is defined as a public place along side the curb of a street or elsewhere in the City of Pleasanton which has been designated by the City Council, at the time of the issuance of the Certificate, as reserved exclusively for the use of one owner, when properly identified. Such closed stand shall not be open to any taxicab or taxicabs except those for which the stand has been exclusively reserved by action of the City Council.

l. "Manifest" is defined as a daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

(Based on Sec. 1, Ord. 480)

§ 4-2.09 Certificate of Public Convenience and Necessity Required. It shall be unlawful for any person to engage in the business of operating any taxicab in the City of Pleasanton without first having obtained from the City Council a Certificate of Public Convenience and Necessity. All persons applying for such a Certificate shall file with the City Council a verified application which shall set forth:

a. The name and address of the owner, person applying, and all persons financially interested in the operating of said taxicabs.
b. The number of vehicles actually owned and the number of vehicles actually operated by such owner on the date of application, if any.
c. The number of vehicles for which a Certificate of Public Convenience and Necessity is desired.
d. The make, type, year of manufacture and the passenger seating capacity of each taxicab for which application for a Certificate is made.
e. The make and type of taximeter intended to be installed in each taxicab for which application for a Certificate is made.
f. A description of the proposed color scheme, insignia, or any other distinguishing characteristics of the taxicab.
g. A guarantee in such form as may be required by the City Council that the owner will operate in such a manner that its taxicab service will be available to the public seven (7) days per week and twenty-four (24) hours per day.
h. The proposed schedule of rates to be charged which shall not exceed that established and set from time to time by resolution of the City Council.
i. The applicant's estimate of the need for additional taxicab service, supported by factual data.
j. The applicant's request and reasons for the location and need of a closed stand.
k. An application fee of fifty dollars ($50.00) that shall accompany each application for a Certificate of Public Convenience and Necessity.

1. Such other information as the City Council or City Manager may require.

(Based on Sec. 2, Ord. 480)

§ 4-2.10 Police Investigation and Report Required. No Certificate of Public Convenience and Necessity shall be granted or application for said Certificate acted upon until the Police Chief causes an investigation to be made, and his report and findings are transmitted to the City Council to be reviewed concurrent with the application. The Police Chief's report and findings to the City Council shall include but not be limited to the following information:

a. A finding as to whether the proposed owner has ever been convicted of a felony or the violation of any narcotic law or of any penal law involving moral turpitude.

b. A finding as to whether the proposed owner has ever had the proprietary use, ownership, or control of any passenger-carrying motor-propelled vehicle in any other city within the State of California, and what, if any, records exist concerning the prior operation and management of this taxicab service.

c. A finding as to whether the applicant's proposed color scheme, name, monogram, insignia, or any other identifying characteristics of the taxicab or driver would be in conflict with or imitate the color scheme, name, monogram, insignia, or any other identifying characteristics of another taxicab or driver in such a manner as to be misleading or tend to deceive or defraud the public.

(Based on Sec. 3, Ord. 480)

§ 4-2.11 City Council Hearing. Upon the filing of the fully completed application for the Certificate of Public Convenience and Necessity, together with the Report and Findings of the Police Chief, the City Council shall fix a time and place for a public hearing thereon. At least five (5) days written notice of the time and place set for the public hearing shall be given to the applicant and to all persons holding valid Certificates of Public Convenience and Necessity. Notice of the time and place of the public hearing before the City Council shall be published once in a newspaper of general circulation in the City at least ten (10) days before the hearing.

(Based on Sec. 4, Ord. 480)

§ 4-2.12 Issuance of Certificate. If the City Council finds that further taxicab service in the City of Pleasanton is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this chapter and any and all rules promulgated by the Police Chief, then the City Council shall by resolution declare that the public convenience and necessity require additional taxicab service and that a Certificate be issued by the Police Chief stating the name and address of the applicant, the number of vehicles authorized under said Certificate, the location of a closed stand for the applicant's use, and the date of issuance; otherwise, the application shall be denied. In making the above finds, the City Council shall take into consideration the following:

a. The number of taxicabs already in operation.
b. Whether existing transportation is adequate to meet the public need.
c. The probable effect of increased service on local traffic conditions.
d. The character, experience, and responsibility of the applicant.
e. All the information contained in the verified application for a Certificate and the Report and Findings of the Police Chief.
f. Engineering factors related to the proposed location of a closed stand for the applicant's exclusive use.
g. All other such information or material that the City Council deems pertinent to the issuance of a Certificate.

1. Effect on Current Owners. Every owner operating a taxicab under permission of the City Council prior to the effective date of Ordinance No. 480, April 14, 1967, shall be presumed to have established prima facie evidence of public convenience and necessity for his taxicabs actually in operation, and the City Council, upon written request by him not later than 15 days after the effective date hereinabove mentioned, shall, by resolution, authorize the Police Chief to issue a Certificate to such owner for such taxicabs.

(Based on Sec. 5, Ord. 480)

§ 4-2.13 Indemnity Bond or Liability Insurance Required. After the City Council has authorized the issuance of a Certificate; but before the Police Chief actually shall issue the Certificate, there shall be in full force and effect an indemnity bond for each vehicle of all owners authorized in the amount of at least one hundred thousand dollars ($100,000.00) for bodily injury to any one person, in the amount of at least three-hundred thousand dollars ($300,000.00) for injuries to more than one person which are sustained in the same accident; and ten-thousand dollars ($10,000.00) for property damage resulting from any one accident. Said bond or bonds shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants, or agents. Said bond or bonds shall be filed in the Office of the Police Chief and shall have as surety thereon a surety company authorized to do business in the State of California. The Police Chief may in his discretion allow the holder to file, in lieu of bond or bonds, a liability insurance policy issued by an insurance company authorized to do business in the State of California. Said policy shall conform to the provisions of this section relating to bonds.

(Based on Sec. 6, Ord. 480)

§ 4-2.14 License Fees. After the City Council has authorized the issuance of a Certificate, but before the Police Chief actually shall issue the Certificate, the owner shall pay the business license fee for the right to engage in the taxicab business as set forth and as amended from time to time in the various ordinances and resolutions of the City.

(Based on Sec. 7, Ord. 480)

§ 4-2.15 Transfer of Certificates. No Certificate of Public Convenience and Necessity may be sold, assigned, mortgaged or otherwise transferred without the consent of the City Council.

(Based on Sec. 8, Ord. 480)

§ 4-2.16 Duration of Certificates. Every Certificate issued hereunder shall be issued for an indefinite period of time subject to revocation in a manner prescribed herein.

(Based on Sec. 9, Ord. 480)

§ 4-2.17 Suspension and Revocation of Certificates. A Certificate issued under the provisions of this article may be suspended or revoked at any time by the City Council if the holder thereof has:

a. Violated any of the provisions of this article.
b. Discontinued operations for more than thirty (30) days.
c. Violated any ordinances of the City of Pleasanton or the laws of the United States or the State of California, the violations of which reflect unfavorably upon the fitness of the holder to offer public transportation.
d. Operated the taxicab or taxicabs at a rate of fare in excess of that established and set from time to time by resolution of the City Council.

(Based on Sec. 10, Ord. 480)

§ 4-2.18 Suspension or Revocation Hearing. Upon being informed that sufficient justification exists to suspend or revoke a Certificate, the City Council shall fix a time and place for a public hearing thereon. At least five (5) days written notice setting forth the grounds for suspension or revocation and information regarding the time and place where such hearing will be held shall be given the owner of the Certificate in question and to all persons holding valid Certificates. Notice of the time and place of such public hearing before the City Council shall be published once in a newspaper of general circulation in the City at least ten (10) days before the hearing.

(Based on Sec. 11, Ord. 480)

§ 4-2.19 Surrender of Certificate. If the City Council finds that sufficient justification does exist for the suspension or revocation of a Certificate, then the City Council shall by resolution demand that such Certificate be surrendered by the owner to the Police Chief. Certificates which shall have been suspended or revoked by the City Council shall, forthwith, be surrendered to the Police Chief, and the operation of any taxicab or taxicabs covered by such Certificates shall cease and be unlawful.

(Based on Sec. 12, Ord. 480)

§ 4-2.20 Driver's Permit Required. It shall be unlawful for any person to operate or drive a taxicab in the City of Pleasanton without first having obtained a driver's permit from the Police Chief. All persons applying for such a permit shall file with the Police Chief a verified application which shall set forth:

a. The names and addresses of four residents of the City of Pleasanton who have known the applicant for a period of at least one (1) year, and who will vouch for the sobriety, honesty, and general good character of the applicant.
b. The experience of the applicant in the transportation of passengers.

c. The educational background of the applicant.
d. A concise history of his employment.
e. Two (2) recent photographs (size 1½" x 1½").
f. An application fee of $5.00 shall accompany each application for a driver's permit.

(Based on Sec. 13, Ord. 480)

§ 4-2.21 Driver Requirements. The Police Chief shall not issue a permit and must revoke a permit theretofore granted:

a. If the applicant is under 21 years of age.
b. If the applicant has not resided within 15 miles of the City for thirty (30) days immediately prior to filing his application.
c. If the applicant does not possess a valid Class 3 license issued by the State of California.
d. If the applicant has been convicted of reckless driving or driving while under the influence of intoxicating liquors or narcotics.
e. If the applicant has been convicted of a felony or crime involving moral turpitude.
f. If the applicant violates any provisions of this article.

(Based on Sec. 14, Ord. 480)

§ 4-2.22 Issuance of Permit. Upon satisfying the foregoing requirements, and if it shall appear to the satisfaction of the Police Chief, in his sole discretion, that the applicant is fit, willing, and able to perform such duties expected of a driver based upon his application, the Police Chief shall issue a driver's permit to the applicant which shall bear the name, address, age, signature, and photograph of the applicent.

(Based on Sec. 15, Ord. 480)

§ 4-2.23 Display of Permit. Every driver issued a permit under this article shall post his driver's permit in such a place as to be in full view of all passengers while such driver is operating a taxicab.

(Based on Sec. 16, Ord. 480)

§ 4-2.24 Temporary Driver's Permit. The Police Chief may, in his sole discretion, grant a temporary permit to drive or operate a taxicab pending final action on any application for a permanent driver's permit as in this article provided for, but no such temporary permit may be issued to any person who does not have a chauffeur's license issued by the State of California. Said temporary permit shall authorize the holder thereof to drive any such vehicle for a period of thirty (30) days when the holder thereof shall have such temporary permit in his immediate possession.

(Based on Sec. 17, Ord. 480)

§ 4-2.25 Change of Employment. If a driver changes his employment to a different owner, he shall within twenty-four (24) hours thereafter notify the Police Chief for the purpose of having his driver's permit changed so as to properly designate the name of the new employer.

(Based on Sec. 18, Ord. 480)

§ 4-2.26 Change of Address. If a driver changes his residential address, he shall within ten (10) days thereafter notify the Police Chief for the purpose of having his driver's permit changed so as to properly designate his residential address.

(Based on Sec. 19, Ord. 480)

§ 4-2.27 Suspension and Revocation of Driver's Permit. A driver's permit issued under the provisions of this article may be suspended or revoked at any time by the Police Chief if the holder thereof has:

a. Been convicted of a felony.
b. Had his State Class 3 license suspended or revoked.
c. Been convicted of driving while under the influence of intoxicating liquors or narcotics.
d. During any continuous six (6) month period, had three (3) or more convictions of any offense involving driving.

(Based on Sec. 20, Ord. 480)

§ 4-2.28 Operating Requirements.

a. Taximeters Required. It shall be unlawful for any owner or driver to operate any taxicab in the City of Pleasanton unless such vehicle is equipped with a taximeter of such type, style, and design as may be approved by the Police Chief of the City, and it shall be the responsibility of every owner operating a taxicab to keep such taximeter in perfect condition so that said taximeter will, at all times, correctly and accurately indicate the correct charge for the distance traveled and waiting time, and such taximeter shall be at all times subject to inspection by the Chief of Police of the City of Pleasanton, and said Chief of Police is hereby authorized at his instance or upon complaint of any person to investigate or cause to be investigated such taximeter, and upon the discovery of any inaccuracy in said meter, to remove or cause to be removed such vehicle equipped with such taximeter from the streets of the City of Pleasanton until such time as said taximeter shall have been correctly adjusted.

b. Registration of Fares. Every taximeter shall register the charge to the nearest ten (10) cents and be equipped with a flag or other mechanical device for the words "For Hire" printed or stamped thereon, and said flag shall be so attached and connected to the mechanism of said taximeter as to cause said mechanism to operate when said flag is in a position other than upright and indicate that the taxicab is not for hire, and which said flag shall, when moved forward or downward, start the operation of said taximeter so that the same will operate in the manner defined herein.

c. Unlawful Display of Flag. Except on regular long-term contractual arrangements or acceptable flat rate charges as described in Section 4-2.28(e) it shall be unlawful for any driver of a taxicab while carrying passengers to display the flag or device attached to such taximeter in such a position as to denote that such vehicle is for hire, or is not employed, or to have such flag or other attached device in such a position as to prevent said taximeter from operating.

It will be unlawful for any driver to throw such flag or other device of a taximeter into a position which causes said taximeter to record when such vehicle is not actually employed, or fail to throw said flag or other device on such taximeter into a nonrecording position at the termination of each and every service.

d. Charges Based on Taximeters. Except on regular long-term contractual arrangements or acceptable flat rate charges as described in Section 4-2.28(e) the charges for transportation of passengers in taxicabs operated in the City of Pleasanton must be based on the charges indicated on said taximeters, and it shall be unlawful for any owner, driver, or operator of any taxicab to charge any passenger or passengers any sum in excess of the sum indicated on said taximeter.

e. Long-Term Contractual Arrangements or Flat Rate Charges. An owner, in his sole discretion, may negotiate and contract with anyone for regular taxicab service for an extended period of time, provided that the contractual charge for each trip is not in excess of the charge based upon the rates established and set from time to time by resolution of the City Council. Every contractual service shall be recorded on a manifest as described in Section 4-2.32 of this article, and shall at all convenient times be open to examination by any authorized representative of the Police Chief. Copies of all contractual arrangements or agreements will be filed with the Police Chief so that all enforcement personnel may be properly informed as to the arrangement or agreement.

An owner, in his sole discretion, may establish a fixed charge for taxicab service to a destination outside the City, provided that the fixed charge for the service is not in excess of the charge based upon the rates established and set from time to time by resolution of the City Council. Every service based upon a fixed charge shall be recorded on a Manifest as described in Section 4-2.32 of this article, and shall at all convenient times be open to examination by any authorized representative of the Police Chief. A copy of all fixed charges and respective destination points will be filed with the Police Chief so that all enforcement personnel may be properly informed as to the fixed charges.

f. Placement of Taximeter. The taximeter must be placed in said taxicab so that the reading dial showing the amount to be charged shall be well-lighted and readily discernible by the passenger riding in such taxicab.

g. Effect on Current Taxicabs. Taxicabs not equipped with meters operating in the City of Pleasanton at the effective date of Ordinance No. 480, April 14, 1967, shall be equipped as soon as delivery can be obtained. Under no condition shall the date of installation of said meters be more than one-hundred eighty (180) days from April 14, 1967.

h. Rates. It shall be unlawful for the owner or driver of any taxicab to fix or charge or collect or receive a rate in excess of rates established and set from time to time by resolution of the City Council.

i. Posting of Rate Card. There shall be displayed in the passenger compartment of each taxicab in full view of the passenger a card not less than four (4) inches by six (6) inches in size which shall have plainly printed thereon the name of the owner, or the fictitious name under which said owner operates, the business address and telephone number of said owner, and a correct schedule of the rates to be charged for conveyance in said vehicle.

j. Acceptance of Personal Property--Prohibited. It is unlawful for any driver of a taxicab, or other vehicle regulated hereby, to purchase, accept, receive, acquire, or to agree to purchase, accept, receive, or acquire any jewelry, watches, cameras, firearms, clothing, or any articles of personal property in payment of or as a pledge for the payment of any fares due and payable for conveyance in any taxicabs or vehicle regulated hereby.

k. Conformance to Color Scheme. All taxicabs must be and conform to the color scheme, insignia, or any other distinguishing characteristics approved by the City Council at the same time as the Certificate was approved.

(Based on Sec. 21, Ord. 480)

§ 4-2.29 Operating Regulations.

a. Direct Route. Any driver employed to transport passengers to a definite point shall take the most direct route that will take the passengers to their destination safely and expeditiously.

b. Receipts. If requested, every driver shall give a receipt upon payment of the correct fare. In case of a dispute the matter shall be determined by the Officer in Charge at the Police Station. Failure to comply with such determination shall subject the offending party to a charge of misdemeanor.

c. Refusal to Pay Fare. It shall be unlawful for any person to refuse to pay the lawful fare of any of the vehicles regulated by this article after employing or hiring such vehicle, and any person who shall hire such vehicle with intent to defraud the person from whom it is hired shall be guilty of a misdemeanor.

d. Number of Passengers. No driver of any taxicab shall accept, take into his vehicle or transport any larger number of passengers than the rated seated capacity of his vehicle. Rated capacity shall mean: three passengers in the back seat and two in the front seat of the taxicab unless the rated capacity of a taxicab is otherwise designated in writing by the Police Chief.

e. Additional Passengers. Whenever any taxicab is occupied by a passenger, or passengers, the driver shall not permit any other person to occupy, or ride, in said taxicab, except at the specific request of, and originating with, the original passenger or passengers.

f. Unattended Taxicabs. It shall be unlawful for any taxicab to remain unattended at any place other than at a duly designated open or

closed stand. It shall also be unlawful for any taxicab to remain unattended in a designated open stand for a period of time longer than five (5) minutes. This article does not impose any restrictions or regulations regarding unattended taxicabs in a duly designated closed stand.

g. Deception of Passengers. No driver shall deceive, or attempt to deceive any passenger who may ride in his taxicab as to his destination, or the rate of fare to be charged, or cause him to be conveyed to a place other than directed by him.

(Based on Sec. 22, Ord. 480)

§ 4-2.30 Maintenance Requirements.

a. Inspection of Taxicabs. To insure continued maintenance of safe operating conditions, taxicabs, their equipment, and taximeters operating or used pursuant to this section shall be inspected semi-annually at a garage or garages approved by the Police Chief. The garage or garages shall, after such semi-annual inspection issue a "Certificate of Safety" certifying that said vehicle, its equipment, and taximeter comply with the safety requirements of this section. Cost of said inspections shall be paid by owner of said vehicles.

b. Authority of Police Department to Inspect Taxicabs. The Police Chief of the City of Pleasanton or any member of the Police Department under his direction, shall have the right, at any time after displaying proper identification, to enter into or upon any taxicab for the purpose of ascertaining whether or not any provisions set forth herein are being violated.

c. Unsafe or Unsuitable Taxicab. Any taxicab which is found, in the opinion of the Police Chief or his agents, after any such inspection, to be unsafe or in any way unsuitable for taxicab service shall be immediately ordered out of service, and before again being placed in service owner shall obtain a "Certificate of Safety" for said vehicle.

d. Things Deemed to Make a Taxicab Unsafe or Unsuitable. For the purposes of this section the existence of the following named things, but not to the excluaion of other things, shall be deemed to make a taxicab unsafe or unsuitable for taxicab service:

1. Excessive leakage of oil, grease, gas or any other substances from any part of the taxicab.
2. The existence of any defects in the frame of the taxicab.
3. The failure of any moveable parts of the car, including doors, windows, hoods, trunk, lights, etc., to function in the proper working order.
4. Failure to maintain the tires, lights, turning signals, or brakes in good and safe operating condition.
5. Failure to maintain the motor and other mechanical parts of the car in good and safe operating condition.

6. The failure to have an adequate exhaust system, that complies with State law, properly installed and in good working condition.
7. The existence of large or excessive dents or scratches in the body of the taxicab.
8. Improper maintenance of the exterior paint, in the proper color scheme.
9. The existence of excessive wear and tear on the upholstery, floor mats, and other parts of the interior of the taxicab.
10. Failure to have adequate interior lighting in proper working condition.

e. Cleaning of Interior. The interior of every taxicab shall be thoroughly cleaned at least once in every twenty-four (24) hours.

f. Cleaning of Exterior. The exterior of every taxicab shall be thoroughly cleaned at least once in every seven (7) days.

(Based on Sec. 23, Ord. 480)

§ 4-2.31 Taxicab Stands. The City Traffic Engineer of the City of Pleasanton is hereby authorized and empowered to establish open stands in such place or places upon the streets of the City of Pleasanton as he deems necessary for the use of taxicabs operated in the City. Said City Traffic Engineer shall not create any open stand without taking into consideration the need for such open stands by the companies, the various traffic engineering factors, the convenience to the general public, and the abutting property owner. The City Traffic Engineer shall prescribe the number of taxicsbs that shall occupy such open stands. The City Traffic Engineer shall not create an open stand in front of any place of business where such stand would tend to create a traffic hazard.

Open stands shall be used by the different drivers on a first come first served basis. The driver shall pull onto the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within five feet of their cabs; they shall not solicit passengers; or engage in loud or boisterous talk while at a stand. Nothing in this article shall be construed as preventing a passenger from boarding the cab of his choice that is parked at the open stand.

Closed stands will be apportioned on the basis of one for each owner, and will be established and designated at the sole discretion of the City Council at the time the Certificate is issued to the owner by the City Council. In the establishment of a closed stand, the City Council shall consider the various traffic engineering factors, the convenience to the general public, and the abutting property owner. The operation of vehicles and the conduct of drivers in a closed stand will be the same as that required in an open stand, and as described above.

(Based on Sec. 24, Ord. 480)

§ 4-2.32 Manifests. The driver of every taxicab shall keep a separate Manifest of every service rendered as such driver, which Manifest shall include the following information:

a. Location where passengers entered vehicle.
b. Time of entry
c. Location where passengers were discharged.

d. Number of passengers.

e. Amount of fare collected.

The owner of every such taxicab shall keep said Manifests in his office files for a period of ninety (90) days after date of service rendered, and the same shall at all convenient times be open to examination by any authorized representative of the Police Chief. The falsifying of any Manifest by an owner or by a driver shall be grounds for revocation of the owner's Certificate.

(Based on Sec. 25, Ord. 480)

§ 4-2.33 Taxicabs From Other Municipalities. The driver of a taxicab authorized to operate in any municipality other than the City of Pleasanton may transport passengers from such municipality to a destination within or beyond the City Limits of the City of Pleasanton, provided that the driver of such taxicab shall not seek or accept passengers within the City of Pleasanton except upon the return trip to such other municipality, and shall accept only passengers whose destination is directed to a point beyond the limits of the City of Pleasanton in the direction of the municipality from which such taxicab came.

(Based on Sec. 26, Ord. 480)

§ 4-2.34 Enforcing Official. The Police Chief, or his agents, of the City of Pleasanton is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this article. Upon discovering a violation of the provisions of this article, the Police Chief or his agents shall report the same and initiate appropriate action.

(Based on Sec. 27, Ord. 480)

Article 4

Bicycles

Sec. 4-2.38 Incorporation of State Law. The licensing requirements contained herein are established pursuant to California Vehicle Code, Division 16.7, Sections 39000 and following. All definitions, procedures and requirements set forth in Division 16.7 are incorporated herein by reference.

Sec. 4-2.39 License Required. It shall be unlawful for any resident of the City of Pleasanton to operate a bicycle or motorized bicycle upon any street, road, highway or other public place within the City of Pleasanton, without having registered such bicycle, received a license from the City of Pleasanton and kept said license current and valid.

Sec. 4-2.40 Forms and Fees. The City shall issue and renew all bicycle licenses. The City shall provide to the residents of the City all license and renewal indicia and all forms needed to comply with this article and State law.

The City shall establish fees for the following procedures: initial licensing, renewal, transfer of ownership, change of address, duplication of license and duplication of registration form. These shall be set forth in the resolution establishing fees and charges for various municipal services.

Sec. 4-2.41 Other Regulations. The Director of Public Safety shall prepare all rulessand regulations needed to implement this article and the Vehicle Code of the State of California relating to bicycle licensing.

Sec. 4-2.42 Licenses Issued Under Previous Ordinance. All licenses issued by the City of Pleasanton pursuant to previous licensing regulations and valid on the effective date of this ordinance shall remain in effect until their expiration date.

Sec. 4-2.43 Operation. No person shall operate a bicycle within the City in a manner which endangers the life or limb of any pedestrian or other bicyclist. No person shall park or let stand or leave unattended a bicycle upon the public sidewalks of the City so as to block or interfere with the use of said sidewalks by any pedestrian.

(Based on Ord. 819, adopted 5/9/77)

Sec. 4-2.44 Racing and Endurance Contests. No person riding or operating a bicycle upon a public street, sidewalk or any other area open to the public shall participate in any race, speed or endurance contest unless such race, speed or endurance contest has been granted written permission by the City Manager and is conducted under the supervision of the Chief of Police.

Sec. 4-2.45 Stunt Riding. No person riding or operating a bicycle upon a public street, sidewalk or any other area open to the public, shall engage in any acrobatics or stunt riding.

Sec. 4-2.46 Riding Two Abreast. Persons riding or operating bicycles shall not ride or operate bicycles more than two (2) abreast, except on paths or parts of a roadway set aside for the exclusive use of bicycles where it is safe to do so.

(Based on Ord. 819, adopted 5/9/77)

Article 5

Piano Playing

This Article deleted by Ordinance 906, adopted 9/18/79.

Article 6

Hours Business May Remain Open

This Article deleted by Ord. 906 adopted on September 18, 1981.

Article 7

Card Rooms

§ 4.3-13 Permit. No person shall maintain in any building or premises owned or controlled by him, any tables which are used by the public for the playing of cards, and for the use of which a fee or compensation is charged players, without first obtaining a permit so to do from the Chief of Police.

(Based on Sec. 1, Ord. 554)

§ 4-3.14 Application for Permit: Procedure; Requirements. An application for a permit required by Section 4.3-13 of this article shall contain the following information and comply with the following requirements:

a. The name of the applicant, together with the names of all persons directly or indirectly interested in the conducting of the business of operating a card room, including all members of any firm or partnership.

b. The permanent home address and full local address of the applicant.

c. Whether the applicant has at any time been convicted of a felony, or of a misdemeanor involving the violation of any municipal or county ordinance regulating or taxing any business, or of a misdemeanor involving moral turpitude.

d. Whether or not any permit or license heretofore granted to applicant to engage in any business within the City of Pleasanton or any other city has been revoked or denied, and if so, the circumstances surrounding the revocation or denial.

e. The applicant shall be fingerprinted and photographed and his record filed in the Police Department Bureau of Identification.

Upon the filing of the application, the applicant shall pay a fee of $10.00 to aid in defraying the cost of processing the application.

In the event said application is granted, fingerprints and photographs of all employees of applicant shall be made and filed in the Police Department Bureau of Identification prior to applicant's engaging in business of conducting card room.

(Based on Sec. 2, Ord. 554)

§ 4-3.15 Investigation: Recommendation. Upon receipt of an application pursuant to Section 4-3.14 of this article, the Chief of Police shall initiate an investigation of the moral character of the applicant. Within five (5) days of the initiation of his investigation, and as a result of his investigation, the Chief of Police shall make one or another of the following determinations and notify in writing the applicant thereof immediately:

a. To deny to applicant a permit if he finds that the moral character of the applicant is unsatisfactory in that the applicant has been convicted of a felony or a misdemeanor involving the violation of a city or county ordinance regulating any business, or of a misdemeanor involving moral turpitude.

b. To grant to applicant a permit if the moral character of the applicant is not determined to be unsatisfactory as provided in subsection (a) hereof.

(Based on Ord. 554)

§ 4-3.16 Appeal Procedure. Any person aggrieved by any action of the Chief of Police taken pursuant to this article shall have the right of appeal to the City Council. Such appeal shall be taken by filing with the City Clerk, within fourteen days after notice of the action complained of has been received by such person, a statement setting forth fully the grounds of such appeal. The Council shall set a time and place for a hearing on such appeal and the City Clerk shall promptly give notice of such hearing to the appellant in writing and mailed, postage prepaid, to the appellant at his last know address at least five days prior to the date set for such hearing. The decision and order of the Council on such appeal shall be final and conclusive.

(Based on Ord. 554)

§ 4-3.17 Permit Duration. A permit granted pursuant to this article shall be valid for one year from the date of issuance.

(Based on Ord. 554)

§ 4-3.18 Permit Limitation and Restriction. No more than one permit of the kind mentioned in this article shall be in effect at any one time. No permittee herein shall maintain more than four card tables.

(Based on Ord. 554 as amended by Ord. 953)

§ 4-3.19 Exemptions. The provisions of this article shall not apply to bona fide social clubs which are regularly incorporated, nor to the cardrooms or fraternal organizations not open to the general public and whose membership is restricted to those persons regularly and formally elected to membership therein, and paying regular dues to such organizations.

(Based on Ord. 554)

§ 4-3.20 Hours. All card rooms subject to the provisions of this article shall cease operations and must be closed between the hours of 2:00 a.m. and 10:00 a.m. of each and every day. It shall be unlawful to induce or to attempt to induce another to engage in card games which are subject to the provisions of this article during the hours that card rooms are required by the terms of this section to be closed.

(Based on Ord. 554)

§ 4-3.21 Transferability of Permit. The priveleges conferred by a permit hereunder may be transferred only with the consent of the City Council.

(Based on Ord. 554)

§ 4-3.22 Playing for Money. No permittee hereunder shall allow the playing of cards upon the premises owned or controlled by him, or any person to play or participate in any game of cards in a cardroom wherein money of the

United States, coin or currency, is used for the purpose of ante, betting or stake upon such game; provided, however, that nothing herein shall prohibit the use of tokens, chips or other representatives of money for such purposes.

It shall be unlawful for any permittee or employee thereof to loan money to any person on any watch, ring or other article of personal property for the purpose of securing tokens, chips or other representatives of money as an ante.

(Based on Ord. 554)

§ 4-3.23 House Dealers. No person shall be employed or used by any permittee at any time to deal any cards on behalf of the permittee in any card game covered by the provisions of this article.

(Based on Ord. 554)

§ 4-3.24 Minors. No minor shall be permitted at any card table or participate in any game played thereat, or remain in a card room.

(Based on Ord. 554)

§ 4-3.25 Inspection. Each card room shall be open to inspection during any or all of the hours provided for in Section 4-3.18 hereof by the Police Department. Each room shall be effectively separated from other portions of the structure not used for card playing, but shall, at the same time, be so constructed as to allow an unobstructed view into the card room.

§ 4-3.26 Card Games Allowed. It shall be unlawful for any permittee to alow the playing in a card room of any game except draw poker, either high-ball or low-ball, without variations, as defined by Hoyle, Pinochle, Pangini, Rummy, and contract or auction bridge. Any other game of chance not otherwise prohibited by State law is hereby expressly prohibited.

§ 4-3.27 State Law Violations. The Council of the City of Pleasanton hereby declares that it is not the intention of this article to permit any card game prohibited by the laws of the State, including but not limited to those games enumerated in Section 330 of the Penal Code of the State of California.

(Based on Ord. 554)

§ 4-3.28 Existing Card Rooms. It is the intention of the City Council of the City of Pleasanton in this article to limit permitted card rooms, subject to the provisions of this article, to the one already in existence within the City of Pleasanton.

(Based on Ord. 554 as amended by Ord. 953)

§ 4-3.29 Suspension and Revocation of Permit. The Chief of Police shall have the right to revoke or suspend any card room permit issued hereunder and to take possession of such permit on the following grounds:

a. Misrepresentation with respect to any of the information required in the application for permit provided for in Section 4-3.14.

b. Violation of any provision of this article or any other ordinance of the City of Pleasanton or of State Law.

Article 8

Litter

§ 4-3.33 Title. This article shall be known and may be cited as the "Pleasanton Anti-Litter Ordinance".

(Based on Sec. 1, Ord. 517)

§ 4-3.34 Definition of Terms. For the purposes of this article the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the content, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. "Aircraft" is any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

b. "Authorized private receptacle" is a litter storage and collection receptacle as required and authorized in the refuse collection system ordinance.

c. "Commercial Handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature--

(1) Which advertises for sale any merchandise, product, commodity, or thing; or

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; PROVIDED, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or

event of any kind, without a license, where such license is or may be required by any law of this State, or under any ordinance of this City;

(4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

d. "Person in control of private property" is any person occupying, renting, managing or controlling real property.

e. "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

f. "Litter" is "garbage", "refuse" and "rubbish" as defined herein and all other waste material.

g. "Newspaper" is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute of regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

h. "Non-Commercial Handbill" is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

i. "Park" is a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

j. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

k. "Private Premises" is any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

l. "Public Place" is any and all streets, sidewalks, boulevards, alleys, or other public ways, and any and all public parks, squares, spaces, grounds, and buildings.

m. "Refuse" is all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

n. "Rubbish" is nonputrescible solid wastes, consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

o. "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

p. "Enforcement Officer" shall mean and include any official or officials duly appointed by the Manager of the City of Pleasanton.

(Based on Sections 2 through 2.17, Ord. 517)

§ 4-3.35 Litter in Public Places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles, in authorized private receptacles for collection or in lawfully established dumping grounds.

(Based on Sec. 3, Ord. 517)

§ 4-3.36 Placement of Litter in Receptacles so as to Prevent Scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other place or upon private property.

(Based on Sec. 4, Ord. 517)

§ 4-3.37 Sweeping Litter Into Gutters Prohibited. No persons shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Based on Sec. 5, Ord. 517)

§ 4-3.38 Merchant's Duty to Keep Sidewalks Free of Litter. No person owning or occupying a place of business shall sweep or deposit in any gutter street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.

(Based on Sec. 6, Ord. 517)

§ 4-3.39 Litter Thrown by Persons in Vehicles. No person, whether a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property.

(Based on Sec. 7, Ord. 517)

§ 4-3.40 Truck Loads Causing Litter. No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

(Based on Sec. 8, Ord. 517)

§ 4-3.41 Litter in Parks. No person shall throw or deposit litter in any park within the City except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(Based on Sec. 9, Ord. 517)

§ 4-3.42 Litter in Lakes and Fountains. No person shall throw or deposit litter in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the City.

(Based on Sec. 10, Ord. 517)

§ 4-3.43 Throwing or Distributing Commercial Handbills in Public Places. No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the City. Nor shall any person hand out or distribute or sell any commercial handbill in any public place.

(Based on Sec. 11, Ord. 517)

§ 4-3.44 Placing Commercial and Non-Commercial Handbills on Vehicles. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle.

(Based on Sec. 12, Ord. 517)

§ 4-3.45 Dropping Litter from Aircraft. No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill, or any other object.

(Based on Sec. 13, Ord. 517)

§ 4-3.46 Litter on Occupied Private Property. No person shall throw or deposit litter on any occupied private property within the City.

(Based on Sec. 14, Ord. 517)

§ 4-3.47 Premises to be Maintained Free of Litter. The owner or person in control of any private property shall at all times maintain the premises free of litter which tends to create a danger to public health, safety or welfare. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(Based on Sec. 15, Ord. 517)

§ 4-3.48 Litter on Vacant Lots. No person shall throw or deposit litter on any open or vacant private property within the City.

(Based on Sec. 16, Ord. 517)

§ 4-3.49 Clearing of Litter from Open Private Property.

a. Notice to Remove Litter. If the owner or person in control of any private property in the City fails to remove therefrom all litter which is located on said property and which is dangerous to the public health, safety or welfare, it shall be the duty of the Enforcement Officer to notify such person or persons to remove the same. Such notice shall be by registered mail and shall be deposited in the United States Post Office at Pleasanton, California, with postage thereon prepaid and addressed to such owner at his last known place of address shown on the assessment roll of the City, and if no such address is there shown or is known, then to General Delivery, Pleasanton. If such real property is occupied and the mailing address thereof is different from that of the owner on said assessment roll, then an additional copy shall be similarly mailed to the occupant of such property at the mailing address thereof. Such notice shall contain a description of said property. Such description may be the number of the lot and block and the name of the map, tract or subdivision in which said real property lies, or may be the street and number thereof, or may be any other description by which the said property may be reasonably and readily identified. One or more lots or blocks of land may be described in one and the same statement or notice.

b. Removal of Litter by City. If the owner or person in control of the real property in the City fails to remove litter in accordance with the notice given pursuant to the provisions of Section 4-3.49(a) hereof within ten (10) days after the mailing of such notice, it shall be the duty of the Enforcement Officer, his assistants, employees, contracting agents or other representatives of the City, to remove such litter, and they, and each of them, are hereby expressly authorized to enter upon private property for such purpose, and it shall be unlawful for any person to interfere, hinder or refuse to allow them to enter upon private property for such purpose and to remove litter in accordance with the provisions of this chapter. Any person owning, occupying, renting, managing, leasing, or controlling real property in the City shall have the right to remove litter or have the same removed at his own expense at any time prior to the arrival of the Enforcement Officer or his authorized representatives for such purpose.

c. Account and Report of Cost. The City Finance Officer shall keep an account of the cost to the City to remove litter as aforesaid for each separate lot or parcel of land and the portions of streets adjoining the same, and shall embody such account in a report and assessment list to the City Council, which report shall be filed with the City Clerk. Such report shall refer to each separate lot or parcel of land by description sufficient reasonably to identify the same, together with the expense proposed to be assessed against it.

d. Notice of Report and Hearing. The City Clerk shall post a copy of such report and assessment list on the bulletin board near the entrance to the City Hall, together with the notice of the filing thereof and the time and place when and where it will be submitted to the City Council for hearing and confirmation. The City Finance Officer shall mail to the persons and in the manner prescribed in Section 4-3.49(a) hereof a notice in form substantially as follows:

ASSESSMENT FOR REMOVAL OF LITTER
AND NOTICE OF HEARING THEREON

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Ordinance No. 517 of the City of Pleasanton, the Enforcement Officer has removed litter from the real property owned, occupied, rented, managed or controlled by you, which real property is described as follows: (herein insert description of real property sufficient for reasonable and ready identification.)

The cost of said destruction or removal proposed to be assessed against said property is $_____.

FURTHER NOTICE IS HEREBY GIVEN that on _____, the _____ day of _____, 19____, at the hour of eight o'clock P.M., in the Council Chambers of the City of Pleasanton, located in the Pleasanton Justice Court, 30 West Angela Street, Pleasanton, Alameda County, California, the report of the City Finance Officer on the cost of destruction or removal of litter and the assessment list thereof will be presented to the City Council for consideration, correction and confirmation, and that at said time and place any and all persons interested in or having any objections to said report or list of proposed assessments, or to any matter or thing contained therein may appear and be heard. The failure to make any objection to said report and list shall be deemed a waiver of the same.

Upon confirmation of said assessment by the City Council, the amount thereof will be payable. In the event the same is not paid on or before the 15th day of July following the aforesaid hearing, said assessment will be added to the tax bill for said property and thereafter shall become a lien on said property.

Dated:

_____
Finance Officer
of the City of Pleasanton

e. Hearing and Confirmation. At the time and place fixed for receiving and considering the report, the City Council shall hear the same together with any protests or objections which may be raised by any interested person. Upon such hearing, the Council shall make such corrections or modifications in any proposed assessment which it may deem to be excessive or otherwise incorrect, after which such assessments shall be confirmed by resolution of the Council and the amount thereof shall constitute a lien on property assessed until paid. The confirmation of assessment by the Council shall be final and conclusive.

f. Payment of Assessment. It shall be lawful for any person to pay the amount of such assessment for removal of litter on or before the 15th day of July following the date the confirmation of said assessment was made by the Council. If said assessment is not paid on or before said date, the total amount thereof shall be entered on the next fiscal year tax roll as a lien against the property, and shall be subject to the same penalties as are provided for other deliquent taxes or assessments of the City.

(Based on Ord. 517)

§ 4-3.50 Distribution of Newspapers and Handbills upon Private Premises.

a. In addition to the prevention of litter which is the purpose of all the provisions of this article, this section has the following two purposes:

1. To protect the privacy of citizens from the delivery of newspapers, commercial handbills, and non-commercial handbills to which the citizens have objected in the manner prescribed in subsection (b); and

2. To protect citizens during extended absence from their residences against the visible accumulation of newspapers, commercial handbills, and non-commercial handbills that the citizens do not express or have not expressed a willingness to receive, and thus to lessen the risk that residences will be burglarized or vandalized during the absence of the occupants.

b. No person shall distribute, circulate, deliver, or deposit any newspaper, commercial handbill, or non-commercial handbill upon any private premises if the owner or occupant thereof not more than one year previously has notified the distributor of such newspaper, commercial handbill, or non-commercial handbill not to deliver it to the premises of the objecting owner or occupant. Such notification shall be sent by registered or certified mail, postage prepaid, return receipt requested, and shall include the name of objecting owner or occupant, the address where no distribution is to be made, the declarant's capacity to make such objection, and the name of the newspaper, commercial handbill, or non-commercial handbill not to be distributed; such notification shall become effective upon delivery of the return receipt to the objecting owner or occupant.

c. Any person who delivers, circulates, distributes, or deposits any newspaper, commercial handbill or non-commercial handbill upon any private premises shall place the material distributed in such a manner that it will not blow, scatter, or otherwise litter the premises.

d. If any other copy of any newspaper, commercial handbill, or non-commercial handbill previously has been distributed, circulated, delivered, or deposited upon the premises and has not been removed, any person who then distributes, circulates, delivers, or deposits any such material shall not place it upon the premises in any manner that would cause or substantially cause the appearance of any accumulation of such materials visible from the street or sidewalk in front of the premises and indicating or tending to indicate the recent or current absence of the resident or occupant for a period greater than forty-eight (48) hours; apply if the resident or occupant expresses or has expressed his willingness to receive the material that would cause or substantially cause such an appearance.

(Based on Ord. 739)

Article 9

Garbage

§ 4-4.04 Definitions. As used in this article the following words shall have the meaning given herein:

a. "Refuse" shall mean all putrescible and non-putrescible, combustible and non-combustible 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.

(Amended by Ord. 736 9/17/73)

b. "Residential Unit" shall mean any occupied premise 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, but excluding any living or sleeping quarters in hotels, apartments, rooming houses, motels or auto courts where kitchen facilities are not provided.

c. "Commercial Unit" shall mean any occupied premise specifically utilized for the purpose of engaging in commercial activity as defined by Title II, Chapter 2, Article 8 (C, Commercial Districts).

d. "Industrial Unit" shall mean any occupied premise specifically utilized for the purpose of engaging in industrial activity as defined by Title II, Chapter 2, Article 9 (I, Industrial Districts).

(Based on Secs. 1.00 through 1.03, Ord. 500, as amended by Articles 7 and 8, Ord. 520)

§ 4-4.05 General Provisions. Each and every residential unit, commercial unit, and industrial unit, as defined above, shall have garbage service by the refuse collector of the City of Pleasanton. 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 of Pleasanton as provided hereafter.

(Based on Sec. 2.00, Ord. 500)

§ 4-4.06 Refuse Service. The City Manager, or the Director of Public Works, shall cause all buildings or structures specified in Section 4-4.05 hereof within the corporate limits of the City of Pleasanton to be visited from time to time, and the sanitary condition of said buildings or structures examined to determine whether the provisions of this article are complied with. Upon notification by duly authorized representative of the City, all persons, including the refuse collector, shall comply with the provisions of this article or be deemed guilty of a misdemeanor.

(Based on Sec. 3.00, Ord. 500)

a. In all cases of disputes or complaints concerning receptacles 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 Director of Public Works, or their duly authorized agent, shall designate the place, quantity, time, manner and rates for such removal, and his decision shall be final.

b. It shall be unlawful for any person to in any manner interfere with the collection, removal or disposal of refuse by the authorized refuse collector.

c. 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 within the corporate limits, any garbage, trash, rubbish, manure or waste matter condemned by the City Manager or Director of Public Works.

d. 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.

(Based on Secs. 3.01 through 3.04, Ord. 500)

§ 4-4.07 Private Permits. Every owner or person in possession of any building or structure for which garbage removal is required herein, shall have the right to remove the same, but it shall be 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 ($5.00) 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.

(Based on Sec. 4.00, Ord. 500)

§ 4-4.08 Preparation of Refuse. 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 water-tight 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 thirty (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.

(Based on Sec. 5.00, Ord. 500)

§ 4-4.09 Collection of Refuse. 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 article, but in no case shall collection services less than once a week be permitted.

a. Time of collection shall be according to a schedule prepared by collector and approved by City.

(Based on Secs. 6.00 and 6.01, Ord. 500)

§ 4-4.10 Removal of Refuse. Refuse collected in the City of Pleasanton shall be hauled in all-steel bodies 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.

a. The name of the refuse collector, together with his address and telephone number, and truck number, shall appear on the side of the trucks in letters not smaller than six inches high.

(Based on Secs. 7.00 and 7.01, Ord. 500)

§ 4-4.11 Disposal of Refuse. The refuse collector shall dispose of all refuse outside of the City limits of the City of Pleasanton 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.

a. 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 of Pleasanton, 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 of Pleasanton or which may hereafter be enacted.

b. 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.

(Based on Secs. 8.00 through 8.02, Ord. 500)

§ 4-4.12 Rates. A charge shall be collected by the refuse collector pursuant to a rate schedule adopted by resolution of the City Council of the City of Pleasanton. Said rate schedule shall be incorporated in any contract entered pursuant to this article.

(Based on Sec. 9.00, Ord. 500)

§ 4-4.13 Refuse Collection Contract. For the exclusive privilege of collecting, removing and disposing of all refuse in and from the City of Pleasanton, a contract shall be entered into by the City subject to the terms and conditions of this article. The City Council by resolution shall have the power to provide for the inclusion in such contract of such terms as it may deem necessary to protect the best interests of the City of Pleasanton.

a. In awarding a contract under this article, 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.

b. 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 of Pleasanton, subject only to such exceptions as are specifically set forth in this article. All provisions of this article applicable to the contractor shall constitute and be a part of any contract awarded hereunder. It shall be 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 of the City of Pleasanton to collect or remove refuse in and from the City of Pleasanton, except as herein provided.

c. The person to whom such contract shall be awarded shall file with the City Clerk of the City of Pleasanton a bond for the faithful performance of the contract in the sum of Five Thousand Dollars $5,000.00).

d. 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 ninety (90) days before termination. Further, the agreement may provide that at the end of said option, being ten years from the date of agreement, both parties, by mutual consent reached at least ninety (90) days prior to termination, may extend the agreement for an additional period not to exceed five years.

e. 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 One Hundred Fifty Thousand ($150,000.00) for the death or injury of one person, and Three Hundred Thousand Dollars ($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 Twenty-five Thousand Dollars ($25,000.00) upon each of the trucks or other vehicles used by contractor in the carrying out of the work called for in the contract. Said insurance to cover both the City of Pleasanton, the members of the Council and its officers, employees and agencies, and the refuse collector.

f. 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.

g. 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.

h. Said contract and this article shall specifically apply to all facilities and buildings owned or operated by governmental agencies within the City.

(Based on Secs. 10.00 through 10.08, Ord. 500)

Article 10

Fortune-Telling

§4-4.17 Prohibition. No person shall engage in, carry on, conduct, practice, exhibit, advertise, solicit, or do any act of fortune-telling in the City of Pleasanton.

§4-4.18 Definition. Fortune-telling as used in this Article means actually or purportedly to, or pretending, assuming or undertaking to, or aiding, helping or assisting another person to do a, b or c below:

a. To persuade, induce or procure any person to transfer, assign, convey, donate, devise, bequeath, pledge, mortgage, or deposit any thing of value; by means of astrology, augury, card reading, clairaudience, clairvoyance, contacting spirits, crystal gazing, divination, handwriting or character reading, life reading, magic, mediumship, necromancy, numerology, palmistry, phrenology or the reading of other anatomical features, seership, or by any occult, mystical, psychic or supernatural means, or by means similar to these listed.

b. To foretell, foresee or influence a future act, event, condition or situation; or to find or restore a lost or hidden thing; or to change or modify a physical, spiritual, emotional, or social condition or problem; by means of astrology, augury, card reading, clairaudience, clairvoyance, contacting spirits, crystal gazing, divination, handwriting or character reading, life reading, magic, mediumship, necromancy, numerology, palmistry, phrenology or the reading of other anatomical features, seership, or by any occult, mystical, psychic or supernatural means, or by means similar to these listed; and directly or indirectly accepting or asking anything of value therefor as a fee, compensation, gift, gratuity or reward;

c. To make, sell or give away; any charm, talisman, potion or other magic thing or anything purporting to be such.

§4-4.19 Exemptions.

a. Religious Institutions. The provisions of §4-4.17 and §4-4.18 shall not be construed to include, prohibit or interfere with the exercise of any religious or spiritual function of any priest, minister, rector, or any accredited representative of any bona fide church or religion when such priest, minister, rector, or accredited representative holds a certificate of credit, commission, or ordination under the ecclesiastical laws of a religious corporation incorporated under the laws of any state or territory of the United States of America, of any voluntary religious association, and who fully conforms to the rites and practices prescribed by the supreme conferences, convocation, convention, assembly, association, or synod of the system or faith with which such priest, minister, rector, or accredited representative is affiliated; provided, however, any church or religious organization which is organized for the primary purpose of conferring certificates of commission, credit, or ordination for a price, and not primarily for the purpose of teaching and practicing a religious doctrine or belief, shall not be deemed to be bona fide church or religious organization.

b. Newspapers and Periodicals Entertainment Features. The provisions of Section 4-4.17 and 4-4.18 shall not be construed to include, prohibit or interfere with the sales or distribution of any newspaper, magazine or periodical, solely because it contains as an entertainment feature horoscopes or astrological forecasts.

(Based on Ord. 783, 5/10/76)

Article 12

Firearms and Beebee Guns

§ 4-4.32 Discharge Within City Limits. No person in the City, except in self defense, shall discharge or cause or allow the discharge of any rifle, shotgun, pistol, revolver or any other fire arms, or any airgun, beebee guns, gas gun or any other weapon which emit a projectile aa a result of pressure at the breech, unless said person has first obtained permission in writing from the Chief of Police. Any firing or discharge shall then be in strict compliance with said written permission. This section does not apply to any duly authorized peace officer in the discharge of his official duties.

(Based on Sec. 1, Ord. 253)

§ 4-4.33 Impounding of Weapons. Any weapon used in violation of Section 4-4.32 of this article is hereby declared to be a nuisance, and the same shall be taken from the person violating said section and surrendered to the Chief of Police of the City of Pleasanton. The Chief of Police shall report the possession of the same to the City Council on June 1st of each year. The City Council may order any of such weapons disposed of as provided for by Section 12028 of the Penal Code of the State of California, or may order any such weapons to be sold at public auction by city employees designated, and after such notice as the City Council may direct to be given. Proceeds therefrom shall be deposited in the general fund of the City.

(Based on Sec. 2, Ord. 253)

Article 13

Curfew for Minors

§ 4-4.37 Curfew. Every person under the age of eighteen years who loiters in or about any public street or other public place or any place open to the public in the City of Pleasanton, between the hour of 10 o'clock p.m. and the time of sunrise of the following day when not accompanied by his parent, guardian or other adult person having the legal care, custody or control of such person, or spouse of such person over twenty-one years of age, is guilty of a misdemeanor.

(Based on Sec. 1, Ord. 232)

§ 4-4.38 Parent or Guardian. Every parent, guardian, or other person having the legal care, custody or control of any person under the age of eighteen years who permits such person to violate any provision of this article is guilty of a misdemeanor.

(Based on Sec. 2, Ord. 232)

TITLE IV, HEALTH, SAFETY, MORAL
AND GENERAL WELFARE

Chapter 2

Article 14

LICENSING REQUIREMENT AND REGULATIONS FOR MASSAGE ESTABLISHMENTS AND MASSAGE SERVICE

§ 4-2.1401. Definitions. For the purpose of this chapter, the following words and phrases shall have the following meaning:

a. "Massage." Pressure on, or friction against, stroking and kneading the body by manual or mechanical means.

b. "Massage establishment." Any establishment wherein massage is given, engaged in or carried on, or permitted to be given, engaged in, or carried on, either as a primary or secondary function.

c. "Massage Technician." Any person who engages in the practice of massage herein defined.

d. "Person." Any individual, copartnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

e. "Employee" shall include all persons paid directly by the permittee on a monthly, weekly or hourly basis except that persons, other than massage technicians, rendering service as an independent contractor shall not be deemed an employee within the meaning of this article.

f. "City Health Officer." Health Officer of the County of Alameda or his authorized representative.

The foregoing definitions shall not include hospitals, nursing homes, sanitaria, persons holding an unrevoked certificate to practice the healing arts under the laws of the State of California, or persons working under the direction of any such persons in any such establishment.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1403. Permit Required. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the City of Pleasanton, the operation of a massage establishment as herein defined, without first having obtained a permit from the Police Division of the Public Safety Department pursuant to the provisions of this Chapter. No permit may be issued by the Police Division of the Department of Public Safety pursuant to the provisions of this Chapter for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the City of Pleasanton, an out-call massage service.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1403. Filing and Fee Provision. Every applicant for a permit to maintain, operate or conduct a massage establishment shall file an application with the Chief of Police upon a form provided by said Chief of Police and shall pay a filing fee as provided in the Resolution Establishing Fees and Charges for Various Municipal Services, located in the Office of the City Clerk.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1404. Application for Massage Establishment Permit. The application for a permit to operate a massage establishment shall set forth the exact nature of massage to be administered, the proposed place of business and facilities therefor, and the name and address of each applicant.

In addition to the foregoing, any applicant for a permit shall furnish the following information:

a. The two (2) previous business and residential addresses immediately prior to the present or proposed business address of applicant.

b. Written proof that the applicant is over the age of eighteen (18) years (copy of birth certificate).

c. Applicant's height, weight, color of eyes and hair, sex and date of birth.

d. Two portrait photographs at least 2" X 2".

e. Business,occupation, or employment of the applicant for the three (3) years immediately preceding the date of the application.

f. The massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation of applicant subsequent to such action or suspension or revocation.

§ 4-2.1404. Application for Massage Establishment Permit. (Cont.)

g. All criminal convictions and the reasons therefor.

h. The applicant must furnish a diploma or certificate of graduation from a State approved school wherein the method, profession and work of massage is taught. The term "State approved school" shall mean and include any school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of massage which has been certified by the State of California, Department of Education, Bureau of School Approvals.

The Chief of Police shall have a right to confirm the fact that the applicant has actually attended classes in a State approved school.

i. Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application.

j. Nothing contained herein shall be construed to deny to the Chief of Police the right to take the fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of said Chief of Police to confirm the height and weight of the applicant.

k. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation; the names and residence addresses of each officers, directors and each stockholder owning more than ten percent (10%) of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant apply. A corporation of partnership shall be deemed to have complied with the provisions of Subsection (h) of this section if the managing director of partner or managing employee of the business has the required diploma or certificate of graduation.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1405. Corporate Applicants. Exemption. The provisions of Section 4-2.1404 (a), (b), (c), (d), and (g), entitled "Application for Permit" relating to requirements for corporate applicants shall not apply to any of the following:

a. A corporation, the stock of which is listed on a stock exchange in the State of California or in the City of New York, State of New York.

§ 4-2.1405. Corporate Applicants. Exemption. (Cont.)

b. A bank, trust company, financial institution or title company to which application is made or to whom a license is issued in a fiduciary capacity.

c. A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

(Based on Ord. 705 adopted on 8/13/73)

§ 4-2.1406. Massage Technician. Any person who engages in the practice of massage as herein defined shall file an application with the Chief of Police upon a form provided by said Chief of Police and shall pay an investigative fee as provided in the Resolution Establishing Fees and Charges for Various Municipal Services, located in the Office of the City Clerk.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1407. Application Form for Massage Technician. The application for a massage technician permit shall contain the following:

a. Name and residence address.

b. Social Security number and driver's license number, if any.

c. Applicant's height, weight, color of eyes and hair, and sex, and date of birth.

d. Two portrait photographs at least 2" X 2".

e. Written evidence that the applicant is over the age of eighteen (18) years (copy of birth certificate).

f. Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of the application.

g. Whether such person has ever been convicted of any crime except misdemeanor traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be made giving the place and court in which said conviction was had, the specific charge under which the conviction was obtained, and the sentence imposed as a result of such conviction.

h. The Chief of Police shall have the right to take fingerprints and a photograph of the applicant with the right of said Chief of Police to confirm the information submitted.

§ 4-2.1407. Application Form for Massage Technician. (Cont.)

i. Applicant must have a diploma or certificate of graduation from a State approved school wherein the method, profession and work of massage is taught. The term "State approved school" shall mean and include any school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of massage which has been certified by the State of California, Department of Education, Bureau of School Approvals.

The Chief of Police shall have a right to confirm the fact that the applicant has actually attended classes in a State approved school.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1408. Facilities Necessary. No permit to conduct a massage establishment shall be issued unless an inspection conducted pursuant to Section 4-2.1410 reveals that the establishment complies with each of the following minimum requirements:

a. Construction of rooms used for toilets, tubs, steam baths, and showers shall be performed in accordance with the provisions of this Code and conform to all applicable building regulations contained in Title II of the Ordinance Code of the City of Pleasanton.

b. Toilet facilities shall be provided in convenient locations, and water closets for each sex shall be provided as required by Title II of the Ordinance Code of the City of Pleasanton. All toilet rooms shall be equipped with self-closing doors opening in the direction of ingress to the toilet rooms. Toilets shall be designated as to the sex accommodated therein.

c. Lavatories or wash-basins provided with both hot and cold running water shall be installed in either the toilet room or the vestibule. Lavatories or wash-basins shall be provided with soap in a dispenser and with sanitary towels. The number of lavatories to be provided shall be in conformance with Title II of the Ordinance Code of the City of Pleasanton.

d. All portions of massage establishments shall be provided with adequate light and ventilation by means of windows or skylights with an area of not less than one-eighth (1/8) of the total floor area, or shall be provided with artificial light and a mechanical operating ventilating system approved by the Building Inspection Division of the Department of Planning and Community Development of the City of Pleasanton. When windows or skylights are used for ventilation, at least one-half (1/2) of the required total window area shall be operable.

§ 4-2.1408. Facilities Necessary. (Cont.)

d. (Cont.) To allow for adequate ventilation, cubicles, rooms, and areas provided for patrons' use not served directly by a required window, skylight, or mechanical system of ventilation shall be constructed so that the height of partitions does not exceed seventy-five percent (75%) of the floor-to-ceiling height of the area in which they are located.

(Based on Ord. 705 adopted on 8/13/73)

§ 4-2.1409. Verification of Application. Every application for a permit under this Chapter shall be verified by the applicant under penalty of perjury.

(Based on Ord. 705 adopted on 8/13/73)

§ 4-2.1410. Referral of Application to Other Departments. The Chief of Police upon receiving an application for a massage establishment permit shall refer the applications to the City Building Inspection Division of the Department of Planning and Community Development, the Fire Department and the Planning Division of the Department of Planning and Community Development, which departments shall inspect the premises proposed to be devoted to a massage establishment and shall make separate written recommendations to the Chief of Police concerning compliance with the respective requirements within ten (10) days after receipt of the aforementioned referral.

(Based on Ord. 705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1411. Approval by City Health Officer. The Chief of Police shall also submit a copy of the application to the City Health Officer, who shall thereupon conduct an investigation into the personal health and health history of the applicant, and shall require proof that the applicant is free from all communicable diseases. Applicant shall also furnish an acceptable report of a chest x-ray showing freedom from tuberculosis. The Health Officer may also, in his discretion, order a physical examination of any person engaged in the massage practice.

Before any license or permit shall be issued under this Chapter, the Health Officer shall first sign his approval to the application therefor and return the form to the Chief of Police. Should the Health Officer fail to approve the license or permit application, he shall, with the return application form, set forth fully in writing his reason therefor based on the following grounds:

a. That the applicant has a communicable or venereal disease; or

b. That the applicant's personal health history would make him a poor risk in the massage practice; or

c. That the premises fail to meet the sanitation standards required by this Chapter; or

d. That the applicant is currently in violation of any or some health regulations contained in this Code.

(Based on Ord.705 adopted on 8/13/73)

§ 4-2.1412. Notice of Hearing. When an application is filed for a permit under this article and the reports required by Section 4-2.1410 have been received, the Chief of Police shall fix a time and place for a hearing thereon. Not less than ten (10) days before the date of such hearing, the Chief of Police shall cause to be posted a notice of such hearing in a conspicuous place on the property in which or on which the proposed massage establishment is to be operated and shall, by registered mail, send a similar notice to the applicant. Such posting of notice shall be carried out by the Police Department.

(Based on Ord. 705 adopted on 8/13/73 and amended by Ord. 813 on 2/28/77)

§ 4-2.1413. Issuance of Massage Establishment Permit. The Chief of Police shall issue a permit within fourteen (14) days following the hearing if all of the provisions of this Chapter have been met and shall issue a permit to all persons who have applied to perform massage services unless he finds:

a. That the operation as proposed by the applicant, if permitted, would not comply with all applicable ordinances and laws including but not limited to, the City's Building, Health, Zoning and Fire ordinances or regulations adopted by the Chief of Police or the City Health Officer.

b. That the applicant or any other person who will be directly engaged in the management and operation of a massage establishment has been convicted of:

(1) An offense involving conduct which requires registration pursuant to Section 290 of the Penal Code of the State of California;

(2) An offense involving the use of force and violence upon the person of another that constitutes a felony;

(3) An offense involving sexual misconduct with children;

(4) An offense as defined under Sections 311 through 311.7, 647(a), 647(b), 647a, 647b, 314, 315, 316 or 318 of the Penal Code of the State of California.

c. If it reasonably appears that the location of the business, after review of the reports required by Section 4-2.1410, is not a suitable place in which to conduct or maintain such business or calling or the applicant requesting such permit does not warrant the issuance thereof.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1414. Issuance of Massage Technician Permit. The Chief of Police shall issue a massage technician permit within fourteen (14) days following a hearing unless he finds:

a. That the applicant who will be directly engaged as a massage technician has been convicted of:

§ 4-2.1414. Issuance of Massage Technician Permit. (Cont.)

(1) An offense involving conduct which requires registration pursuant to Section 290 of the Penal Code of the State of California;

(2) An offense involving the use of force and violence upon the person of another that constitutes a felony;

(3) An offense involving sexual misconduct with children;

(4) An offense as defined under Sections 311 through 311.7, 647(a), 647(b), 647a, 647b, 314, 315, 316 or 318 of the Penal Code of the State of California.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1415. Massage Technician Permit Required. No operator of a massage establishment as herein defined shall employ any massage technician on the premises unless and until such person has been granted a massage technician permit by the Chief of Police as provided herein. The operator of such establishment must maintain a register of all persons so employed and their permit number, which register shall be available for inspection at all times during regular business hours.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1416. Identification Name Plate. The Chief of Police shall provide each employee licensed pursuant to this Chapter with an identification name plate which shall contain a photograph of the employee, the full name and permit number assigned to said employee which must be worn during working hours on the garment covering the chest portion of the body.

(Based on Ord. 705 adopted on 8/13/73)

§ 4-2.1417. Revocation or Suspension of Permit. Any permit issued for a massage establishment may be revoked or suspended by the Chief of Police, after a hearing conducted pursuant to Section 4-2.1419, in any case where any of the provisions of this Chapter is violated, or where any employee of the permittee, including massage technician, is engaging in immoral conduct or activities at permittee's place of business, or in any case where the permittee refuses to permit any duly authorized officer of the City to inspect the premises or the operations therein. Such permit may also be revoked or suspended by the Chief of Police, after hearing, upon the recommendation of the Health Officer that such business is being managed, conducted, or maintained without regard for the public health or health of patrons or customers, or without due regard to proper sanitation or hygiene.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1418. Revocation or Suspension of Employee Permit. Any massage technician permit issued by the Chief of Police may be revoked or suspended after a hearing conducted pursuant to Section 4-2.1419 on any of the following grounds:

a. Violation of any of the provisions of this Chapter applicable to massage technician.

b. Conviction of any crime requiring registration under Section 290 of the Penal Code of the State of California.

c. Violations of Sections 311 through 311.7, 647(a), 647(b), 647a, 647b, 650-1/2, 314, 315, 316 or 318 of the Penal Code of the State of California.

(Based on Ord. 705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1419. Hearing and Appeal. Prior to the revocation or suspension of any permit issued pursuant to the provisions of this Chapter, a hearing shall be held by the Chief of Police. Written notice of the grounds for the hearing, as well as its time and place, shall be mailed to the permittee seven (7) days prior to said hearing. Within twenty-four (24) hours after the conclusion of the hearing the Chief of Police shall mail written notice to permittee of his decision.

The decision of the Chief of Police may be appealed by permittee to the City Council, provided written notice of said appeal and reasons therefor are filed with the City Clerk ten (10) days after mailing of the Chief of Police's decision. The City Clerk shall set the matter for City Council consideration within two weeks of receipt of the appeal.

(Based on Ord. 705 adopted on 8/13/73)

§ 4-2.1420. Employment of Persons Under the Age of Eighteen Years Prohibited. It shall be unlawful for the owner, proprietor, manager or any other person in charge of any massage establishment to employ any person who is not at least eighteen (18) years of age.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1421. Sale or Transfer. Upon sale or transfer of the massage establishment, the permit and license therefor shall be null and void.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1422. Name and Place of Business. No person granted a permit issued pursuant to this Chapter shall operate under any name or conduct his business under any designation not specified in his permit.

§ 4-2.1422. Name and Place of Business. (Cont.)

Permittees shall notify the Police Department of any changes in name or address of home or business. In case of any change of location or extension of the place of said business, inspection thereof shall be made as herein required before use of the same for the purpose of said business and an amended permit within thirty (30) days shall be issued, if indicated, in order to show clearly the address or place of such new location or extension. No fee shall be charged either for such inspection or for such amended permit.

(Based on Ord. 705 adopted on 8/13/73)

§ 4-2.1423. Daily Register. Every person who engages in or conducts a massage establishment as herein defined shall keep a daily register, approved in form by the Police Department, of all patrons, the hour of patron's arrival, the room or cubicle assigned to patron, if any, and massage technician who massaged the patron. Said daily register shall at all times during business hours be subject to inspection by the Health Officer and by the Police Department and shall be kept on file for one year.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1424. Display of Permit. Every person to whom or for whom a permit shall have been granted pursuant to the provisions of this Chapter shall display said permit in a conspicuous place so that the same may be readily seen by persons entering the premises.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1425. Inspections. The Police Department and the Health Officer shall, from time to time, make an inspection of each massage establishment in the City for the purpose of determining compliance with the provisions of this Chapter.

(Based on Ord.705 adopted on 8/13/73)

§ 4-2.1426. Transfer of Permit. No permit shall be transferable except with the written consent of the Chief of Police and such consent shall not be unreasonably withheld. An application for such a transfer shall be in writing and shall be accompanied by a filing fee as provided in the Resolution Establishing Fees and Charges for Various Municipal Services, located in the Office of the City Clerk. The written application for such transfer shall contain the same information as requested herein for an initial application for such a permit.

(Based on Ord.705 adopted on 8/13/73)

§ 4-2.1427. Unlawful Conduct. It shall be unlawful for any person to massage any other person, or give or administer any bath or baths, or to give or administer any of the other things mentioned in this Chapter which would violate the provisions of Section 4-2.1418(c). Any violation of this provision shall be deemed grounds for the revocation of the permit granted hereunder.

(Based on Ord.705 adopted on 8/13/73)

§ 4-2.1428. Employees. It shall be the responsibility of the holder of the permit for the massage establishment or the employer of any such persons purporting to act as massage technicians, to insure that such person employed as a massage technician shall first have obtained a valid permit pursuant to this article.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1429. Applicability to Existing Business. The provisions of this Chapter shall be applicable to persons now engaged in the business herein regulated. Existing businesses of the kind in this Chapter referred to shall conform with all provisions of this Chapter, except that persons applying for a license hereunder may substitute two (2) years' experience in the operation of a massage establishment for the requirement of a diploma or certificate of graduation from a State approved school wherein the method and work of massage is taught.

Massage technician applicants may substitute one (1) year's experience for the same requirement.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1430. Time Limit for Filing Application for Permit. Persons now engaged in the business referred to in this Chapter and in the preceding section, as an operator of a massage establishment shall file for the permit required by Section 4-2.1402 hereinabove within thirty (30) days of the effective date of this Article; failure to do so shall make continued operation of said place of business a violation of Section 4-2.1432 hereof.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1431. Rules and Regulations. The Chief of Police may make and enforce reasonable rules and regulations in connection with enforcement functions not in conflict with, but to carry out, the intent of this Chapter.

(Based on Ord.705 adopted on 8/13/73)

§ 4-2.1432. Violation and Penalty.

a. Every person, except those persons who are specifically exempted by this Chapter, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee, or operator, or whether acting as a participant or worker in any way, who gives massages or conducts a massage establishment or room who does or practices any of the other things or acts mentioned in this Chapter without first obtaining a permit and paying for a license to do so from the City or shall violate any provision of this chapter shall be guilty of a misdemeanor.

§ 4-2.1432. Violation and Penalty. (Cont.)

b. Any owner, operator, manager, or permittee in charge or in control of a massage establishment who knowingly employs a person performing as a massage technician as defined in this Chapter who is not in possession of a valid permit or who allows such an employee to perform, operate, or practice within such a place of business is guilty of a misdemeanor, and upon conviction such person shall be punished as provided in Title I, Chapter 2 of this Code.

(Based on Ord.705 adopted on 8/13/73 and amended by Ord.813 on 2/28/77)

§ 4-2.1433. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Based on Ord. 705 adopted on 8/13/73)

Chapter 2

Article 15

REGULATION OF CONDUCT BY WAITERS, WAITRESSES, ENTERTAINERS, OTHER PUBLIC PERFORMERS AND EMPLOYEES.

§ 4-15.01. Prohibition of topless and bottomless waiters, waitresses and entertainers. A person is guilty of a misdemeanor who, while acting as a waiter, waitress or entertainer in an establishment which serves food or beverages, or both, including but not limited to alcoholic beverages for consumption on the premises of such establishment:

a. exposes his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region;

b. exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

c. exposes any portion of the female breast at or below the areola; more specifically, any portion of either breast below a straight line so drawn that both nipples and all portions of both breasts which have a different pigmentation than that of the main portion of the breasts are below such straight line. Tassels, pasties, stars or transparent material are not acceptable coverage.

§ 4-15.02. Counseling or assisting. A person is guilty of a misdemeanor who causes, permits, procures, counsels or assists a person to expose or simulate the exposure prohibited in § 4-15.01 of this Code.

§ 4-15.03 Employment or payment not necessary for offense. A person is considered a waiter, waitress or entertainer if he acts in that capacity without regard to whether or not he is entitled to compensation by the management of the establishment in which the activity is performed.

§ 4-15.04. Prohibition of topless and bottomless public performers. A person is guilty of a misdemeanor who, while participating in a live act, demonstration, or exhibition in a public place, place open to the public, or place open to public view:

§ 4-15.04 Prohibition of topless and bottomless public performers. (Cont.)

a. exposes his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region;

b. exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

c. exposes any portion of the female breast at or below the areola; more specifically, any portion of either breast below a straight line so drawn that both nipples and all portions of both breasts which have a different pigmentation than that of the main portion of the breasts are below such straight line. Tassels, pasties, stars or transparent materials are not acceptable coverage.

§ 4-15.05 Counseling or assisting. A person is guilty of a misdemeanor who causes, permits, procures, counsels or assists a person to expose or simulate the exposure prohibited in § 4-15.04 of this Code.

§ 4-15.06 Exemption of theatres. The provisions of this chapter do not apply to theatres. For purposes of this section, "theatre" shall mean a building, playhouse, room, hall or other place having permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage, upon which theatrical or vaudeville performances or similar forms of artistic expression are presented, and where such performances are not incidental to the promoting of the sale of food, drink, or other merchandise.

§ 4-15.07 Prohibition of topless and bottomless employees. A person is guilty of a misdemeanor who, while employed in a public place, place opened to the public, or place open to public view, while place or conduct is not subject to the regulations set forth in § 4-15.01, 4-15.04 or 4-15.06:

a. exposed his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region;

b. exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

c. exposes any portion of the female breast at or below the areola; more specifically, any portion of either breast below a straight line so drawn that both nipples and all portions of both breasts which have a different pigmentation than that of the main portion of the breasts are below such straight line. Tassels, pasties, stars or transparent materials are not acceptable coverage.

§ 4-15.08 Counseling or assisting. A person is guilty of a misdemeanor who causes, permits, procures, counsels or assists a person to expose or simulate the exposure prohibited in § 4-15.07 of this Code.

§ 4-15.09. Employment or payment not necessary for offense. A person is considered an employee, for purposes of § 4-15.07, without regard to whether or not he is entitled to compensation by the management of the establishment in which the activity is performed, or manages said establishment, or owner, is a tenant in common, leasee or has the right to the use of the premises under any other form of legal entitlement.

(Based on Ord. 704 adopted on 8/13/73

TITLE IV, Chapter 2

Article 16

Collection and Disposal of Sewage Effluent

§4-2.1601 Collection Contract. The City Council may contract with any person and grant to such person the exclusive right and privilege to collect, transport, remove and/or dispose of effluent and waste material produced, kept and/or accumulated in private or public sewage disposal systems, permitted by Article 3, Chapter 8, Title II of this Code, within the territorial boundaries of the City of Pleasanton. The City may grant such contract upon such terms and conditions as the Council may, from time to time, determine to be for the best interests of the City. It shall be unlawful for any persons, other than such contractor authorized by City, to collect, transport, remove, and/or dispose of any effluent and waste material produced, kept and/or accumulated within such territorial boundaries.

Based on Ordinance 716; adopted November 9, 1973

Article 17

PARADES

§ 4-2.1701 Intent. The provisions of this chapter are intended to create a procedure by which the City may regulate the time, place and size of parades, motorcades, marches and processions. Regulation of these events is necessary to protect the health, welfare and safety of the community and to limit the inconvenience and danger to residents and shopkeepers resulting from the suspension of normal traffic regulations and to prevent potential isolation of districts of the City due to certain parade routes.

(Based on Ord. 771)

§ 4-2.1702 Definitions:

a. "Parade." For the purpose of this chapter, parade shall mean any march, procession, motocade or combination of the above on the streets or sidewalks which does not comply with normal or usual traffic regulations. However, funeral processions are exempted from these regulations.

b. "Official Parade Routes." The official parade routes means those routes adopted by the City Council by resolution. Staging and disbanding areas shall be established for each of several routes.

c. "Director." Director shall mean the Director of Public Safety or his designated representative.

d. "Central Business District." For the purpose of this article, the Central Business District shall include the area bounded by Arroyo Del Valle on the north, Bernal Extension on the south, First Street on the east and Western Pacific Railroad right-of-way on the west.

(Based on Ord. 771)

§ 4-2.1703 Permit Required. No parade shall take place unless and until a parade permit has been issued by the City Council. No person shall knowingly sponsor, participate or cause others to participate in a parade for which no permit has been issued. No person shall participate or cause others to participate in any manner inconsistent with an issued permit.

(Based on Ord. 771)

§ 4-2.1704 Official Parade Routes. The City Council may establish by resolution official parade routes for the Central Business District.

(Based on Ord. 771)

§ 4-2.1705 Application. Any person or group wishing to conduct a parade shall apply at least 30 days prior to the proposed date. The Director may refuse any application which does not contain the following information:

a. Name, address and phone number of applicant, sponsoring group and/or event chairman.

b. Purpose of proposed event.

c. Date, time, choice of official routes, and approximate duration of parade.

d. Number and type of floats (a complete list shall be submitted to the Director at least seven (7) days prior to the event indicating the size of the floats and the materials used for their decoration).

e. All other events planned in coordination with parade including dances, rallies, assemblies of parties.

f. Description of planned concession areas and proposed concessionaires, both moving and stationary.

g. Provisions for insurance, if any, to protect applicants and City from parade-related personal injuries or property damage.

h. If a route outside the Central Business District is proposed, the route, staging area, and disbanding area shall be indicated.

(Based on Ord. 771)

§ 4-2.1706 Conditions. Upon recommendation of the City Manager, the City Council may impose conditions upon any parade, including but not limited to conditions relating to size, durations, policing, nature of floats, and number of stationary and moving vendors.

(Based on Ord. 771)

§ 4-2.1707 Issuance, Findings:

a. Upon recommendation of the City Manager, the City Council shall issue a permit for a proposed parade consistent with official routes provided that:

(1) The applicant agrees to all conditions required by the City Council.

(2) The applicant agrees to hold harmless and defend the City in case of parade-related injury or property damage.

(3) No other parade has already been approved for that date.

(4) The applicant agrees to provide an insurance policy for an amount deemed sufficient by the City Council.

(5) The applicant has paid the application fee designated in the Resolution Establishing Fees and Charges for Various Municipal Services.

b. The City Council may approve a parade route outside the Central Business District if (in addition to the findings specified above) the Council finds:

(1) The route and time will not unreasonably disrupt traffic.

(2) The proposed route will not unreasonably limit access to any area of the City.

c. Any permit request denied by the City Council shall be accompanied by findings of fact indicating which of the above findings could not be made and what facts lend to that decision.

(Based on Ord. 771)

§ 4-2.1708 Expenses; Reimbursement; Bond. No permit issued by the City Council shall become effective until:

a. Upon recommendation of the City Manager, the City Council approves an adjustment to the City Budget for all additional expenditures required by the parade; or

b. The applicant agrees to reimburse the City for said expenses.

The City Manager will require the applicant to post a bond approved by the City Attorney to insure reimbursement unless inappropriate.

(Based on Ord. 771)

§ 4-2.1709 Revocation of Permit. Any permit for a parade issued pursuant to this chapter may be revoked by the Director when by reason of disaster, public calamity, riot or other emergency, the Director determines that the safety of the public requires such revocation. Whenever possible, notice of such action shall be delivered in writing to the permittee by personal service or by certified mail. The Director may revoke the permit for failure to abide by the conditions of the issued permit.

(Based on Ord. 771)

§ 4-2.1710 Vending, Special Vending Permit. No roving or walking food vending shall be permitted in the public right-of-way along the parade route unless approved in the Parade Permit or subject to a special vending permit approved by the Director. The Director shall issue a special vending permit if he finds:

a. The size of the parade and the projected audience is such that moving vendors would not endanger the audience, parade participants or themselves.

b. The applicant has applied at least three (3) days prior to the event and paid the fee designated in the Resolution Establishing Fees and Charges for Various Municipal Services.

c. The granting of the permit to the applicant will not endanger the public health of residents and visitors of the City of Pleasanton.

d. The proposed vending is consistent with the approved parade permit.

(Based on Ord. 771)

Article 18

BINGO GAMES FOR CHARITY

Section 4-2.1801 Authority. This chapter establishing a special permit procedure to allow certain nonprofit charitable organizations to conduct bingo games for charity in the City of Pleasanton is enacted pursuant to Article IV, Section 19, of the California Constitution and Section 326.5 of the California Penal Code.

Section 4-2.1802 Definition of Bingo. "Bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.

Section 4-2.1803 Permit Required. No bingo game shall be conducted in the City of Pleasanton without a permit issued by the City.

Section 4-2.1804 Eligible Organizations. Organizations which may conduct bingo games are:

a. Those exempted from payment of the Bank and Corporation Tax by Section 23701 (a), (b), (d), (e), (f), (g) and (l) of the Revenue and Taxation Code; and

b. Mobile Home Park Associations; and

c. Senior Citizens Organizations.

Section 4-2.1805 Application Procedures.

a. An eligible organization may make application to the Police Department on the form provided by the Department.

b. Accompanying the application shall be the following:

(1) The application fee set forth in the Resolution Establishing Fees and Charges For Various Municipal Services.

(2) Proof of eligibility.

(3) Proof of lease or ownership of site of proposed game.

(4) Names and addresses of all individuals conducting bingo games.

(5) Location where bingo games will be conducted with permitted occupancy listed.

Section 4-2.1806 Investigation. Upon receipt of the application and fee, the Chief of Police shall investigate the proposed bingo permit request. The Chief shall have fourteen (14) days within which to deny, approve or approve with conditions the requested bingo permit. The Chief may consult the Department of Building Inspection, Fire Department or any other City agency to determine whether the proposed conditions and location of the game meet applicable City standards.

Section 4-2.1807 Permit Contents. The permit shall contain the following information:

a. The name of the organization.

b. The address where the bingo game may be conducted.

c. The occupancy capacity of the room.

d. The expiration date of permit.

Section 4-2.1808 Term of Permit and Fee.

a. A permit shall be valid for one year.

b. Amount of annual permit fee shall be fixed by resolution of the City Council, but shall not exceed FIFTY DOLLARS ($50.00).

Section 4-2.1809 Posting. The permit shall be kept on the premises where bingo is conducted at all times. A separate permit shall be required for each location where bingo games are conducted. Permits shall not be transferable from one location to another. Each permit shall be prominently displayed at the authorized location at all times during the conduct of the game.

Section 4-2.1810 Regulations. No person shall operate a bingo game in the City of Pleasanton except in strict conformance with the following:

a. No person may receive a profit, wage or salary from any bingo game.

b. No minor shall be allowed to participate in any bingo game.

c. An eligible organization shall conduct bingo games only on property owned or leased by it and which property is used by such organization for an office or for performance of purposes for which the organization is organized.

d. All bingo games shall be open to the public, not just to the members of the authorized organization.

e. A bingo game shall be operated and staffed only by members of the authorized organization which organized it. Such members shall not receive a profit, wage or salary from any game. Only the organization authorized to conduct a bingo game shall operate such game or participate in the promotions, supervision or any other phase of such game.

f. No individual corporation, partnership or other legal entity except the organization authorized to conduct a bingo game shall hold a financial interest in the conduct of the game.

g. No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the game is being conducted.

h. The total value of prizes awarded during the conduct of any bingo game shall not exceed TWO HUNDRED FIFTY DOLLARS ($250) in cash or kind, or both, for each separate game which is held.

i. No bingo game shall be conducted between the hours of 2:00 a.m. and 10:00 a.m.

Section 4-2.1811 Profits and Proceeds.

a. Profit of Exempt Organization - Revenue & Taxation Code Section 23701 (d). Organizations exempt from taxation pursuant to Revenue and Taxation Code Section 23701 (d) shall keep all profits derived from bingo in a special fund or account and the profits shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes.

b. Profits of Other Eligible Organizations. All proceeds derived for a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds shall be used only for charitable purposes except as follows:

(1) Such proceeds may be used for prizes.

(2) A portion of such proceeds not to exceed 10% of the proceeds after the deduction for prizes, or FIVE HUNDRED DOLLARS ($500) per month, whichever is less, may be used for rental of property, overhead and administrative expenses.

Section 4-2.1812 Records and Inspection of Records.

a. Records. The permittee shall keep detailed and accurate records of the income and expenses received and dispersed in connection with the operation, conduct, promotion and supervision of bingo games.

b. Inspection. The City of Pleasanton by and through its authorized officers shall have the right to examine and audit such records at any reasonable time and the permittee shall keep such records open for inspection by the City.

Section 4-2.1813 Revocation. The Chief of Police may revoke a permit for any violation of the provisions of this article or any applicable law or regulation or any false, misleading or fraudulent statement of a material fact in the application for a permit.

Section 4-2.1814 Notice of Intent to Revoke - Immediate Suspension Hearing. If the Chief of Police determines that a permit shall be revoked, he shall serve on the permittee a notice of his intent with his reasons therefore. The notice shall provide for revocation of the permit seven (7) days after service of notice upon permittee unless the permittee requests a hearing before the Chief of Police prior to revocation. The Police Chief shall give at least five (5) days prior written notice of the time and place of said hearing to the permittee and shall issue his written decision with seven (7) days after the conclusion of the hearing.

Section 4-2.1815 Immediate Suspension. The Chief of Police, or his authorized representative, may immediately suspend a permit pending a hearing on revocation if he finds gross violations of this chapter or State Law, or finds that public is in immediate danger from continued use of said permit.

Section 4-2.1816 Appeal Procedure. Applicant, or any aggrieved person affected by the granting of a permit, shall have the right to appeal any action of the Chief of Police, in granting or denying an application for a permit or revoking a permit to the City Council of the City of Pleasanton. Appeal shall be made in writing specifying the grounds therefore and filed with the City Clerk within ten (10) days after the action of the Chief of Police. The City Council may hear additional evidence and may sustain, reverse or modify the decision of the Chief. The decision of the Council shall be final.

Section 4-2.1817 Penalty. No person shall pay or receive a profit, wage or salary from any bingo game authorized under this chapter. Payment or receipt of a profit, wage or salary shall be punishable by a fine up to $10,000 and is a misdemeanor. Any other violation of this ordinance, shall be a misdemeanor.

Section 4-2.1818 Limited Bingo Permit. The Police Chief may issue a limited bingo permit valid for a single date and time to an eligible organization. The applicant shall meet all the requirements and regulations of this article except as they are modified in this section.

a. Application for a limited bingo permit shall be made at least twenty-one (21) days prior to the date of the proposed bingo activity.

b. No more than twelve (12) limited permits shall be issued to the same organization in any one calendar year.

(Based on Ord. 839 adopted 12-13-77)

TITLE IV - HEALTH, SAFETY, MORAL, AND GENERAL WELFARE

Chapter 3

ANIMAL CONTROL

Article 1

General and Definitions

§ 4-5.01 Title. This chapter shall be known as "Animal Control".

(Based on Ord. 585)

§ 4-5.02 Definitions. For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

a. Dog shall mean any member of the canine family, and shall include female as well as male dogs.

b. Owner shall mean any person, firm or corporation owning, having an interest in, or having control or custody or possession of any animal.

c. At large shall mean a dog off the premises of its owner and not under restraint by leash or chain, or not otherwise controlled by a competent person.

d. Animal shall mean any mamal, including but not limited to, horse, cow, goat, sheep, dog and cat.

e. Horse shall include mule, burro, pony, jack, hinny or jenny.

f. Wild animal shall mean any animal not ordinarily and customarily domesticated, including but not limited to skunk, raccoon, oppossum, squirrel, and fox, but under human control.

g. Person shall include any person, partnership, corporation, trust, and association of persons.

h. Director shall mean the Chief of Police of the City of Pleasanton or his authorized deputy or representative. (Ord. 700)

i. Shelter means facility designated by Director for impoundment of animals.

j. Area means the unincorporated area of the County or any city that has adopted the provisions of this Ordinance.

k. Animal Control Agency shall mean the Police Department of the City of Pleasanton. (Ord. 700)

l. Fees and Charges Resolution means the resolution establishing fees and charges for various municipal services of the City of Pleasanton. (Ord. 700)

m. Health Officer means the Health Officer for the County of Alameda. (Ord. 700)

(Based on Ord. 585, amended by Ord. 700)

Article 2

Dog Licenses

§ 4-5.06 License Required. Every person within the area owning possessing, controlling, harboring, or keeping any dog over four (4) months of age shall procure a dog license tag for each dog, as long as ownership of the dog continues, or within ten (10) days after acquiring or bringing into the area any dog over the age of four (4) months, and annually thereafter, so long as the ownership of the dog continues.

(Based on Sec. II(1), Ord. 585)

§ 4-5.07 Exemptions. This article does not apply to dogs found within the area of the County under any of the following conditions:

a. When the dog is owned by, or in the care of, any person who is a nonresident or who is traveling through the area, or who is temporarily sojourning therein for a period of not exceeding thirty (30) days, if the dog is not permitted to run at large.

b. When the dog is brought into the area and kept therein for a period not exceeding thirty (30) days, for the exclusive purpose of entering the dog in any bench show, dog exhibition, field trials, or competition, if the dog is not permitted to run at large.

c. When the dog is brought or sent into the area for the exclusive purpose of receiving veterinary care in any dog hospital, if the dog is not permitted to run at large.

d. When the dog has a valid license from either the County or a city within the area, it shall not be subject to the license requirement of any other city or the County in the area.

(Based on Sec. II(2), Ord. 585)

§ 4-5.08 Term of License. The effective period of each dog license issued shall be from July 1 of any year until June 30 of the following year, provided, however, that a license shall be obtained for the period commencing January 1, 1969, and expiring on June 30, 1970; the license fee for this extension term shall be one and one-half times the amount of the fee specified in Article 5.

(Based on Sec. II(3), Ord. 585)

§ 4-5.09 License Application. The owner shall state at the time application is made, and upon standard printed forms of application provided for such purpose, his name and address and the name, breed, color, age, and sex of each dog for which application is made.

(Based on Sec. II(4), Ord. 585)

§ 4-5.10 Anti-Rabies Vaccination Required. As a condition for the issuance of a license, all applicants for such license shall procure and deliver to the licensing authority a certificate issued by a duly licensed veterinarian

certifying that the dog to be licensed has been administered an anti-rabies vaccination within thirty (30) days prior to the issuance of said license, or has received anti-rabies vaccination sufficient to immunize said dog against rabies for the current license period.

(Based on Sec. II(5), Ord. 585.

§ 4-5.11 Issuance of Tags and Certificates. A metallic tag and license certificate with corresponding number shall be furnished by the licensing authority, upon payment of the appropriate fee prescribed in Article 5 of this chapter.

(Based on Sec. II(6), Ord. 585)

§ 4-5.12 Owner Must Attach License. The said licensing authority shall keep a record of the name of such owner or person making payment of said license fee and to whom a certificate and tag shall have been issued, and the number and date of such certificate and such tag. Such metal tag issued shall be securely fixed to a collar, harness, or other device to be worn at all times by the dog for whom the registration is issued.

(Based on Sec. II(7), Ord. 585)

§ 4-5.13 Tag Must be Shown. No person shall fail or refuse to show to Director, Deputy Sheriffs or any Police Officer the license certificate and the tag for any duly registered dog kept or remaining within any home or upon any enclosed premises under his immediate control.

(Based on Sec. II(8), Ord. 585)

§ 4-5.14 Removal of Registration Tags Prohibited. No unauthorized person shall remove from any dog any collar, harness, or other device to which is attached a registration tag for the current year, or to remove such tag therefrom.

(Based on Sec. II(9), Ord. 585)

§ 4-5.15 Lost and Destroyed Tags to be Replaced Immediately. If the dog license tag is lost or destroyed, the owner shall immediately procure a new duplicate license tag from the licensing authority.

(Based on Sec. II(10), Ord. 585)

§ 4-5.16 Counterfeit and Imitation Tags. No person shall imitate or counterfeit the tags prescribed by this article, or have in his possession any imitation or counterfeit tags.

(Based on Sec. II(11), Ord. 585)

§ 4-5.17 Display of License to Veterinarian. When a duly licensed veterinarian practicing within City of Pleasanton innoculates a dog with a rabies vaccine and the owner or possessor of the dog does not present a current license for the dog to him, the veterinarian shall notify the animal control agency of the name and address of the owner or possessor of the dog. The animal control agency will provide necessary materials to each veterinarian for the purpose of reporting such information.

(Based on Ord. 700)

Article 3

Animals Running at Large

§ 4-5.20 Running at Large Prohibited. No owner or keeper of a dog shall allow or permit such dog, whether licensed or unlicensed, to be or run at large in or upon any public place or premises, or in or upon any private place or premises other than those of said owner or keeper except with the consent of the person in charge of said private place or premises, unless such dog is securely restrained by a substantial leash not to exceed six (6) feet in length and is in charge and control of a person competent to keep such dog under effective charge and control; provided, however, nothing in this section shall prevent a dog from being used without leash to hunt wild birds or game, or to herd, guard, gather, or otherwise work domestic animals or fowls in or upon a public place or premises so long as such dog is under the charge and control of a person competent to keep such dog under effective charge and control, and so long as such dog does not wrongfully harm or damage or threaten to harm or damage any person or public or private property. For purposes of this section, any dog in or upon any vehicle shall be deemed to be on the premises of the operator thereof.

(Based on Sec. III(1), Ord. 585)

§ 4-5.21 Biting Animals to be Quarantined. Whenever it is shown that any dog or other animal has bitten any person or animals, or exhibits evidence of rabies, no owner or person having custody or possession thereof, upon order of the Health Officer, shall fail, refuse, or neglect to quarantine such animal and keep it tied up or confined for a period of ten (10) days, or shall fail, refuse, or neglect to allow the Health Officer or his deputies to make an inspection or examination thereof at any time during said period. No such dog or animal shall be removed or released during the quarantine period without written permission of the Health Officer or his deputies. Unless otherwise specified by the Health Officer, such animals shall be confined in a shelter or veterinary hospital at the owner's expense.

(Based on Sec. III(2), Ord. 585)

§ 4-5.22 Animals Dying While Under Isolation. The head of an animal dying while under isolation shall be submitted to the laboratory of the County Health Department for examination for rabies.

(Based on Sec. III(3), Ord. 585)

§ 4-5.23 Knowledge of Bite - Duty to Report. Whenever any person having charge, care, control, custody, or possession of any animal has knowledge that such animal has bitten any person or animal, or has been bitten by another animal, the person having charge, care, control, custody, or possession of such animal shall report said fact forthwith to the Director. The report shall state the name and address of the person bitten, and description of the animal bitten, if any, and the time and place where such person or animal was bitten, and any other information so requested by the Director. A copy of the report shall be forwarded by the Director to the County Health Officer within forty-eight (48) hours.

(Based on Sec. III(4), Ord. 585)

§ 4-5.24 Police Dogs - Interference With: Mistreatment Of. No person shall willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the County Sheriff or police department in the performance of the functions or duties of such department, or interfere with or meddle with any such dog while being used by said department or any member thereof in the performance of any of the functions or duties of said department or of such officer or member.

(Based on Sec. III(5), Ord. 585)

§ 4-5.25 Canine Defecation. No person owning or having custody or control of any dog shall permit such dog to defecate on any public street, sidewalk, park or parkway or upon any private property without the consent of either the owner or occupant of such property without immediately removing the resulting excrement. The execrement so removed shall not be disposed of on any property listed in this article or in public receptacles. Persons using seeing eye dogs are exempt from this section.

(Based on Ord. 950, 12/23/80)

Article 4

Impounding of Animals

§ 4-5.27 Impounding of Animals. It shall be the duty of the Director to take up, impound, and safely keep any of the animals enumerated in this chapter and found running at large, staked, tied, or being herded or pastured in any street, lane, alley, court, square, park, or other place belonging to or under the control of said County, or upon any private property, contrary to the provisions of this chapter.

(Based on Sec. IV(1), Ord. 585)

§ 4-5.28 Stray Animals. Every person taking up any stray animal or such animal which is running at large contrary to the provisions of this chapter shall within eight (8) hours thereafter give notice to the Director of:

a. The fact that he has such animal in his possession.
b. The complete description of such animal.
c. The license number of such animal, if any, and by what county or municipal corporation issued. If such animal has no license, such person shall so state.
d. The place where such animal is confined.

Every such person and any person in whose custody such animal may, in the meantime, be placed may deliver such animal to the shelter without fee or charge; and the Director shall thereupon hold and dispose of such animal in the same manner as though such animal had been found at large and impounded by him. (Based on Sec. IV(2), Ord. 585)

§ 4-5.29 Notification to Owner. The Director shall immediately upon impoundment of dogs or other animals make every reasonable effort to notify the owners of such dogs or other animals impounded, and inform such owners of the conditions whereby they may regain custody of such animals. If the dog has a valid license, the owner shall be notified. Such notice shall be either personal or by deposit in the mails properly addressed and postage prepaid.

(Based on Sec. IV(3), Ord. 585)

§ 4-5.30 Redemption of Impounded Animals. All animals impounded at the shelter shall be provided with proper and sufficient food and water by the Director. Unless such unlicensed animals shall have been redeemed within five (5) days after being impounded, or licensed animals seven (7) days after notification provided for in Section 4-5.29, they may be sold by the Director to the person offering to pay a cash amount set by the Director, but not less than Ten Dollars ($10) therefor, provided that the purchaser shall not be given possession of any dog or dogs until he shall have paid to the licensing authority the license fee or fees prescribed for such dog or dogs. If any dog or other animal impounded by the Director shall not have been redeemed within said period and cannot be sold within a reasonable time thereafter, it may be destroyed by the Director in a humane manner. In lieu of destruction, the Director may release without charge animals to any humane

organization that provides an animal adoption service. The Director shall maintain a file at the shelter describing each animal impounded therein, for at least the prescribed period beginning on the day any such animal is taken or delivered into the possession of the shelter. The owner must, within five (5) days, show proof of a current, valid anti-rabies vaccination.

(Based on Sec. IV(4), Ord. 585)

§ 4-5.31 Reclaiming Licensed Animals. The owner of any licensed impounded animal shall have the right to reclaim the same at any time prior to the lawful disposition thereof upon payment to the Director of the costs and charges hereinafter provided in this chapter for the impounding and keeping of said animals.

(Based on Sec. IV(5), Ord. 585)

§ 4-5.32 Reclaiming of Unredeemed Animal by Owner. The owner of any impounded animal may, at any time, within thirty (30) days after sale by Director, redeem from the purchaser by paying him the amount of the purchase price paid by him to the Director, and any license fee paid and in addition thereto the sum equal to rates established in Section 4-5.13, per day for the number of days from the date of sale to and including the date of such redemption.

(Based on Sec. IV(6), Ord. 585)

§ 4-5.33 Destruction of Impounded Animals Unfit for Use by Reason of Age, Disease, or Other Cause. It shall be the duty of the Director, and he is hereby authorized to forthwith destroy any animal lawfully impounded which is by reason of age, disease, or other cause unfit for adoption, or is dangerous to keep impounded.

(Based on Sec. IV(7), Ord. 585)

Article 5

Fees

§4-5.37 License Fees. The annual dog license fees shall be as set forth in the fees and charges resolution.

(Based on Ord. 700)

§4-5.38 Failure to Procure License: Additional Charge. Any person who fails to procure within forth-five (45) days of the date requiring such license shall, in addition to any penalty prescribed by this chapter, be subject to an additional charge, as set forth in the fees and charges resolution, which shall be added to the license fee and collected with the license fee.

(Based on Ord. 700)

§4-5.39 License Fee - One-Half Year. If within 30 days after a dog is brought into the area or otherwise meets the requirements for a license, and after January 1 of any license period, the license fee shall be as set forth in the fees and charges resolution for the remainder of the license period. If for any reason whatsoever a license is not obtained within the 30 day period, the penalty prescribed in §4-5.38 above shall apply.

(Based on Ord. 700)

§4-5.40 Exception: "Seeing Eye" Dogs. "Seeing Eye" dogs owned and actually used by a blind person shall be exempt from a license fee as specified in this article.

(Based on Ord. 700)

§4-5.41 Exception: "Police" Dogs. Any dog owned by the County or a city and used by the Sheriff or police department in the performance of the function or duties of such department shall be exempt from a license fee as specified in this article.

(Based on Ord. 700)

§4-5.42 Duplicate Tags. The fee for replacement of a current tag which has been lost or stolen shall be as set forth in the fees and charges resolution.

(Based on Ord. 700)

§4-5.43 Charges Upon Impounded Animals. The Director shall charge, receive and collect for impounded animals those charges set forth in the fees and charges resolution.

(Based on Ord. 700)

§4-5.44 Additional Impoundment Charges. If in any calendar year an animal is impounded more than once pursuant to this chapter, the impoundment charge shall be as set forth in the fees and charges resolution.

(Based on Ord. 700)

§4-5.45 Charges for Feeding and Caring for Impounded Animals. The Director shall charge, receive, and collect for feeding and care of the impounded animals the per diem charges as set forth in the fees and charges resolution.

(Based on Ord. 700)

§4-5.46 Penalties. Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than Fifty and No/100 Dollars ($50.00), or by imprisonment in the County Jail or the County of Alameda for a period of not more than ten (10) days, or by both. Each person shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable therefor as provided by this chapter.

(Based on Ord. 700)

Article 6

Kennels, Pet Shops: Permit Required

§ 4-5.48 Kennel: Defined. A premises where four (4) or more dogs are maintained, boarded, cared for, or kept, whether for purpose of sale or otherwise, except premises where a duly licensed veterinary has his principal facilities for treatment of pets and animals.

(Based on Sec. 1(e), Ord. 273)

§ 4-5.49 Kennels--Pet Shops--Regulations.

1. Permit Required. It shall be unlawful for any person, firm, corporation or association to erect, establish or maintain any kennel or pet shop as defined in this article without first obtaining a permit from the Health Officer. The granting of such permit shall be in the discretion of the Health Officer who shall take into consideration the type of construction to be employed as it relates to sanitation and manner in which animals, birds, or fowl are to be housed, as well as the character of the person, firm, corporation, or association making application, and such zoning regulations as may be in effect or adopted from time to time. The Health Officer may appoint the Poundmaster as his agent and to act in his behalf in investigating applications for such permits. Upon approval of the Health Officer or his designated agent aforesaid, the Tax Collector, upon the payment of an annual license fee of $20.00 for the privilege of maintaining such kennel or pet shop shall issue to the applicant a license in such form as he may prescribe and deliver a copy thereof to the Poundmaster. Such annual license shall be for the calendar year or any part thereof during which said kennel shall be maintained, and shall be due and payable in advance on the first day of January of each year, and shall expire on the thirty-first day of December of the next year, provided the above mentioned permit has not been revoked.

(Based on Sec. 7.01, Ord. 273)

2. Revocation or Suspension Grounds. Any permit issued hereunder may be revoked or suspended if, after due investigation, the Health Officer or his designated agent finds.

   a. That the permittee, his agent, or employee, has at the place for which the permit was issued, failed to provide any animal, fowl or reptile in his possession, care or control, with proper and sufficient food, drink, shelter, or protection, or subjected any such animal, fowl or reptile to needless suffering, unnecessary cruelty, or abuse; or

   b. That the permittee, his agent or employee, has failed to maintain the premises in a clean and sanitary condition; or

   c. That the permittee, his agent, or employee, has violated any rule or regulation of the Health Officer.

(Based on Sec. 7.02, Ord. 273)

3. Procedure. The Health Officer may order an immediate suspension of any permit granted under this article for a period of ten (10) days; said order shall set forth his findings. The Health Officer shall not revoke a permit granted under this article unless written notice of a hearing on said revocation is served upon the owner, occupant, or other person in charge of the permittee's business, at least five (5) days before the hearing by said Health Officer on the revocation of said permit. Where, after diligent search, such owner, or occupant, or person in control cannot be found, a copy of such notice shall be mailed to the permittee at said place of business or residence at least five (5) days before the hearing on the revocation of said permit. No person shall operate said business or maintain said fowl, game birds or horses in the City of Pleasanton during any time in which the permit for said business or maintenance has been suspended or revoked.

In the event that any permittee, whose license has been revoked pursuant to the provisions of this article, is dissatisfied with such decision of the Health Officer, he shall have the right to, within ten (10) days after the date of the revocation of such permit, to appeal said order revoking said permit to the City Council of the City of Pleasanton, which appeal must be in writing, and upon receipt thereof the City Council will set a time and place for the hearing of said appeal before said City Council and the decision of a majority of the members of the City Council on said appeal shall be final.

(Based on Sec. 7.03, Ord. 273)

§ 4-5.50 Fowl and Rabbits.

1. Not to Run at Large. It is hereby declared to be a nuisance and no person shall suffer or permit any chickens, geese, ducks, turkeys, pheasants, doves, pigeons, squabs, or similar fowl or rabbits, owned or controlled by him or it, to run or fly at large or go upon the premises of any other person in the City of Pleasanton.

(Based on Sec. 8.01, Ord. 273)

2. Unlawful to Sell Fowl or Rabbits as Pets or Novelties. It shall be unlawful for any person, firm or corporation to display, sell, offer for sale, barter or give away any baby chicks, rabbits, ducklings or other fowl as pets or novelties whether or not dyed, colored, or otherwise artificially treated. This section shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowl in proper facilities by dealers, hatcheries or stores engaged in the business of selling the same to be raised for food purposes.

(Based on Sec. 8.02, Ord. 273)

§ 4-6.01 Cleanliness of Premises Where Animals are Kept. Every person owning or occupying premises where any animal, fowl, or bird is kept shall keep the stable, barn, stall, pen, coop, building or place in which said

animal is kept in a clean and sanitary condition.

(Based on Sec. 8.03, Ord. 273)

Article 7

Vicious Dogs and Abatement Thereof

§ 4-6.10 Purpose and Intent. There have been, are and will be in the future in the City of Pleasanton dogs which are vicious and which, as such, constitute a public nuisance which should be abated. The provisions of this Article are intended to provide a vehicle pursuant to which dogs found, following a hearing at which oral and documentary evidence is considered, to be a public nuisance may be removed from the City or otherwise abated. This Article is intended to supplement rather than supplant any other remedy available either under State law or City Ordinance.

(Based on Ord. 638)

§ 4-6.11 Vicious Dog Defined. A vicious dog shall mean a dog with a propensity to bite human beings. In determining whether a dog is vicious the following factors shall be considered:

1. Whether and how many times the dog has bitten human beings.
2. Whether a biting or bitings have occurred while the dog was under the control or on the property of the owner thereof.
3. The severity of any bite or bitings.
4. The circumstances surrounding any bite or bitings including but not limited to whether the dog was provoked, whether the biting or bitings occurred during play with the animal and density of population in the area in which the dog is kept.
5. Such other circumstances and considerations deemed relevant to the questions of whether or not the dog is vicious.

(Based on Ord. 638)

§ 4-6.12 Investigation. Any dog quarantined pursuant to §4-5.21 of this Code for biting a human being shall be investigated by the Health Officer. In cases in which the owner of the dog refuses to cooperate in the investigation the Health Officer may request the assistance of the City police. If, based on said investigation, the Health Officer concludes there is probable cause to believe that the dog is vicious he shall so certify in writing to the City Clerk.

(Based on Ord. 638)

§ 4-6.13 Confinement of Dog. If, pursuant to §4-6.12, a dog is certified to the City Clerk as being probably vicious, the Health Officer shall insure that the dog is confined either on the premises of the owner or, if considered necessary to protect the public health, safety and welfare, at an approved animal shelter with the cost of confinement therein deemed a part of the cost of abatement if such is eventually the order. Said confinement shall continue pending disposition of the hearing provided for in §4-6.14.

(Based on Ord. 638)

§ 4-6.14 Scheduled Hearing. The City Clerk shall upon receipt of a certification under § 4-6.12 schedule a hearing before the Appeals Board created by Article 2, Chapter 3, Title II of the Ordinance Code. The hearing date shall be no longer than 10 days from receipt by the City Clerk of the certification. The City Clerk shall mail to the owner of the dog at least 5 days prior the date set for hearing a notice in form substantially as follows:

"NOTICE OF HEARING REGARDING VICIOUS DOG"

"NOTICE IS HEREBY GIVEN that pursuant to the provisions of Chapter 3, Title IV of the Ordinance Code of the City of Pleasanton, the Health Officer has certified your dog as being probably vicious.

FURTHER NOTICE IS HEREBY GIVEN that on _____ the _____ day of _____, 19___, at the hour of _____ ____o'clock P.M., in _____, _____, Pleasanton, Alameda County, California, the report of the Health Officer will be considered by the Appeals Board together with such other oral and documentary evidence bearing upon the question of whether the dog herein is vicious.

In the event the dog herein is found to be vicious he will be abated as a public nuisance and the cost, if any, of said abatement assessed against you.

Dated: _____

_____
City Clerk"

(Based on Ord. 638)

§ 4-6.15 Hearing. At the hearing before the Appeals Board which may be continued from time to time both oral and documentary evidence shall be taken and considered bearing upon the question of whether or not the dog in question is vicious, consistent with the provisions of § 4-6.12 hereof.

(Based on Ord. 638)

§ 4-6.16 Findings: Public Nuisance. If based upon the hearing the Appeals Board finds that the dog in question is vicious it shall so specify in writing together with reasons therefor. Any dog found to be vicious is hereby deemed a public nuisance and shall be, pursuant to the order of the Appeals Board, humanely destroyed by the Director, removed from the City or otherwise abated.

(Based on Ord. 638)

§ 4-6.17 Cost of Abatement. The cost of abatement herein shall be paid for by the owner of the dog and shall become a lien against the property of the owner, if any, upon which the dog was kept and maintained until said assessment is paid.

(Based on Ord. 638)

§ 4-6.18 Payment of Assessment. It shall be lawful for any person to pay the amount of such assessment on or before the 15th day of July following its imposition. If said assessment is not paid on or before said date the total amount thereof shall be entered on the next fiscal year tax roll as a lien against the property of the owner upon which the dog was maintained and shall be subject to the same penalties as are provided for other delinquent taxes or assessments of the City.

(Based on Ord. 638)

§ 4-6.19 Collection of Assessment. In the event that legal action is necessary to collect said assessment the owner of the dog shall pay the expenses thereof including reasonable attorney's fees.

(Based on Ord. 638)

TITLE IV - HEALTH, SAFETY, MORAL, AND GENERAL WELFARE

Chapter 4

DUMPING OF FOREIGN MATERIALS IN WATERCOURSES

Article 1

Findings and Definitions

§ 4-7.01 Declaration of Findings. The City Council of the City of Pleasanton does hereby find and declare as follows:

a. That, in consonance with the finding of the State legislature that the State has a primary interest in preserving and maintaining watercourses to provide beneficial use of waters to the people of the State, the people of the City of Pleasanton have a primary interest in the conservation, control, and utilization of water resources contained in the City, and in the protection of the quality of all waters of the City for the use and enjoyment of the residents thereof; that the activities and factors which may affect the quality of the waters of the City and the assured free flow of said waters should be regulated to attain the highest water quality which is ressonable, considering all demands being made and to be made on those waters; and further, that the health, safety and welfare of the people of the City of Pleasanton require that there be, in addition to the statewide program for the control of quality of sll waters in the stste, a local program consistent with and in furtherance of said state program, to insure the removal of all unauthorized obstructions and impediments to the free flow of wster through the watercourses of the City of Pleasanton.

b. That obstruction or degradation of water quality of watercourses not under the ownership of the Alameda County Flood Control and Water Conservation District within Alameda County adversely affects the integrated program of flood control and water conservation pursued since the inception of said District, as well as the health, safety and welfare of the inhabitants of the City of Pleasanton who suffer detriment by virtue of said obstruct on or degradation of water quality.

c. That investigation and study of watercourses not under the ownership of Alameda County Flood Control and Water Conservation District discloses an increasing incidence of obstruction and degradation of water quality by the depositing of foreign materials within said watercourses with resulting injury to property owners both riparian and nonriparian.

d. That unobstructed flow of high quality water is necessary to maximize the beneficial use of water by the inhabitants of the City of Pleasanton.

e. That the depositing of foreign materials within watercourses herein create unsightly conditions or conditions otherwise offensive to the senses which have thereby an adverse effect upon the value of surrounding properties or tend to attract children and/or derelicts and invite the destruction of property, or tend to attract rodents or other animals dangerous to the public health and safety.

(Based on Ord. 644)

§ 4-7.02 Declaration of Policy. It is hereby declared to be in the interest of the public health, safety, and welfare that watercourses located within the City of Pleasanton and not under ownership of the Alameda County Flood Control and Water Conservation District be maintained free of obstructions and materials which contribute to the degradation of water quality or which are unsightly or otherwise offensive to the senses or which tend to attract children, derelicts, rodents or other animals; that the owners of property through which said watercourses flow are primarily responsible for maintaining a free flow of water through said property and for maintaining the quality of water as said water passes to downstream users; that the City of Pleasanton shall assume responsibility for abatement of watercourse obstruction or materials within watercourses which contribute to the degradation of water quality or which are unsightly or otherwise offensive to the senses within the City of Pleasanton in the absence of exercise by owners of such primary responsibility, through commencement and prosecution of abatement proceedings as provided herein.

(Based on Ord. 644)

§ 4-7.03 Definitions. The definitions contained in this Article shall govern the construction of this chapter, unless the context otherwise requires.

a. "Bank" means embankments, dikes, levees, walls or other natural or artificial bordering facilities or features adjoining or parallel to any natural or artificial watercourse, channel or reservoir.

b. "Beneficial uses of water" shall mean, but not necessarily be limited to, domestic, municipal, agricultural and industrial supply; power generat on; recreation; esthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

c. "Conduit" means any pipe, flume, box, culvert or any other natural or artificial facility intended for the passage or conveyance of water, open or closes, above, on or below the surface of the ground.

d. "Dam" means any natural or artificial structure or barrier of either a temporary or permanent nature, the effect of which is to impound or hold back water or the flow thereof and includes check dams, weirs, walls, dikes and levees.

e. "District" means the Alameda County Flood Control and Water Conservation District.

f. "Levee" means any embankment, dike wall or other structure, permanent or temporary, of any materials or combinations thereof, the purpose of which is to stop, confine, divert or otherwise control the flow of water in an area, channel or watercourse.

g. "Nuisance" means anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstruct the free passage or use, in the customary manner, of any lake, river, bay, stream, canal, basin, or watercourse,

and affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, or occurs during or as a result of treatment or disposal of wastes.

h. "Obstruction" shall mean, but shall not be limited to, any object or thing, consisting of any material whatsoever, which object or thing or accumulation of matter tends to obstruct, hinder or impede the flow of water within a watercourse, or tends to affect adversely the hydraulic characteristics of any watercourse, to such an extent as to create a hazard to life, health or property, or to the beneficial use of water of any watercourse by reduction of impairment of water flow therein, or eminent danger thereof or is offensive to the senses or which tends to attract children, derelicts, rodents or other animals.

i. "Person" means as follows: Any person; firm; corporation; municipality; district; public agency; country; the state or any department or agency thereof; and the United States, to the extent authorized by federal law.

j. "Random fill material" means earth material placed within a watercourse in an uncompacted condition and without benefit of engineering relating to hydraulic ramifications of such deposit.

k. "Regional board" means any California regional water quality control board.

l. "Right-of-Way" means land which by deed, conveyance, agreement, easement, dedication, gift, usage or process of law, is reserved for and dedicated to the uses and purposes of the Alameda County Flood Control and Water Conservation District.

m. "Rubbish" means debris, garbage or refuse of any kind, combustible or non-combustible, organic or inorganic, liquid or solid, water soluble or insoluble materials, and shall include but not be limited to swill, refuse, cans, bottles, paper, vegetable matter, carcasses or dead animals, offal from any slaughter pen or butcher shop, trash, abandoned and unidentifiable vehicles or vehicle bodies, abandoned iceboxes and refrigerators, other abandoned appliances, broken cement or concrete, tree stumps or brush, random fill material or riprap.

n. "State board" means the State Water Resources Control Board.

o. "Structure" means any works or constructions of any kinds, including those of earth or rock, permanent or temporary, and including fences, poles, buildings, linings or pavings, inlets, levees, tide gates, spillways, drop structures and similar facilities.

p. "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

q. "Water quality" or "quality of waters" refers to chemical, physical, biological, bacteriological, radiological or other properties and characteristics of water which affect its use.

r. "Water quality degradation" means an impairment of water quality of the waters flowing through the watercourses of the county by alteration of the chemical, physical, biological, bacteriological, radiological or other properties and characteristics of water which impair the quality of said water to a degree which creates a hazard to the public health through poisoning or through the spread of disease, resulting from deposit of waste, rubbish or other foreign materials, which materials contribute to the lowering of quality of said waters to a degree below that established by the state board or regional board having jurisdiction over the waters of Alameda County. For purposes of this Article, contamination and pollution shall be embraced within the definition of water quality degradation.

s. "Watercourse" means any natural or artificial streams, rivers, rivulets, brooks, creeks, canals, conduits, boxes, ditches, culverts, bridgeways, drains, waterways, gullies, arroyos, washes, basins, ponds, reservoirs or flumes, flowing continuously or intermittently in a definite direction and course or used for the holding, delay or storage of waters.

(Based on Ord. 644)

Article 2

Prohibitions and Enforcement

§ 4-7.25 Prohibitions. It shall be unlawful for any person to obstruct, or cause or allow to be obstructed, any watercourse within the City of Pleasanton not under ownership of or included as right-of-way within the flood control and water conservation system of the Alameda County Flood Control and Water Conservation District, by the deposit or placing of rubbish or any other thing or material, or by suffering the natural growth or vegetable matter including, but not limited to, weeds, trees and brush, if any such obstruction impedes or impairs the flow of water within any watercourse to the extent that a hazard to life, health or property is created thereby, or if beneficial use of the waters of said watercourse is reduced, impaired or endangered by any such obstruction or if such materials are unsightly or otherwise offensive to the senses and inconsistent within the natural character of said watercourse or tend to attract children, derelicts, rodents, or other animals.

It shall further be unlawful for any person to degrade the water quality of water flowing through said watercourses by any of the acts prohibited hereinabove.

(Based on Ord. 644)

Article 3

Abatement

§ 4-7.44 Enforcement Official. The Director of Public Works shall be the enforcement official for the purposes of enforcing and administering the provisions of this Chapter.

(Based on Ord. 644)

§ 4-7.45 Hearing Board. For purposes of this Chapter the Board of Appeals provided for in Article 2, Chapter 3, Title II of this Code shall act as a hearing board for abatement proceedings herein and shall hold full and fair hearings consistent with due process and base its interpretations and orders upon competent, sworn testimony. The Hearing Board shall adopt reasonable rules and regulations for the conduct of its affairs under this chapter.

(Based on Ord. 644)

§ 4-7.46 Right of Entry. Upon presentation of proper credentials, and with the consent of the owner or occupants, the Enforcement Official may enter between the hours of 8:00 o'clock A.M. and 6:00 o'clock P.M. of the same day any structure or premises, or upon any land in the incorporated area of the City of Pleasanton, wherever neceasary to inspect, secure compliance with the provisions of this chapter, or to prevent violation thereof. For such purposes, he shall be considered as a peace officer. No person authorized by this section to enter structures or premises shall enter same without the consent of the owner or occupants of such structure of premises, nor enter any structure or premises in the absence of the owner, occupsnt or occupants thereof, nor enter any structure or premises with the consent of the owner, occupant or occupants thereof between the hours of 6:00 o'clock P.M. of any day and 8:00 o'clock A.M. of the succeeding day without a proper written order executed and issued by a court having jurisdiction to issue the same.

(Based on Ord. 644)

§ 4-7.47 Inspection and Notice. The Enforcement Official shall examine or cause to be examined every condition reported to be in violation of the provisions of this chapter and if such is found to so violate this chapter, the Enforcement Official shall give to the owner of the property or land upon which such condition exists written notice thereof. The notice shall set forth the street address and a legal description or the County Assessor's designation of the premises. It shall also contain a consise but complete description of the facts giving rise to the finding by the Enforcement Official. The notice may require either of the following:

1. That the owner or owners, person or persons in charge or control of the land upon which the condition is located shall, within 14 days, commence and within 30 days complete removal or other abatement of of the complained of condition. The Enforcement Official may allow more or less than 30 days according to necessity but in no event shall the time allowed be less than 14 days. In the event the order if not complied with notice of hearing may then be given.

2. That the owner or owners or person or persons in charge or control of the land upon which the condition is located appear before the Hearing Board at a stated time and place and show cause why such condition should not be deemed a nuisance, and abated as herein provided. All interested parties who desire to be heard in the matter shall be directed to appear before the Hearing Board to show cause. The notice shall advise the owner or owners or person or persons in charge or control of the land upon which the condition is located and all interested parties that failure to appear at the hearing may be deemed an admission by him of the acts or omissions charged in the order and notice and the Enforcemnt Official may order abatement without further evidence than that which served as the basis for the order and notice. The Enforcement Official may file a copy of such notice in the office of the County Recorder at any time before the final order of the Hearing Board.

(Based on Ord. 644)

§ 4-7.48 Notice: Posting. A copy of the notice shall be posted in a conspicuous place on the property which is the subject of the proceeding.

(Based on Ord. 644)

§ 4-7.49 Notice: Persons to be served. One copy of the notice shall be served upon the following: The record owner or owners, the person or persons, if any, in real or apparent control of the premises or land involved; the holder of record of any mortgages, trust deed or lease; the record holder of any other estate or interest in or to the premises or land upon which the condition is located.

(Based on Ord. 644)

§ 4-7.50 Notice: Service. Service of the notice shall be by personal service, by registered mail, or by certified mail. Service by registered mail or by certified mail shall be effective on the date of mailing of a registered letter, containing a copy of such notice with postage prepaid, return receipt requested, to each person at his address as it appears on the last equalized assessment roll, or as known to the Enforcement Official or to the Clerk. If no such address appears, and is not known to the Enforcement Official or to the Clerk, then a copy shall be addressed to such person at the address of the premises or land involved in the proceedings. The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder. An affidavit of service shall be filed, together with a copy of said notice, with the Clerk certifying the time and manner in which such notice was served.

§ 4-7.51 Notice of Hearing. Notice of hearing by the Hearing Board shall be served in the manner and to the persons specified herein for notice of violation and shall be served at least five (5) days in advance of hearing by the Hearing Board.

(Based on Ord. 644)

§ 4-7.52 Order of Hearing Board. The Hearing Board shall, within fourteen (14) days following conclusion of the hearing make in writing its determinations together with reasons therefor. Any condition found to be in violation of the provisions of this chapter is hereby deemed a nuisance and subject to abatement by the Enforcement Official as provided in the order of the Hearing Board.

(Based on Ord. 644)

§ 4-7.53 Appeal. An appeal from any action taken by the Hearing Board may be taken consistent with the provisions of §2-13.23 of this code.

(Based on Ord. 644)

§ 4-7.54 Abatement by Owner: Time Limit. The order of the Hearing Board shall specify a period of time not to exceed thirty (30) days within which abatement shall be completed by the owner or person in possession or control of the premises. The time for completion may, following written application therefor, be extended by the Hearing Board for cause.

(Based on Ord. 644)

§ 4-7.55 Abatement: Enforcement Official. If the order of the Hearing Board is not complied with within the time therein specified or within the time to which compliance is for good cause extended the Enforcement Official shall proceed to effect compliance therewith for the account of the owner of the premises or land.

(Based on Ord. 644)

§ 4-7.56 Cost of Abatement: Accounting. The Enforcement Official shall keep an itemized account of the costs of abatement a copy of which shall be filed with the Hearing Board. Upon completion of abatement the owner and person or persons in possession or control of the property shall be given notice of the cost thereof.

(Based on Ord. 644)

§ 4-7.57 Cost of Abatement Lien Against Property. The cost of abatement of a public nuisance herein shall constitute a special assessment against the property upon which said nuisance is situated and shall be a lien upon and against said property until paid. Notice of the special assessment and lien may be recorded by the Enforcement Official in the office of the County Recorder.

(Based on Ord. 644)

Article 4

Collection of Assessment

§ 4-7.58 Payment of Assessment. It shall be lawful for any person to pay the amount of such special assessment on or before the 15th day of July following its imposition. If said assessment is not paid on or before said date the total amount thereof shall be entered on the next fiscal year tax roll as a lien against the property of the owner upon which said nuisance was abated and shall be collected with other City taxes.

(Based on Ord. 644)

§ 4-7.59 Other Available Procedures. The provisions of this chapter are intended to supplement rather than supplant other remedies available under State law or this code.

(Based on Ord. 644)

TITLE IV - HEALTH, SAFETY, MORAL, AND GENERAL WELFARE

Chapter 5

REGULATIONS OF RECREATION FACILITIES

Article 1 - Definitions

Article 2 - General Provisions

Article 1

Definitions

§ 4-7.70 Purpose and Intent. The intent and purpose of this chapter is to provide rules and regulations respecting the use of City Recreation facilities which are necessary to protect the public health, safety and general welfare of the residents of the City of Pleasanton and users of recreation facilities, and which are felt necessary to insure that said recreation facilities are maintained in a manner consistent with the broadest use thereof by the residents of the City of Pleasanton.

§ 4-7.71 Definitions. For the purposes of this chapter the following words and phrases shall have meanings as hereinafter provided:

a. "Recreation Facilities" shall mean any public park, parkway, golf course, playground, recreation center or recreation area, whether it be improved or unimproved real property or whether located within or without the territorial limits of the City which is owned, leased or under the control of the City for recreational purposes or which serves or is used for recreational purposes.

b. "Director" shall mean the Director of Parks and Recreation of the City.

(Based on Ord. 669)

Article 2

General Provisions

§ 4-7.80 Trees,Plants and Property. It shall be unlawful for any person to pick, dig, remove, injure or destroy any tree, plant, shrub, rock, wood, soil or leaf mold or deface, mar, move, or remove any foliage or property in any recreation facility without written permission of the Director.

§ 4-7.81 Fires. No person shall build, kindle, or light a fire within any recreation facilities, in any portable equipment or within any location except in those established for the purpose by and under the supervision of the Director. No person shall discard or permit unattended any lighted cigar, cigarette, match or other flammable article within any recreation facility.

§ 4-7.82 Firearms and Fireworks. It shall be unlawful for any person to have in his possession weapons, air guns, sling shots, firecrackers, bombs, torpedos, rockets or any other type of fireworks or pyrotechnic within any recreation facility.

§ 4-7.83 Birds and Animals. No person shall take, kill, wound, mistreat or molest any bird or animal either wild or domesticated, within any recreational facility.

§ 4-7.84 Sanitation.

a. No person shall permit barbecue facilities, cooking or other utensils, or dishes to remain in an untidy condition after use, nor shall he use any water within any recreational facility for the purpose of cooling such cooking utensils or dishes except where specific provision is made therefor by and under the direction of the Director.

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

c. No person shall transport any matter, any private garbage, rubbish,manure, soil or lumber to or within any recreational facility without permission of the Director.

§ 4-7.85 Dogs. No person shall permit a dog within a recreational facility except where consistent with the provisions of §4-5.20 of this Code.

§ 4-7.86 Exhibitions. No person shall conduct or maintain any show, performance, concert, place of amusement or exhibition within any recreational facilities without prior written permission of the Director.

§ 4-7.87 Advertising. No person shall place or affix any handbills, circulars, pamphlets, or advertisement to any tree, fence, shrub, or structure situated within any recreational facility.

§ 4-7.88 Vehicle. No person shall operate a privately owned motor vehicle within any recreational facility, except when deemed necessary and permissable by the Director or Chief of Police. (Ord. 669)

§ 4-7.89 Camp. No person shall camp or lodge within any recreational facility except by written permission of the Director. (Ord. 669)

§ 4-7.90 Liquor. No person shall possess, exhibit, transport or drink any alcoholic or intoxicating beverage within any recreational facility without a written permit from the Director. (Ord. 669)

§ 4-7.91 Hours. All recreation facilities shall be open to the public during the daylight hours. After daylight persons may enter or remain in any recreation facility consistent with written regulations provided for from time to time by the Director provided, however, that in any event no person shall enter or remain in Bonita Park after daylight without written permission of the Director.

The Director may close any park to the public prior to the time specified herein when, after consultation with the City Manager and Chief of Police, it is determined that such closure will protect the public health, safety, and/or welfare or is necessary to protect park facilities from misuse or destruction. The Director shall cause notice of the amended park hours to be posted in conspicuous locations in the affected recreation facilities at least 24 hours prior to the effective date of such change.

As used in this section daylight shall mean anytime from one-half hour before sunrise and one-half hour after sunset. (Ord. 669)

§ 4-7.92 Motor Driven Cycles. No person shall operate, transport or maintain any motor driven cycle or motorcycle as the same are defined in the Vehicle Code of the State of California within any recreational facility except in those areas as may be specifically designated for such purpose or by written permission of the Director. (Ord. 669)

§ 4-7.93 Horseback Riding. No horseback riding shall be allowed within the public parks except for horseback riding on assigned equestrian paths. (Ord. 711)

§ 4-7.94 Golfing. No golfing, including but not limited to chipping, putting, driving or otherwise practicing golf, shall be allowed within the public parks. (Ord. 711)

§ 4-7.95 Additional Rules. The Director is hereby authorized to provide from time to time such other and further rules and regulations as may be necessary for the purpose of regulating the use of recreational facilities under the intent and purposes as set forth in this chapter and which shall, upon adoption thereof by the City Council by resolution, have the same force and effect as the provisions of this chapter. (Ord. 711)

TITLE IV, Chapter 6

Drinking in Public

Chapter 6

Drinking in Public

§ 4-8.01 Drinking in or on Streets or Other Property. Except as otherwise provided in Section 4-8.02, it is unlawful for any person to partake of any spirituous, malt, vinous or alcoholic liquors or other alcoholic beverages in or on any street or sidewalk, or any passageway open to public use, or in or on any park, playground or community house, or on public property which is open and accessible to the general public, or on private property which has been approved for Commercial or Industrial uses (including parking areas) which is open and accessible to the general public.

§ 4-8.02 Exceptions. The provisions of Section 4-8.01 shall not be applicable to the following:

a. During regular business hours, those portions of a commercial establishment, open and accessible to the public, upon which alcoholic beverages may be sold or consumed in accordance with a valid on sale license from the California Department of Alcoholic Beverage Control.

b. Upon issuance, as provided herein, of a permit allowing the consumption of alcoholic beverages in places prohibited by this Chapter.

§ 4-8.03 Exemption Permit Procedure. An application for an exemption permit must be filed by an individual twenty-one years of age or older and forty calendar days prior to the date that public consumption of alcoholic beverages is requested. The application shall be on a form established by the City and be accompanied by the fee required by the resolution establishing fees and charges for various municipal services. The application shall be filed with the Department of Recreation & Human Resources when it involves the use of public facilities under the jurisdiction of that department. In all other cases the application shall be filed with the Police Division of the Department of Public Safety.

The Director of Recreation & Human Resouces or the Chief of Police, or their designated representatives, shall make the determination to issue or not issue an exemption permit. The above individuals are hereby designated the "issuing officer" for purposes of the Chapter.

The issuing officer shall make a determination whether to grant or deny the permit and notify the applicant in writing fifteen calendar days prior to the date requested for the exemption, setting forth any conditions of approval or reasons for denial. The issuing officer, in granting or denying the exemption permit shall determine whether or not the permit is in the interests of the public health, safety or general welfare. In making the determination, the issuing officer shall be guided by the following considerations:

1. The geographical area within which the permit will be valid.

2. The hours during which the permit will be valid and its duration.

3. The activity/activities to be conducted in conjunction with the permit.

4. Whether the California Department of Alcoholic Beverage Control requires a permit and whether it has been issued.

5. The impact upon the general public in the area where the permit will be valid.

6. Whether any previous experiences have shown that the issuance of the permit would not be in the best interests of the public health, safety and general welfare.

§ 4-8.04 Appeal. An applicant may appeal an adverse decision of the issuing officer to the City Manager. An appeal shall be filed within five days of the mailing of written notification by the issuing officer and set forth the grounds for appeal. The City Manager shall consider said appeal within two working days of its receipt and reject or affirm said appeal. The City Manager shall decide the appeal on the same information and according to the same criteria as the issuing officer. The applicant shall be notified in writing of the City Manager's decision.

§ 4-8.05 Violation. This section deleted by Ord. 905.

§ 4-8.06 Conflicts. The requirements of this chapter shall be in addition to any other provisions of this code regulating the consumption of alcoholic beverages. If this chapter is in conflict with any presently existing article, chapter or title, the existing provision shall control.

(Based on Ord. 824)

Chapter 7.

Sexually Explicit Reading Material
(Based on Ord. 842 adopted on 1/24/78)

§4-8.15 Finding and Declarations. The City Council finds and declares that there exists in the City of Pleasanton a tendency toward a display of adult magazines and books in liquor stores, grocery markets, drug stores and other retail outlets in such a manner that children, often of tender years, are exposed to book and magazine covers depicting explicit sexual activity and showing human genitals and pubic regions in a sexually explicit manner. The City Council finds that such exposure establishes a tone in the community inconsistent with morality and good order. The Council, therefore, finds that it is in the best interest of public health, safety and welfare to restrict the display of reading material with sexually explicit covers and to adopt the following regulations so that the adverse impacts of such material on children and the community as a whole will be kept to a minimum.

§4-8.16 Definitions. The following words and phrases used in this article shall be defined as follows:

a. Commercial establishment - any place of business in which minors are permitted in the City of Pleasanton.

b. Explicit sexual depictions - any picture, photograph, drawing, decoration, or other illustration depicting:

   (1) human genitals in a state of sexual arousal, stimulation, or otherwise emphasizing the genitals;

   (2) acts of human masturbation, sexual intercourse, sodomy, beastiality, buggery, cunnilingus, fellatio, pederasty, homosexuality, sado-masochism or similar acts;

   (3) fondling or other erotic touching of human genitals, pubic regions or female breasts;

c. Person - any individual, partnership, firm, association, corporation or other legal entity.

d. Reading material - any book, magazine, pamphlet or newspaper offered for sale in a commercial establishment.

§4-8.17 Display prohibited. No person shall display reading material having covers with explicit sexual depictions in any commercial establishment in the City of Pleasanton except as provided herein.

§4-8.18 Establishments with "Adults only" areas. Reading material having covers with explicit sexual depictions may be displayed in a commercial establishment in an area set aside and clearly posted for adults only. "Adults only" areas shall be visible from the cash register or sales center of the store. No items frequently purchased by children shall be located in the vicinity of the adults only area and the material with sexually explicit covers shall be displayed in such a manner that sexually explicit depictions are not readily visible to patrons in other areas of the store. Minors shall not be permitted to enter an adults only area.

§4-8.19 Opaque displays. Reading materials having covers with explicit sexual depictions may be displayed in an area open to the general public in a commercial establishment only if the cover depictions are not visible. Opaque display units showing only the top two inches of magazine covers shall be deemed to comply with this section.

§4-8.20. Enforcement. Notwithstanding any other section of this Code no criminal penalty is provided for the violation of this article. Violation of any section or sections of this article is declared to be a public nuisance and may be abated by the City.

§4-8.21 Statutory severability. If any phrase, clause, sentence, or provision of this article or application thereto to any person or circumstances is held invalid, such invalidity shall not affect any other phrase, clause, sentence, section or provision or application of this article, which can be given effect without the invalid portion and to this end the provisions of this article are declared to be severable.

(Based on Ord. 842 adopted on 1/24/78)

TITLE IV - HEALTH, SAFETY, MORAL AND GENERAL WELFARE

CHAPTER 9

NOISE REGULATION

CHAPTER 9

NOISE REGULATION

§ 4-9.01 Declaration of Policy. It is hereby declared to be the policy of the city that the peace, health, safety and welfare of the citizens of the City of Pleasanton 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. (Ord. 946)

§ 4-9.02 Definitions. For the purposes of this chapter, certain terms are defined as follow:

a. Sound level - 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 Nation 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. (Ord. 946)

b. Sound Level Meter - 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. (Ord.964)

c. Noise Level - noise level is 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". (Ord. 946)

d. Vehicle - a vehicle is any device by which any person or property may be propelled, moved, or drawn upon a highway or street. (Ord. 946)

e. Property Plane - the property plane is a vertical plane including the property line which determines the property boundaries in space. (Ord. 946)

f. Emergencies - emergencies are 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.

g. Person - a person is any individual, or other entity including, but not limited to, a partnership, association or corporation. (Ord. 946)

§ 4-9.03 Residential Property Noise Limits

a. Residential Property. No person shall produce or allow to be produced by any machine, animal, device, or any combination of same, on residential property, noise level in excess of 60dBA at any point outside of the property plane. (Ord. 946)

b. Multi-family Residential Property. No person shall produce or allow to be produced by any machine, animal, device, or any combination of 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. 946)

§ 4-9.04 Commercial Property Noise Limits. No person shall produce or allow to be produced by any machine, animal, device, or any combination of same, on commercial property, a noise level in excess of 70 dBA at any point outside of the property plane. (Ord. 946)

§ 4-9.05 Industrial Property Noise Limits. No person shall produce or allow to be produced by any machine, animal, device or any combination of same, on industrial property, a noise level in excess of 75 dBA at any point outside of the property plane. (Ord. 946)

§ 4-9.06 Public Property Noise Limits

a. Noise Limit in Residential Area. No person shall produce or allow to be produced by any machine, animal, device, or any combiniation of 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. (Ord. 946)

b. Noise Limit in Commercial Areas. No person shall produce or allow to be produced by any machine, animal, device, or any combination of 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. (Ord. 946)

(Based on Ordinance 946, adopted December 23, 1980)

c. Noise Limit in Industrial Areas. No person shall produce or allow to be produced by any machine, animal, device, or any combination of 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 the Chapter. (Ord. 946)

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. (Ord. 946)

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. (Ord. 946)

§ 4-9.07 Special Provisions

a. 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 4-9.03, 4-9.04, and 4-9.06(a) 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. (Ord. 946)

b. 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 3 dBA above the standard or minimum level stipulated by law.

c. Emergencies. Emergencies and the testing of associated utility standby equipment are exempt from this Chapter.

d. Construction. Notwighstanding any other provision 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., 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:

(1) 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

(2) The noise level at any point outside of the property plane of the project shall not exceed 86 dBA. (Ord. 946)

§ 4-9.08 Exception Permits. If the applicant can show to the City Manager or his 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 execptions. 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 designee may appeal to the City Council.

(Based on Ordinance 946, adopted December 23, 1980)

TITLE V - VEHICLES AND TRAFFIC, STREETS AND HIGHWAYS

Chapter 1

GENERAL PROVISIONS

TITLE V. VEHICLES AND TRAFFIC, STREETS & HIGHWAYS

Regulating Traffic on the Streets, Sidewalks and other Public and Private Places in the City of Pleasanton, County of Alameda State of California; Regulating the Use, Parking and Control of Vehicles thereon; Providing Penalties for the Violation Thereof.

The City Council of the City of Pleasanton does ordain as follows:

CHAPTER I. GENERAL PROVISIONS

Article 1.

Definitions

§5-1.01 The following words and phrases when used in this Title shall, for the purpose of this Title, have the meanings respectively ascribed to them in this section. Whenever any words or phrases used herein are not defined, but are defined in the Vehicle Code of the State of California and amendments thereto, such definitions shall apply.

a. Bus. Any motor vehicle, other than a motor truck or truck tractor, designed for carrying more than nine persons including the driver and used or maintained for the transportation of passengers.

b. Business District. That portion of a highway and the property contiguous thereto (a) upon one side of which highway, for a distance of 600 feet, 50 percent or more of the contiguous property fronting thereon is occupied by buildings in use for business, or (b) upon both sides of which highway, collectively for a distance of 300 feet, 50 percent or more of the contiguous property fronting thereon is so occupied. A business district may be longer than the distances specified herein if the above ratio of buildings in use for business to the length of the highway exists.

c. Council. The Council of the City of Pleasanton.

d. Median Island. An island created by curbs, paint, traffic bars or buttons or other means, located in the center of roadway and separating opposing or conflicting streams of traffic.

e. Divisional Island. An island created by curbs, paint, traffic bars or buttons or other means, located in the roadway and separating the main through traffic from a frontage road.

f. Holidays. Within the meaning of this Title, holidays are the

first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the ninth day of September, the twelfth day of October, the eleventh day of November, the twenty-fifth day of December, and Thanksgiving Day. If any of the above dates fall upon a Sunday, the Monday following is a holiday.

g. Loading Zone. The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

h. Official Time Standard. Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this City.

i. Parkway. That portion of a street between the curb and sidewalk other than a roadway or a sidewalk.

j. Parking Meter. A Mechanical device installed immediately adjacent to a parking space, for the purpose of controlling the period of time occupancy of such parking space by any vehicle.

k. Passenger Loading Zone. The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

l. Pedestrian. Any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle.

m. Police Officer. Every officer of the Police Department of this City or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

n. Park or Parking. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

o. Stop. When required or prohibited means a complete cessation of movement of a vehicle, whether occupied or not except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or official traffic control device or signal.

p. Street. A way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Street includes highway.

q. Traffic Control Device. A traffic control device means any mechanically or electrically controlled device, light, sign,

signal, flag, barricade, or marking installed or used for the control of traffic.

r. Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel.

Article 2

TRAFFIC ADMINISTRATION

§5-1.26 Police Administration. There is hereby established in the Police Department of this City a Traffic Division to be under the control of an officer of police appointed by and directly responsible to the Chief of Police.

a. Duty of Traffic Division. It shall be the duty of the Traffic Division, with such aid as may be rendered by other members of the Police Department to enforce the street traffic regulations of this City and all of the State vehicle laws applicable to street traffic in this City, to make arrests for traffic violations, to investigate traffic accidents and to cooperate with the City Traffic Engineer and other officers of the City in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon said division by this ordinance and the traffic ordinances of this City.

b. Traffic Accident Studies. Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the City Traffic Engineer in conducting studies of such accidents and determining remedial measures.

c. Traffic Accident Reports. The Traffic Division shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the City Traffic Engineer.

d. Traffic Safety Report. The Traffic Division shall annually prepare in cooperation with the City Traffic Engineer a traffic report which shall be filed with the City Council. Such a report shall contain information on traffic matters in this City as follows:

(1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

(2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;

(3) The plans and recommendations of the division for future traffic safety activities.

§5-1.27 City Traffic Engineer. The office of City Traffic Engineer is hereby established. The Director of Public Works shall serve as City Traffic Engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this Ordinance.

a. Powers and Duties of City Traffic Engineer - Delegation. It

shall be the general duty of the City Traffic Engineer to determine the installation and proper timing and maintenance of traffic control devices and signals, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering and traffic investigations of traffic conditions and to cooperate with other City officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this City. Whenever, by the provisions of this ordinance a power is granted to the City Traffic Engineer or a duty imposed upon him, the power may be exercised or the duty performed by his deputy or by a person authorized in writing by him.

§5-1.28 Traffic Committee. There is hereby established an advisory traffic committee to serve without compensation, consisting of the City Traffic Engineer, the Chief of Police, the City Attorney, and such number of other persons as may be determined and appointed by the City Council. The Committee shall annually elect a chairman from its membership and adopt such rules and regulations as may be necessary in the conduct of its business.

a. Duties of Traffic Committee. It shall be the duty of the Traffic Committee to assist in coordinating the activities of all officers and agencies of this City having authority with respect to the administration or enforcement of traffic regulations; to assist in coordinating the traffic safety programs and efforts of all groups and individuals; to stimulate and assist in the preparation and publication of traffic reports; to recommend to the legislative body of this City ways and means for improving traffic conditions and the administration and enforcement of traffic regulations; and to stimulate and assist in the formulation and operation of educational programs related to traffic safety.

Article 3

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

§5-1.50 Authority of Police and Fire Department Officials. Officers of the Police Department and such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department or members of the Fire Department may direct traffic as conditions may require, notwithstanding any regulation or provision contained in this Title or the Vehicle Code.

a. Persons Other Than Officials Shall Not Direct Traffic. No person other than an officer of the Police Department or members of the Fire Department or a person authorized by the Chief of Police or a person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate, when and as herein provided, any mechanical pushbutton signal erected by order of the City Traffic Engineer.

b. Obedience to Police or Authorized Officers. No person shall fail or refuse to comply with or to perform any act forbidden by any lawful order, signal, or direction of a traffic or police officer, or a member of the Fire Department, or a person authorized by the Chief of Police or by law. Compliance by any person with any such lawful order, signal, or direction shall take precedence over any provision or regulation of this Title.

§5-1.51 Traffic Regulations Apply to Persons Riding Bicycles or Animals. Every person riding a bicycle or riding or driving an animal upon a highway has all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Title, except those provisions which by their very nature can have no application.

§5-1.52 Obstruction or Interference with Police or Authorized Officers. No person shall interfere with or obstruct in any way any police officer or other officer or employee of this City in their enforcement of the provisions of this Title. The removal, obliteration or concealment of any chalk mark or other distinguishing mark used by any police officer or other employee or officer of this City in connection with the enforcement of the parking regulations of this Title shall, if done for the purpose of evading the provisions of this Title, constitute such interference or obstruction.

§5-1.53 Public Employees to Obey Traffic Regulations. The provisions of this Title shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this state, any county or city, and it shall be unlawful for any said operator to violate any of the provisions of this Title except as otherwise permitted in this Title or by the Vehicle Code.

§5-1.54 Authority of Police in Crowds. At places where large numbers of people and vehicles are to gather or have gathered, nothing in this Ordinance shall be construed to prevent any Police Officer from prohibiting any person from parking any vehicle upon or using any street or sidewalk, or from prohibiting any pedestrian from using any street or sidewalk, and said police officer shall have authority to direct the parking of vehicles in any reasonable manner, way or direction, and it is hereby declared to be unlawful for any person to fail to promptly obey the said police officer's order, signal or command, regardless of any other provision of this Title.

§5-1.55 Exemption of Certain Vehicles.

a. The provisions of this Title regulating the operation, parking and standing of vehicles shall not apply to vehicles operated by the Police or Fire Department, any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified by the Vehicle Code in response to an emergency call.

b. The foregoing exemptions shall not, however, relieve the operator of any such vehicle from obligation to exercise due care for the safety of others or the consequences of his willful disregard of the safety of others.

c. The provisions of this Title regulating the parking or standing of vehicles shall not apply to any vehicle of a City department or public utility while necessarily in use for construction or repair work or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or delivery of United States Mail.

§5-1.56 Report of Damage to Certain Property.

a. The operator of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, parking meter, lighting post, telephone pole, electric light or power pole, or resulting in damage to any tree, traffic control device or other property of a like nature located in or along any street, shall within twenty-four (24) hours after such accident make a written report of such accident to the Police Department of this City.

b. Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person operating or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damage in such accident.

§ 5-1.56 Report of Damage to Certain Property (Cont'd)

c. The operator of any vehicle involved in an accident shall not be subject to the requirements or penalties of this section if and during the time he is physically incapable of making a report, but in such event he shall make a report as required in subdivision (a) within 24 hours after regaining ability to make such report.

§ 5-1.57 Penalties. Any person violating any of the provisions of this Title shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by fine not exceeding $500.00 or by imprisonment in the jail of the City of Pleasanton or the County of Alameda for not more than six (6) months, or by both such fine and imprisonment.

§ 5-1.58 Severability. If any section, subsection, sentence, clause or phrase of this Title is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Title. The legislative body hereby declares that it would have passed this Title and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

(All Sections in this Chapter based on Ord. No. 590)

TITLE V - VEHICLES AND TRAFFIC, STREETS AND HIGHWAYS

Chapter 2

TRAFFIC CONTROL DEVICES AND REGULATIONS RELATING TO VEHICULAR AND PEDESTRIAN MOVEMENT

CHAPTER II.

TRAFFIC CONTROL DEVICES AND REGULATIONS RELATING TO VEHICULAR AND PEDESTRIAN MOVEMENT

Article 1.

Authority to Install and Obedience to Traffic Control Devices

§ 5-2.01 Authority to Install. The City Traffic Engineer, when empowered to do so, may, and when required to do so by resolution as provided herein, shall place and maintain such official traffic control devices as are necessary to regulate, guide, or warn traffic. Placement, installation and maintenance of traffic control devices by the City Traffic Engineer or City Council shall be effected only on the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations, and rules as may be set forth in this ordinance or as may be determined by ordinance or resolution of the Council.

§ 5-2.02 Hours of Operation. The City Traffic Engineer shall determine the hours and days during which any traffic control devices shall be in operation or be in effect, except in those cases where such hours or days are specified in this ordinance or by resolution adopted pursuant to this ordinance.

§ 5-2.03 Obedience to Traffic Control Devices. The operator of any vehicle or train shall obey the instructions of any official traffic control device placed in accordance with this Title.

§ 5-2.04 Removal, Relocation and Discontinuance of Traffic Control Devices. The City Traffic Engineer is hereby authorized to remove, relocate or discontinue the operation of any traffic control device not specifically required by the Vehicle Code or this Title or by resolution adopted pursuant to this Title whenever he shall determine that the conditions which warranted or required the installation no longer exist or obtain.

Article 2

Traffic Signals

§ 5-2.05 Authority to Install. The City Traffic Engineer shall, when required by resolution, install and maintain official traffic signals at those intersections and other places as provided for by resolution where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion, or to protect life or property from exceptional hazard.

§ 5-2.06 Pedestrians to Obey Special Pedestrian Traffic Signals. Pedestrians shall obey the indication of special traffic signals installed for pedestrians only and shall disregard the indication of a vehicular traffic signal at any location where special pedestrian traffic signals are in place.

Article 3.
Lane and Distinctive Roadway Markings

§ 5-2.11 Lane Marking. The City Traffic Engineer is hereby authorized to mark center lines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway.

§ 5-2.12 Distinctive Roadway Markings. The City Traffic Engineer is authorized to place and maintain distinctive roadway markings as described in the Vehicle Code on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such marking or signs and marking shall have the same effect as similar markings placed by the State Department of Public Works pursuant to provisions of the Vehicle Code.

Article 4

Turning Movements

§ 5-2.20 Authority to Place Turning Markers. Intersections. Multiple Lanes. The City Traffic Engineer is authorized to place official traffic control devices within or adjacent to intersections and indicating the course to be traveled by vehicles turning at such intersections, and the City Traffic Engineer is authorized to locate and indicate more than one lane of traffic from which drivers of vehicles may make right or left hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

§ 5-2.21 Authority to Place Restricted Turn Signs. The City Traffic Engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

§ 5-2.22 Signal Controlled Intersections - Right Turns.

a. No driver of a vehicle shall make a right turn against a red or stop signal at any intersection which is sign-posted giving notice of such instruction as hereinafter provided in this section.

b. The City Traffic Engineer shall post appropriate signs giving effect to this section where he determines that the making of right turns against traffic signal "stop" indications would seriously interfere with the safe and orderly flow of traffic.

§ 5-2.23 Signal Controlled Intersections--Left Turns.

a. No driver of a vehicle shall make a left turn against a red or stop signal from a one-way street onto a one-way street running to his left which is sign-posted giving notice of such restriction as hereinafter provided in this section.

b. The City Traffic Engineer shall post appropriate signs giving effect to this section where he determines that the making of left turns against traffic signal "stop" indication would seriously interfere with the safe and orderly flow of traffic.

Article 5

One-Way Streets and Alleys.

§ 5-2.26 Permanent One-Way Streets and Alleys. Whenever any resolution of this City Designates any one-way street or alley, the City Traffic Engineer shall place and maintain signs giving notice thereof. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

§ 5-2.27 Temporary One-Way Streets and Alleys. Whenever the City Traffic Engineer shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, the City Traffic Engineer shall have the power and authority to order temporary signs to be erected or posted indicating that the movement of traffic shall be in one direction only on such streets and alleys as the City Traffic Engineer shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the City Traffic Engineer shall cause such signs to be removed promptly thereafter.

Article 6.

Special Stops

§5-2.30 Stop Signs. Whene ver any resolution of this City designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto or any railroad grade crossing at which vehicles are required to stop, the City Traffic Engineer shall erect and maintain stop signs as follows:

A. A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated and at those entrances to other intersectioss where a stop is required and at any railroad grade crossing so designated; provided, however, stop signs shall not be erected or maintained at any entrance to an intersection when such entrance is controlled by an official traffic control signal. Every such sign shall conform with and shall be placed as provided in the Vehicle Code.

§5-2.31 Emerging from Alley, Driveway or Building. The driver of a vehicle emerging from an alley driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alley way or driveway.

Article 7

Yield Signs

§5-2.40 Authority to Install. The City Traffic Engineer is authorized to install and maintain yield signs at any intersection at which he deems it necessary that the right-of-way at one or more entrances thereto be yielded in a manner other than in accordance with the normal right-of-way rules established by the Vehicle Code for uncontrolled intersections as follows:

A yield sign shall be erected at those entrances to the intersection where a vehicle is required to yield the right-of-way; provided, however that such yield right-of-way signs shall not be erected upon the approaches to more than one of the intersecting streets. Every such sign shall conform with, and shall be placed as provided in the Vehicle Code.

Article 8.

Pedestrian Regulations

§ 5-2.50 Establishment of Marked Crosswalks at Intersections.

A. The City Traffic Engineer shall establish, designate and maintain crosswalks at intersections by appropriate devices, marks or lines upon the surface of the roadway where the City Traffic Engineer determines that there is particular hazard to pedestrians crossing the roadway.

§ 5-2.51 B. Crosswalks at locations other than intersections shall be established by resolution of the City Council, and the City Traffic Engineer is hereby authorized to mark and maintain crosswalks so designated.

C. The City Traffic Engineer may place signs or barricades at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall not cross in the crosswalk so indicated.

§ 5-2.51 When Pedestrians must Use Crosswalks. No pedestrian shall cross a roadway other than by a crosswalk in any business district.

Article 9.

Miscellaneous Driving Rules

§5-2.60 Driving Through Funeral Procession or Parade. No operator of any vehicle shall drive between the vehicles comprising a funeral procession or a parade, provided that such vehicles are conspicuously so designated. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be subject to the orders of the Police Department.

§5-2.61 Clinging to Moving Vehicle. No person shall attach himself with his hands, or catch on, or hold on to with his hands or by other means, to any moving vehicle or train for the purpose of receiving motive power therefrom.

§5-2.62 New Pavement and Markings. No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted markings in any street when a barrier sign, cone marker or other warning device is in place warning persons not to drive over or across such pavement or marking, or when any such device is in place indicating that the street or any portion thereof is closed.

§5-2.63 Obedience to Barriers and Signs. No person, public utility or department in the City shall erect or place any barrier or sign on any street unless of a type approved by the City Traffic Engineer or disobey the instructions of, remove, tamper with or destroy any barrier or sign lawfully placed on any street by any person, public utility or by any department of this City.

§5-2.64 No Entrances Into Intersection That would Obstruct Traffic. No operator of any vehicle shall enter any intersection of a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

§5-2.65 Limited Access. No person shall drive a vehicle onto or from any ~~access~~ roadway except at such entrances and exits as are lawfully established.

§5-2.66 Flange Wheel Machinery. No person shall operate over the City streets any vehicle, piece of equipment or machinery which has lugs, cleats, flanges, or other projections on the wheels or tracks. If the tread of the track has projections or corrugations, a filler block may be placed on each section so that a flat bearing surface will be in contact with the pavement at all times.

CHAPTER 2

ARTICLE 10

Section 1. Article 10 (Horse Traffic), is added to Chapter 2 (Traffic Control Devices and Regulations Relating to Vehicular and Pedestrian Movement), of Title V (Vehicles and Traffic, Streets and Highways) of the Ordinance Code of the City of Pleasanton to read as follows:

Sec. 5-1.60 Intent. It is the intent of the City Council of the City of Pleasanton by adoption of this ordinance to provide for the safety of pedestrians and vehicle drivers as well as horses and their riders on the streets and sidewalks of the City of Pleasanton. The Council finds and declares that there are certain areas in the City of Pleasanton which due to pedestrian and vehicular traffic endanger horses, their riders and pedestrians and therefore equestrian activities should be limited or prohibited in those areas.

Sec. 5-1.61 Definitions.

a. "Horse" shall include any mules, burro, pony, jack or jenny.

b. "Main Street" means Main Street in the City of Pleasanton running from its intersection with Sunol Avenue to its intersection with Stanley Boulevard.

c. "Shopping Center" means any area in a C-N (Neighborhood Commercial), C-C (Central Commercial) or C-R (Regional Commercial) Zoning District that has been developed with commercial uses. The term shall further include all buildings, parking lots, driveways, walkways and public sidewalks bordering the shopping center.

d. "Equestrian Trail" means any trail designated by the City Council as such.

Sec. 5-1.62 Designation of Equestrian Trails. The Planning Commission shall advise the City Council on any proposals for equestrian trail designations. The City Council shall consider the designation of equestrian crossings as provided for in California Vehicle Code Section 21805 whenever any proposed equestrian trail would cross a highway.

Sec. 5-1.63 Prohibited Areas.

a. Commercial Centers. No horse shall be ridden, walked or tethered on the streets, sidewalks, walkways or parking lots of any shopping center of the City of Pleasanton or along Main Street in the City of Pleasanton, except on approved equestrian trails or crossings.

b. Other Prohibited Areas. The City Council may, from time to time, designate by resolution, any other areas of the City prohibited to horse traffic. The City shall post all such additional areas, but posting shall not be a prerequisite for citing violators.

c. Exception. Nothing in this article shall prohibit the participation of mounted or equestrian units in parades authorized by the City Council. Walking of horses enroute to a licensed veterinarian is not prohibited by this article.

Sec. 5-1.64 Penalties. Notwithstanding any other provision of this code, the first violation of any provision of this article shall constitute an infraction.

(Based on Ord. 346 adopted on 2/28/78)

TITLE V - VEHICLES AND TRAFFIC, STREETS AND HIGHWAYS

Chapter 3

TRAFFIC CONTROL DEVICES AND REGULATIONS RELATING TO THE STOPPING OR PARKING OF VEHICLES

CHAPTER III.

TRAFFIC CONTROL DEVICES AND REGULATIONS RELATING TO THE STOPPING OR PARKING OF VEHICLES

Article 1.

General Provisions

§5-3.01 Authority to Install. The provisions of Article 1, of Chapter II of this ordinance relating to the authority to install and obedience to official traffic control devices shall be applicable to the provisions of this chapter as if fully set forth herein.

§5-3.02 Curb Markings. The City Traffic Engineer is authorized to place and, when required herein, shall place the following traffic control devices in the form of curb markings to indicate stopping or parking regulations pursuant to this chapter, and said curb markings shall have meanings as follows:

A. "Red" shall mean no stopping, standing or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.

B. "Yellow" shall mean no stopping or parking at any time between 7:00 A.M. and 6:00 P.M. of any day except Sundays and holidays for any purpose other than the loading or unloading of passengers or materials by vehicles engaged in commercial deliveries, provided that the loading and unloading of passengers or materials shall not extend beyond the time necessary therefor, and in no event, for passengers, for more than three minutes, and for materials for more than twenty minutes.

C. "White" shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mail box, beyond the time necessary therefor and in any event shall not exceed three (3) minutes, and such restrictions shall apply between 7:00 A.M. and 6:00 P.M. of any day except Sundays and holidays and except as follows:

1. When such zone is in front of a hotel or in front of a mailbox, the restrictions shall apply at all times.

2. When such zone is marked or signed as a Taxi zone, the restrictions shall not apply to any taxi lawfully operating within the City, nor shall any other person stop, stand or park any vehicle in that zone in accordance with §5-3.20 of this Title.

D. "Green" shall mean no standing or parking for a period of time longer than twenty (20) minutes at any time between 9:00 A.M. and 6:00 P.M. on any day except Sundays and holidays.

E. When the City Traffic Engineer as authorized under this Ordinance has caused curb markings to be placed, no person shall stop or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section.

Article 2.

Loading Zones

§5-3.10 Authority to Establish. The City Traffic Engineer is hereby authorized to determine the location of and to mark loading zones and passenger loading zones as provided in §5-3.02, as follows:

A. At any place in any business district.

B. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for public assembly.

§5-3.11 Extent of Loading Zones. In no event shall more than one-half of the total curb length of any block be reserved for loading zone purposes.

§5-3.12 Marking. Loading zones shall be indicated by yellow paint upon the top of all curbs within such zones, and passenger loading zones shall be indicated by white paint upon the top of all curbs in said zones.

Article 3.

BUS ZONES

§5-3.15 Authority to Establish. The City Traffic Engineer is authorized to establish bus zones apposite curb space for the loading and unloading of buses and to determine the location thereof:

A. Such bus zones shall be indicated by signs or a red line stencilled with white letters "BUS ZONE" upon the top of the curb.

B. No bus shall stand in any bus zone longer than necessary to load or unload passengers.

c. No person shall stop or park any vehicle except a bus in any bus zone.

Article 4.

Taxicab Zones.

§5-3.20 Authority to Establish. Consistent with the provisions of any ordinance relating to the regulation of taxi-cabs, the City Traffic Engineer is hereby authorized to determine the location of and to mark taxi stands.

A. Marking. Such taxi stands shall be indicated by signs or a white line stenciled with the words "TAXI ONLY" upon the tops of all curbs and places specified for taxicabs only.

B. No driver of any taxicab shall park or stand the same upon any public highway in any business district in the City of Pleasanton for any period of time longer than is necessary to discharge or receive passengers then occupying or then waiting for such taxicab, provided that a taxicab may be parked in a taxi stand established pursuant to subdivision (A) of this section.

C. When official signs or markings designating such taxi stands are in place, no person other than the driver of a taxicab shall stop, park or stand any vehicle other than a taxicab in any taxi stand.

Article 5.

Funeral Zones

§5-3.25 Funeral Zones. No operator of any vehicle shall stop, stand or park said vehicle for any period of time longer than is necessary for the loading or unloading of passengers and not to exceed three (3) minutes at any place between the limit markers or signs placed within the projected real property boundaries of any undertaking establishment, private residence, or any public or private place at any time during or within forty (40) minutes prior to the beginning of any funeral or funeral service, unless the operator of said vehicle is directed by or has received permission from the director or other person in charge of such funeral or funeral service to park such vehicle in such place, provided that such director or person in charge shall have placed and maintained prior to and during the time limit herein specified two (2) approved portable signs, one at each extremity of such place, upon the sidewalk or pavement area and within two (2) feet of the curb.

Article 6.

No Stopping Zones

§ 5-3.30 No operator of any vehicle shall stop such vehicle in any of the following places:

(1) Within any median or divisional island or parkway unless authorized and clearly indicated with appropriate signs or markings.

(2) On either side of any median island.

(3) On the main or thru traffic side of any divisional island when indicated by appropriate signs or markings.

(4) Adjacent to the right hand curb on any major arterial street where the parking lane has been omitted when indicated by appropriate signs or markings.

(5) In any area where the City Traffic Engineer determines that the stopping of a vehicle would constitute a traffic hazard or would endanger life or property when such area is indicated by appropriate signs or markings.

(6) In any area established by resolution of the Council as a no stopping area when such area is indicated by appropriate signs or markings.

(7) In any area where the stopping of any vehicle would constitute a traffic hazard or would endanger life or property.

(8) At any place within twenty (20) feet of a crosswalk at an intersection in any business district when such place is indicated by appropriate signs or markings except that a bus may stop at a designated bus stop.

(9) At any place within twenty (20) feet of the approach to any traffic signal, boulevard stop sign, or official electric flashing device when such place is indicated by appropriate signs or markings except that a bus may stop at a designated bus stop.

Article 7.

No Parking Zones

§ 5-3.35 No operator of any vehicle shall park such vehicle in any of the following places:

(1) In any no stopping zone.

(2) On the frontage road side of any divisional island when indicated by appropriate signs or markings.

(3) Upon, along or across any railway track in such manner as to hinder, delay, or obstruct the movement of any car traveling upon such track.

(4) On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice of such no parking are erected or placed at least twenty-four (24) hours prior to the effective time of such no parking.

(5) In any area where the City Traffic Engineer determines that the parking of a vehicle would constitute a traffic hazard or would endanger life or property, when such area is indicated by appropriate signs or markings.

(6) In any area established by resolution of the Council as a no parking area, when such area is indicated by appropriate signs or markings.

(7) In any area where the parking of any vehicle would constitute a traffic hazard or would endanger life or property.

Article 8

Miscellaneous Parking Provisions

§5-3.40 Parking for Advertising for Sale. No operator of any vehicle shall park said vehicle upon any street in this City for the principle purpose of advertising or displaying it for sale.

§5-3.41 Repairing or Greasing Vehicles. No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased, dismantle or cause to be dismantled any vehicle or any part thereof upon any public street in this City. Temporary emergency repairs may be made upon a public street.

§5-3.42 Washing or Polishing Vehicles. No person shall wash or cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any public street in this City, when a charge is made for such service.

§5-3.43 Parking Parallel on One-Way Streets. Subject to other and more restrictive limitations, a vehicle may be stopped or parked within 18 inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or parking. Except that this shall not apply to a street which includes two or more separate roadways and traffic is restricted to one direction upon any such roadway.

§5-3.44 Parking on Grades. No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding 3% without blocking the wheels of said vehicle by turning them against the curb or by other means.

§5-3.45 Unlawful Parking - Peddlers, Vendors. No person shall park any vehicle, wagon or pushcart from wiich goods, wares, merchandise, fruits, vegetables or food stuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street within this City except that such vehicles, wagons or pushcarts may park only at the request of a bona fide purchaser for a perioc of time not to exceed ten (10) minutes at any one place. The provisions of this subsection shall not apply to persons delivering such articles upon order of, or by agreement with a customer from a store or other fixed place of business or distribution.

§5-3.46 Emergency Parking Signs.

A. Whenever the City Traffic Engineer shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, the City Traffic Engineer shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the City Traffic Engineer shall direct during the

time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the City Traffic Engineer shall cause such signs to be removed promptly thereafter.

B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate or park any vehicle contrary to the directions and provisions of such signs.

§ 5-3.47 Parking Vehicles in Excess of Twenty Feet in Length Restricted. When authorized signs are in place giving notice thereof, no person shall park any vehicle in excess of twenty feet in length on any street or portion thereof designated by resolution of the City Council.

§ 5-3.48 Parking on City Property.

A. Whenever the City Traffic Engineer shall determine that the orderly, efficient conduct of the City's business requires that parking of vehicles on City streets or on property owned or controlled by the City be prohibited, limited or restricted, the City Traffic Engineer shall have the power and authority to order signs to be erected or posted or curb markings to be placed indicating that the parking of vehicles is thus prohibited, limited or restricted.

B. When signs or curb markings authorized by the provisions of this section are in place giving notice thereof, no person shall park any vehicle contrary to the directions or provisions of such signs or curb markings.

§ 5-3.49 Vehicles Not to Obstruct Streets or Parking Lots. No person shall operate or park any vehicle on any street or in any parking lot owned or controlled by the City in such a manner as to obstruct the free use of such street or parking lot.

Article 9

Limited Time Parking Zones

§5-3.51. Authority to Establish. The City Traffic Engineer is authorized to designate any street or portion thereof as a limited time parking zone. Such limited time parking zones shall not become effective until and unless signs, parking meters, or curb markings are in place indicating such time limits consistent with the following regulations.

A. Twenty Minute Parking. When authorized signs, parking meters or curb markings are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 9:00 A.M. and 6 P.M. on any day except Sundays and holidays for a period of time longer than twenty minutes.

B. One Hour Parking. When authorized signs, parking meters are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 9:00 A.M. and 6:00 P.M. of any day except Sundays and holidays for a period of time longer than one hour.

C. Two Hour Parking. When authorized signs, parking meters are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 9:00 A.M. and 6:00 P.M. of any day except Sundays and holidays for a period of time longer than two hours.

Article 10

Diagonal Parking

§5-3.55 Diagonal Parking. On any of the streets or portions of streets established by resolution of the Council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it shall be unlawful, for the operator of any vehicle to park said vehicle except:

A. At the angle to the curb indicated by signs or pavement markings allotting space to parked vehicles and entirely within the limits of said alloted space;

B. With the front wheel nearest the curb within six (6) inches of said curb.

The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods, in which event the provisions applicable in Section 5-3.43 of this Chapter shall be complied with.

TITLE V - VEHICLES AND TRAFFIC, STREETS AND HIGHWAYS

Chapter 4

REMOVAL OF ABANDONED VEHICLES FROM CITY STREETS

Article 1 - Removal of Vehicles

CHAPTER IV. REMOVAL OF ABANDONED VEHICLES FROM CITY STREETS

Article 1.

Removal of Vehicles

§5-4.01 When Vehicles May be Removed from Streets. Any regularly employed and salaried officer of the Police Department of this City may remove or cause to be removed:

A. Any vehicle that has been parked or left standing upon a street or highway for 72 or more consecutive hours.

B. Any vehicle which is parked or left standing upon a street or highway between the hours of 7:00 A.M. and 7:00 P.M. when such parking or standing is prohibited by ordinance or resolution of this City and signs are posted giving notice of such removal.

C. Any vehicle which is parked or left standing upon a street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or for the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice that such vehicle may be removed are erected or placed at least twenty-four (24) hours prior to the removal.

§5-4.02 Storage of Vehicles. No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of 72 hours.

See also chapt. 7 Re: Abandoned vehicles on private property

Article 2.
Hearing Rights

§ 5-4.05. Right to Hearing. Before any lien attaches for towing and storage costs as a result of a vehicle being towed under the authority of the Vehicle Code or this Ordinance Code, the owner or person in charge of such vehicle (hereinafter called owner) shall have the right to a hearing on the factual basis of the tow. Said hearing must be requested no later than five (5) days from the date that the vehicle was towed unless owner shows good cause to hold the hearing at a later date.

§ 5-4.06. Hearing Officer. For the purposes of this Article, the Chief of Police shall designate certain of his officers to serve as hearing officers. Hearing officers shall be available on a 24-hour basis and shall be of a rank greater that the officer or police employee who ordered the tow to be made.

§ 5-4.07 Hearing. The hearing provided for in this section shall be informal. The person requesting the hearing shall explain the facts supporting the claim that the vehicle was wrongfully or illegally towed.

§ 5-4.08 Determination. If the hearing officer determines that the tow was wrongfully or illegally conducted, the officer shall order the person having custody of the vehicle to release it to the owner forthwith. The owner shall be required to pay only those charges incurred due to unreasonable delay in requesting the hearing.

§ 5-4.09 Payment of Charges. If the hearing officer determines that the towing was wrongfully or illegally ordered by a City employee, the City shall compensate the person making the tow for reasonable costs incurred. The City shall not be liable for costs incurred due to the unreasonable delay of the owner in requesting a hearing or reclaiming the vehicle.

§ 5-4.10 Appeal. The decision of the hearing officer may be appealed to the City Manager or his designate during regular City business hours. The decision of the City Manager or his designate shall be final.

§ 5-4.11 Notice. Notice of the provisions of this Article shall be given to all persons seeking to reclaim their vehicles from the person towing and storing said vehicles.

TITLE V - VEHICLES AND TRAFFIC, STREETS AND HIGHWAYS

Chapter 5

COMMERCIAL VEHICLE REGULATIONS

Article 1 - Prohibitions on Certain Streets

Article 1

Prohibitions on Certain Streets

§ 5-5.01 Intent. The provisions of this chapter are intended to regulate and in some cases prohibit use of City streets by commercial vehicles exceeding a certain gross weight, thereby ameliorating problems presently caused by such use relating to dust, noise, traffic congestion and inordinately high and excessive wear and tear on City streets not designed or constructed for such use.

§ 5-5.02 Prohibition; Designation of Commercial Vehicle Routes; Exclusions; When Prohibition Effective.

A. Prohibition. No person shall operate any commercial vehicle, as said term is defined in the California Vehicle Code, having a gross weight, including load, in excess of three (3) tons on any street within the City of Pleasanton other than those streets designated as commercial vehicle routes in subsection (b) of this section or excluded from this prohibition in subsection (c) of this section.

B. Designation of Commercial Vehicle Routes. The prohibition contained in subsection (A) of this section shall not apply to the following streets which are hereby designated as commercial vehicle routes:

(1) First Street,
(2) Stanley Boulevard, or
(3) Sunol Boulevard.

C. Exclusions. The following streets or highways are excluded from the prohibition contained in subsection (A) of this Section:

(1) any state highway,
(2) any highway that is not under the exclusive jurisdiction of the City of Pleasanton, and
(3) any City street on which money from the State Highway Fund has been or is used for construction or maintenance.

D. When Prohibition Effective. The prohibition contained in subsection (A) of this section shall become effective when the streets enumerated in subsection (B) of this section are designated by appropriate signs as routes for commercial vehicles having a gross weight, including load, in excess of three (3) tons.

§ 5-5.03 Exceptions.

A. Pickups and Deliveries. No provision of this article shall be construed to prohibit the use of any street when such use is necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure for which a building permit has previously been obtained.

B. Certain Types of Vehicles. The prohibition contained in Section 5-5.02 shall not apply to the following types of vehicles:

(1) Passenger buses under the jurisdiction of the of the Public Utilities Commission.
(2) Any vehicle owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility.
(3) School buses while carrying students to and from school.
(4) Pickup trucks.
(5) Motor vehicles designed by the manufacturer for the transportation and collection of garbage, rubbish, or refuse and which are used regularly for such collection and transportation by any person or any governmental entity engaged in the business of or in providing the service of collecting, transporting, and disposing of garbage, rubbish, or refuse.

§ 5-5.04 Permit Procedure. The City Traffic Engineer may issue a permit, either verbally or in writing for the following:

A. Load or loads in excess of sizes and or weights allowed for in the Vehicle Code if, in his judgment, the streets upon which such vehicle or vehicles is to be operated can safely withstand the loads, or if the applicant will guarantee to the City that all costs of repair to the streets or to public property of the City damaged by the movement of such load or loads will be paid in full.

B. Load or loads not in excess of the size and/or weights allowed for in the Vehicle Code desiring to use City streets other than the truck route established in Section 5-5.02(B) for a specified period of time.

The permit fee is set forth in the Resolution Establishing Fees and Charges for Various Municipal Services. In addition, the City Traffic Engineer may impose conditions on the permit necessary to protect the public health, welfare and safety and to insure that the damage to the City's streets (1) minimized. The City Traffic Engineer may also require the depositing of a bond in an amount established by the aforementioned Fees and Charges Resolution.

(Based on Ord. 670, Amended by Ord. 744, adopted October 14, 1974)

Article 2

Additional Weight Limitations

§ 5-5.10 Intent and Authority. It is the intent of this article to impose additional weight limitations on certain designated commercial routes established in Article 1 (Prohibition of Certain Streets) of this chapter, which prohibits commercial vehicles in the excess of three tons from the streets of Pleasanton except for the designated commercial routes. This Article 2 will prohibit heavier vehicles in excess of eight tons from the commercial routes. The authority for this article is California Vehicle Code §35701.

§ 5-5.11 Additional Weight Prohibition. No person shall operate a commercial vehicle with a maximum gross weight in excess of 16,000 pounds on the following streets within the City of Pleasanton:

a. Sunol Boulevard;
b. First Street; and
c. Stanley Boulevard.

§ 5-5.13 Exceptions.

a. Deliveries and Pickups. This article shall not prohibit any commercial vehicle from using this route when coming from an unrestricted street and using this route for ingress and egress by direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares or merchandise from or to any building or structure located on a restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alterations, remodeling or construction of any building or structure upon the restricted street for which a building permit has previously been obtained. As used herein, a direct route shall mean the most feasible route from the closest unregulated street, consistent with the intent to minimize vehicles of over 16,000 pounds using the commercial routes designated in §5-5.11 as well as restricted streets.
b. Certain Types of Vehicles. Vehicles of the type described in §5-5.03(b) of Article 1 of this chapter shall be exempt from the restriction imposed by this article.

(This Article Based on Ord. 954)

TITLE V - VEHICLES AND TRAFFIC, STREETS AND HIGHWAYS

Chapter 6

SPEED ZONES

Speed limits

CHAPTER VI. SPEED ZONES

Article 1

Increase in State Speed Limit in Certain Zones

§5-6.01 Increasing State Speed Limit in Certain Zones. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets is less than is necessary for safe operation of vehicles thereon by reason of the designation and sign-posting of said streets as through highways and (or) by reason of widely spaced intersections, and it is hereby declared that the prima facie speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof;

§ 5-6.05 Decrease in State Law Maximum Speed. It is hereby determined upon the basis of an engineering and traffic survey that the speed permitted by State Law outside of business and residence districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets, and it is hereby declared that the prima facie speed limit shall be as herein set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof.

f-1 Foothill Road. On Foothill Road from Bernal Avenue southerly to the City limit line the speed limit shall be 45 miles per hour. (Ord. 893)

f-2 Foothill Road. On Foothill Road from Highland Oaks Drive northerly to the City limit line the speed limit shall be 45 miles per hour. (893)

f-3 Foothill Road. On Foothill Road from I-580 southerly to Stoneridge Drive the speed limit shall be 45 miles per hour. This shall become effective upon completion of the annexation of this part of Foothill Road to the City. (893)

h-1 Hopyard Road. On Hopyard Road from the north end of the Del Valle Bridge to West Las Positas Boulevard the speed limit shall be 35 miles per hour. (893)

h-2 Hopyard Road. On Hopyard Road from West Las Positas Boulevard to I-580 the speed limit shall be 45 miles per hour. (893)

p-1 Parkside Drive. On Parkside Drive from Hopyard to Arthur Drive, the speed limit shall be 25 miles per hour. (971)

p-2 Pico Avenue. On Pico Avenue from Kottinger Drive to Vineyard Avenue the speed limit shall be 30 miles per hour. (893)

p-3 Pleasanton Avenue. On Pleasanton Avenue from Bernal Avenue to Angela Street the speed limit shall be 35 miles per hour. (965)

p-4 Pimlico Drive. On Pimlico Drive from Santa Rita Road to the right angle turn before Kirkcaldy Street, the speed limit shall be 35 miles per hour (984).

s-1 Santa Rita Road. On Santa Rita Road from Main Street to Black Avenue the speed limit shall be 25 miles per hour. (893)

s-2 Santa Rita Road. On Santa Rita Road from Black Avenue to Mohr Avenue the speed limit shall be 35 miles per hour. (893)

s-3 Santa Rita Road. On Santa Rita Road from Mohr Avenue to Old Santa Rita Road the speed limit shall be 45 miles per hour. (893)

s-4 Santa Rita Road. On Santa Rita Road from Old Santa Rita Road to the intersection of the eastbound I-580-Santa Rita Road Southbound Off-ramp, the speed limit shall be 50 miles per hour. (1012)

s-4a Santa Rita Road. On Santa Rita Road from the intersection of the eastbound I-580-Santa Rita Road Southbound Off-ramp to the northerly city limits, the speed limit shall be 40 miles per hour. (1012)

s-5 Stanley Boulevard. On Stanley Boulevard from First Street to the City limits, as established by the City of Pleasanton Annexation No. 73, the speed limit shall be 40 miles per hour. (Ord. 943)

s-6 Stoneridge Drive. On Stoneridge Drive from Foothill Road to Springdale Avenue the speed limit shall be 40 miles per hour. (893)

s-7 Stoneridge Drive. On Stoneridge Drive from Springdale Avenue to Stoneridge Mall Road the speed limit shall be 40 miles per hour. (Ord. 965)

s-8 Stoneridge Drive. On Stoneridge Drive from Stoneridge Mall Road to Hopyard Road the speed limit shall be 45 miles per hour. (Ord. 965)

s-9 Sunol Boulevard. On Sunol Boulevard from First Street to Mission Drive the speed limit shall be 35 miles per hour. (893)

2-10 Sunol Boulevard. On Sunol Boulevard from Mission Drive to the Southern Pacific Company railroad right-of-way the speed limit shall be 45 miles per hour. (893)

v-1 Valley Avenue. On Valley Avenue from Hopyard Road to Santa Rita Road the speed limit shall be 35 miles per hour. (893)

v-2 Valley Avenue. On Valley Avenue from Santa Rita Road to Busch Road the speed limit shall be 45 miles per hour. (893)

v-3 Valley Avenue. On Valley Avenue from Hopyard Road to Hansen Drive the speed limit shall be 35 miles per hour. (1018)

w-1 West Las Positas Boulevard. On West Las Positas Boulevard from Foothill Road to Muirwood Drive the speed limit shall be 40 miles per hour. (893)

w-2 West Las Positas Boulevard. On West Las Positas Boulevard from Dorman Road to Payne Road the speed limit shall be 35 miles per hour. (893)

y-1 Youth Sports Park. On the paved two-lane access road from Parkside Drive to the parking areas, the speed limit shall be 15 miles per hour. (971)

(Based on Ordinances 893, 943, 965, 971, 984, 1012, 1018)

TITLE V - VEHICLES AND TRAFFIC, STREETS AND HIGHWAYS

Chapter 7

TRAFFIC REGULATIONS APPLYING TO PRIVATE PROPERTY

Article 1 - Removal of Abandoned Vehicles from Private Property

Article 1

Removal of Abandoned Vehicles from Private Property

§ 5-7.01 Authority. In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the City Council of the City of Pleasanton hereby makes the following findings and declarations:

(Based on Ord. 630)

§ 5-7.02 Findings. The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Ordinance.

(Based on Ord. 630)

§ 5-7.03 Definitions. As used in this article:

a. The term "vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

b. The term "highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

c. The term "public property" does not include "highway."

d. The term "owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

e. The term "Owner of the vehicle" means the last registered owner and legal owner of record.

(Based on Ord. 630)

§ 5-7.04 This article shall not apply to:

a. A vehicle, or parts thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

b. A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with §22650) of Division 11 of the Vehicle Code and this Article.

(Based on Ord. 630)

§ 5-7.05 Other Remedies. This Article is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the city, the State, or any other legal entity or agency having jurisdiction.

(Based on Ord. 630)

§ 5-7.06 Enforcement. Except as otherwise provided herein, provisions of this Article shall be administered and enforced by the Chief of Police. In the enforcement of this Article such officer and his deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle declared to be a nuisance pursuant to this Article.

(Based on Ord. 630)

§ 5-7.07 Franchise. When the City Council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Article.

(Based on Ord. 630)

§ 5-7.08 Costs. The City Council shall from time to time determine and fix an amount to be assessed as administrative costs which may exclude the actual cost of removal of any vehicle or parts thereof under this Article.

(Based on Ord. 630)

§ 5-7.09 Discovery. Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, on private property or public property within the city, the Chief of Police shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein.

(Based on Ord. 630)

§ 5-7.10 Notice. A 10-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:

"NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address)_____, you are hereby notified that the undersigned pursuant to Article 1, Chapter VII, Title V of the Ordinance Code of the City of Pleasanton has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of Article 1, Chapter VII, Title V of said Ordinance Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Chief of Police within such 10-day period, the Chief of Police shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed _____

_____
Chief of Police"

"NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

As last registered (and/or legal) owner of record of (description of vehicle - make, model, license, etc.) you are hereby notified that the undersigned pursuant to Article 1, Chapter VII, Title V of the Ordinance Code of the City of Pleasanton has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Article 1, Chapter VII, Title V of said Ordinance Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle (or said parts of vehicle), you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Chief of Police within such 10-day period, the Chief of Police shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed _____

_____
Chief of Police"

(Based on Ord. 630)

§ 5-7.11 Request for Public Hearing. Upon request by the owner of the land received by the Chief of Police within 10 days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the Chief of Police on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such 10-day period, said statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least 10 days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within said 10 days after mailing of the notice of intention to abate and remove, the City shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

(Based on Ord. 630)

§ 5-7.12 Public Hearing. All hearings under this Article shall be held before the City Manager or his designee which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the said private property or public property. The City Manager shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The City Manager may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purpose of this Article. He may delay the time for removal of the vehicle or parts thereof if, in his opinion, the circumstances justify it. At the conclusion of the public hearing, the City Manager may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the City Manager shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the officer but does not appear, he shall be notified in writing of the decision.

(Based on Ord. 630)

§ 5-7.13 Appeal. Any interested party may appeal the decision of the City Manager by filing a written notice of appeal with the said City Manager within five days after its decision.

Such appeal shall be heard by the City Council which may affirm, amend or reverse the order or take other action deemed appropriate.

The Clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in §5-7.10.

In conducting the hearing the City Council shall not be limited to the technical rules of evidence.

(Based on Ord. 630)

§ 5-7.14 Disposal. Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five days from the date of mailing of notice of the decision if such notice is required by § 5-7.12, or 15 days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable.

(Based on Ord. 630)

§ 5-7.15 Registration. Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates.

(Based on Ord. 630)

§ 5-7.16 Assessment. If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to § 5-7.12 are not paid within 30 days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other City taxes.

(Based on Ord. 630)

TITLE V - VEHICLES AND TRAFFIC, STREETS AND HIGHWAYS

Chapter 8

ENCROACHMENTS

Article 1 - General Provisions

Article 2 - Permits and Fees

Article 3 - Requirements of Permittee

Article 4 - Appeals

Article 1

General Provisions

§ 5-8.01 Definitions. For purposes of this chapter the following words and phrases shall have meanings as follows:

a. "Encroach"or"Encroachment" shall mean going over, upon or under, or using any right-of-way or water course in such a manner as to prevent, obstruct, or interfere with its normal use, including the performance thereon of any of the following acts:

(1) Excavating, filling, or disturbing the right-of-way or water course;

(2) Erecting or maintaining any flag, banner, declaration, post, sign, pole, fence, guardrail, wall, loading platform, mailbox, pipe, conduit, wire, or other structure on, over or under a right-of-way or water course;

(3) Planting any tree, shrub, grass or other growing thing within a right-of-way or water course;

(4) Placing or leaving on a right-of-way or water course any rubbish, brush, earth or other material of any nature whatsoever;

(5) Constructing, placing or maintaining on, over, under or within the right-of-way any pathway, sidewalk, driveway, curb, gutter, paving or other surface or subsurface drainage structure or facility, any pipe, conduit, wire or cable;

(6) Traveling on the right-of-way by any vehicle or combination of vehicles or object of dimension, weight, or other characteristic prohibited by law without a permit;

(7) Lighting or building a fire;

(8) Constructing, placing, planting or maintaining any structure, embankment, excavation, tree or other object adjacent to a right-of-way or water course which causes or will cause an encroachment.

(Based on Sec. 1001.01, Ord. 341)

b. "Permittee" shall mean any person, firm, corporation or other agency that proposes to do work or encroach upon a right-of-way or water course as herein defined, and has been issued a permit for such encroachment by the Superintendent of Streets.

(Based on Sec. 1001.02, Ord. 341)

c. "Right-of-way" shall mean land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for and dedicated to the general public for street, highway, alley, public utility, or pedestrian walkway purposes.

(Based on Sec. 1001.03, Ord. 341)

d. "Public Street" shall mean the full width of the right-of-way of any road, street, highway, alley, lane or pedestrian walkway used by or for the general public whether or not said road, street, highway, alley, lane or pedestrian right-of-way has been improved or accepted for maintenance by the City, except streets and highways forming part of the State Highway System.

(Based on Sec. 1001.04, Ord. 341)

e. "Superintendent of Streets" shall mean the City Engineer or the Public Works Director of the City or his authorized agent.

(Based on Sec. 1001.05, Ord. 341)

f. "Private Contract" shall mean a contract between two or more parties for the installation, construction, revision, operation or creation of an encroachment, to which contract the City is not a party.

(Based on Sec. 1001.06, Ord. 341)

g. "Water Course" shall mean a channel for the carrying of storm water, including both natural and artificial water courses.

(Based on Sec. 1001.08, Ord. 341)

h. "Public Utility" shall mean private corporations or governmental jurisdictions authorized by law to establish and maintain any works or facilities in, under or over any public street. This article shall not be construed to limit the powers and duties vested by law in the Public Utilities Commission of the State of California, and in the event of any conflict the Public Utilities Commission's orders, rules, and regulations shall govern.

(Based on Sec. 1001.09, Ord. 341)

§ 5-8.02 Exceptions. This chapter shall not apply to officers or employees of the City acting in the discharge of their official duties, or to any work being performed by any person, firm or corporation pursuant to a contract with the City.

(Based on Sec. 1002, Ord. 341)

§ 5-8.03 Restriction of Use. All permits granted subject to this chapter shall be subject to the right of the City, and any person or persons entitled thereto, to use any part of a public right-of-way for any purpose for which it may be lawfully used, and no part of a right-of-way may be unduly obstructed at any time.

(Based on Sec. 1003, Ord. 341)

§ 5-8.04 Permit Required. No person shall encroach or cause to be made any encroachment of any nature whatever within, upon, over or under the limits of any right-of-way or water course, or make or cause to be made any alteration of any nature within, upon, over or under the limits of any

right-of-way or water course, or construct, put upon, maintain or leave thereon, or cause to be constructed, put on, maintained or left thereon, any obstruction or impediment of any nature whatever, or remove, cut or trim trees thereon, or set a fire thereon, or to place on, over or under such right-of-way any pipe line, conduit or other fixtures, or move over or cause to be moved over the surface of any right-of-way or over any bridge, viaduct, or other structure maintained by the City any vehicle or combination of vehicles or other object of dimension or weight prohibited by law or having other characteristics capable of damaging the right-of-way, or place any structure, wall, culvert, or similar encroachment, or make any excavation or embankment in such a way as to endanger the normal usage of the right-of-way or water course without having first obtained a permit as required by this chapter, except as may be provided in Section 5-8.05.

(Based on Sec. 1004, Ord. 341)

§ 5-8.05 Prohibited Encroachments. The following encroachments are specifically prohibited, and no applications will be accepted nor permits issued therefor:

a. Construction or maintenance of a loading dock on or in public right-of-way;
b. Erection or maintenance of a post, pole, column or structure for the support of advertising signs;
c. Installation or maintenance of underground tanks, vaults, or elevators, except that underground vaults may be permitted as part of facilities owned by public utilities or public agencies;
d. Erection, installation or maintenance of posts, poles or columns for the purpose of carrying lights intended primarily for lighting of abutting private property;
e. Installation or maintenance of signs bearing flashing or moving lights, except for temporary warning signs barricades or flashers required for protection of the public during construction operations;
f. Application of paint to paved surfacea, except for official traffic markings and marking of underground facilities in connection with construction or maintenance work.
g. Construction or placement of any fill, wall, pipe, column, pole, fence, tree, shrub or any other item within any right-of-way, or which would constrict and reduce the capacity of any water course to carry storm water.

(Based on Sec. 1005, Ord. 341)

§ 5-8.06 Variance. The Superintendent of Streets may grant a variance to the above terms in the following situations:

a. Where other City ordinances, state laws, or regulations are in conflict herewith;

b. Where the City Planning Commission, by resolution, as a condition to land use application requires an encroachment not otherwise permitted; and

c. Where, in the sound discretion of the Superintendent of Streets, the proposed encroachments should not be prohibited under the special circumstances presented.

(Based on Sec. 1005.5, Ord. 341)

§ 5-8.07 Hours of Work. All work regulated by this chapter, and approved by the Superintendent of Streets, shall be performed during the regular working hours of the working week, Monday through Friday. On Saturdays, Sundays and holidays, when City personnel are not on duty, no work authorized by this chapter shall be performed. Public utilities may perform work during other than the regular working hours of the regular working week where, in the judgment of the Superintendent of Streets, inspection of said work is not necessary until the next regular working day.

(Based on Sec. 1006.01, Ord. 341)

§ 5-8.08 Emergency Work. The above provision shall not prohibit any person from maintaining any pipe or conduit lawfully on or under any public street, or from making excavation as may be necessary for the preservation of life or property when an urgent necessity therefor arises during the hours the offices of the City are closed, except that the person making an emergency use or encroachment on a public street shall apply for a permit therefor within one (1) calendar day after the offices of the City are again opened.

(Based on Sec. 1006.02, Ord. 341)

§ 5-8.09 Limited Operation Areas. The City Council may, from time to time, designate by resolution certain public streets to be Limited Operation Areas. The following acts are prohibited in Limited Operation Areas: to conduct construction operations between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 3:30 p.m. and 6:00 p.m.; provided, that in the event of emergency the Superintendent of Streets may give permission to vary the requirements of this section.

(Based on Sec. 3004, Ord. 341)

Article 2

Permits and Fees

§ 5-8.13 Authority to Issue Permits. Upon the approval of the Superintendent of Streets, written permits required by this chapter shall be issued by the City Clerk, subject to the provision of this chapter and other applicable laws.

(Based on Sec. 2001, Ord. 341)

§ 5-8.14 Application for Permit. The Superintendent of Streets shall prescribe and provide a regular form of applications for the use of applicants for permits required by this chapter. The application shall show such information and details as the Superintendent of Streets may deem necessary to establish the exact location, nature, dimensions, duration, and purpose of the proposed use or encroachment.

(Based on Sec. 2002, Ord. 341)

§ 5-8.15 Exhibits Required. When required by the Superintendent of Streets, the application shall be accompanied by maps, sketches, diagrams, or similar exhibits, to the size and in the quantity as the Superintendent of Streets may prescribe, sufficient to clearly illustrate the location, dimensions, nature and purpose of the proposed encroachment and its relation to existing and proposed facilities in the right-of-way or water course.

(Based on Sec. 2003, Ord. 341)

§ 5-8.16 Consent of Public Agencies. The applicant shall also enclose with, attach or add to the application the written order or consent to any work thereunder, required by law, of the Public Utilities Commission, Sanitary District, Water District, Flood Control District, or any other public body having jurisdiction. A permit shall not be issued until and unless such order or consent is first obtained and evidence thereof filed with the Superintendent of Streets. The permittee shall keep himself adequately informed of all State and Federal laws and local ordinances and regulations which in any manner affect the permit. The applicant shall at all times comply with and shall cause all his agents and employees to comply with all such laws, ordinances, regulations, decisions, court and similar authoritative orders.

(Based on Sec. 2004, Ord. 341.)

§ 5-8.17 Action on Applications. Applications may be approved, conditionally approved, or denied. When the Superintendent of Streets finds that the application is in accordance with the requirements of this chapter, he shall issue a permit for the use or encroachment, attaching such conditions as he may deem necessary for the health, safety and welfare of the public and for the protection of the City. If the Superintendent of Streets finds the application is in conflict with the provisions of this chapter, he shall deny the permit, giving in writing the reasons for said denial.

(Based on Sec. 2005, Ord. 341)

§ 5-8.18 Permit--Form and Validity. Permits must be written on a form prescribed by the Superintendent of Streets. No permit shall be valid unless signed by the Superintendent of Streets or his authorized representative.

(Based on Sec. 2006, Ord. 341)

§ 5-8.19 Term of Permit: Beginning of Work. The permittee shall begin the work or use authorized by a permit issued pursuant to this chapter within ninety (90) days from date of issuance, unless a different period is stated in the permit. If the work or use is not begun accordingly, then the permit shall become void.

(Based on Sec. 2007, Ord. 341)

§ 5-8.20 Term of Permit: Completion of Work. The permittee shall complete the work or use authorized by a permit issued pursuant to this chapter within the time specified in the permit. If at any time the Superintendent of Streets finds that the delay in the prosecution of completion of the work or use authorized is due to lack of diligence on the part of the permittee, he may, after notice to the permittee, cancel the permit and restore the right-of-way or water course to its former condition. The permittee shall reimburse the City for all expenses by the Superintendent of Streets in restoring the right-of-way or water course.

(Based on Sec. 2008, Ord. 341)

§ 5-8.21 Display of Permit. The permittee shall keep any permit issued pursuant to this chapter at the site of work, or in the cab of a vehicle when movement thereof on a public street is involved, and the permit must be shown to any authorized representative of the Superintendent of Streets or law enforcement office on demand.

A permit issued for continued use or maintenance of an encroachment may be kept at the place of business of the permittee or otherwise safeguarded during the term of validity, but shall be made available to an authorized representative of the Superintendent of Streets or law enforcement officer within a reasonable time after demand therefor is made.

(Based on Sec. 2009, Ord. 341)

§ 5-8.22 Non-Assignment. Permits shall be issued only to the person, firm, or corporation making application therefor and may not be assigned to any other party by the permittee. If any permittee assigns his permit to another, the permit shall become void.

(Based on Sec. 2010, Ord. 341)

§ 5-8.23 Changes in Permit or Work. No changes may be made in the location, dimension, character or duration of the encroachment or use as granted by the permit except upon written authorization of the Superintendent of Streets. No permit shall be required for the continuing use or maintenance of encroachments installed by Public Utilities, or for changes therein or thereto where such changes or additions require no excavation of the right-of-way.

(Based on Sec. 2011, Ord. 341)

§ 5-8.24 Fees. The schedule of fees will be as established and adopted by the City Council from time to time by resolution. Before a permit is issued the applicant shall deposit with the City cash or check, in a sufficient sum to cover the fee for issuance of the permit, charges for field investigation, and the fee for necessary inspection, all in accordance with the schedule established and adopted by the City Council.

Public Utilities may make payment for the above charges as billed by the City instead of advance deposit as required above, or make payment in accordance with established franchise agreements.

Fees will not be required of any public agency which is authorized by law to establish or maintain any works or facilities in, under, or over any public street, right-of-way or water course.

(Based on Sec. 2012, Ord. 341)

§ 5-8.25 Bonds.

a. Cash Deposit. Unless this part is waived in the permit and before a permit is effective, the permittee shall deposit with the Superintendent of Streets or agent authorized by resolution of the City Council, cash or a certified or cashier's check, in the sum to be fixed by the Superintendent of Streets as sufficient to reimburse the City for cost of restoring the right-of-way or water course to its former condition, based on the schedules, if any, adopted by resolution of the City Council; provided, however, that the permittee may file a cash deposit on an annual basis in a sum estimated by the Superintendent of Streets as sufficient to cover permittee's activities during any twelve (12) month period.

(Based on Sec. 2013.01, Ord. 341)

b. Bond in Lieu of Cash Deposit. In lieu of the cash deposit prescribed in Section 5-8.25(a) above, the permittee may, upon approval by the Superintendent of Streets, file a cash deposit in the minimum sum established by the schedule, if any, adopted by the City Council and in effect at the time of application for a permit, and the balance of the sum fixed by the Superintendent of Streets as sufficient to reimburse the City expenses incurred in restoring the right-of-way or water course to its former condition, may be filed in the form of an approved surety bond issued by a company authorized to do a general surety business in the State of California.

(Based on Sec. 2013.02, Ord. 341)

c. Annual Bond. In lieu of cash deposits, the permittee may, upon approval of the Superintendent of Streets, annually file with the City Clerk an approved surety bond issued by a company authorized to do a general surety business in the State of California, in a sum fixed by the Superintendent of Streets as sufficient to reimburse the City for expenses to be incurred in restoring the right-of-way or water course to its former condition, subject to the schedules, if any, adopted by resolution of the City Council.

(Based on Sec. 2013.03, Ord. 341)

d. Bond for Continuing Use. An applicant for a permit for a use or encroachment which is to continue or remain within, under, or upon a water course, or right-of-way of a public highway beyond the time authorized for construction or installation shall file with the City Clerk a cash deposit or surety bond issued by a company authorized to do a general surety business in the State of California in a penal sum to be fixed by the Superintendent of Streets as sufficient to reimburse the City for all expenses incurred by the Superintendent of Streets in making the water course available for flow of storm water or in making the right-of-way safe and convenient for the travel of the general public, subject to the schedules, if any, adopted by resolution of the City Council, and in effect at the time of application for a permit.

(Based on Sec. 2013.04, Ord. 341)

e. Additional Bond or Cash Deposit. The Superintendent of Streets may require an additional bond or cash deposit at any time when in his opinion the amount of the bond or cash deposit previously made is insufficient, subject to the schedules, if any, adopted for that purpose by the City Council, and in effect at the time of application for a permit.

(Based on Sec. 2013.05, Ord. 341)

f. Condition of Bond and Cash Deposit. The condition of any bond or cash deposit made pursuant to this article shall be that the permittee will diligently and with good faith comply with this chapter and the terms and conditions of the permit.

(Based on Sec. 2013.06, Ord. 341)

g. Bond Payable to City. Any bond or cash deposit required by the Superintendent of Streets pursuant to this chapter shall be payable to the City of Pleasanton, California. Upon satisfactory completion of all work authorized in the permit, and fulfillment of all conditions of the permit, the bond or cash deposit will be released.

(Based on Sec. 2013.07, Ord. 341)

h. Exclusions. Cash deposits or bonds will not be required of any public utility or public agency which is authorized by law to establish or maintain any works or facilities in, under, or over any public street or right-of-way.

(Based on Sec. 2013.08, Ord. 341)

§ 5-8.26 Liability. The permittee shall be responsible for all liability imposed by law for personal injury or property damage proximately caused by work permitted and done by permittee under permit, or proximately caused by failure on the permittee's part to perform its obligations under said permit in respect to maintenance. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage. The permittee shall not interfere with any existing City

utility without the written consent of the Superintendent of Streets. No utility owned by the City shall be moved to accommodate the permittee, unless the cost of such work is borne by the permittee. The permittee shall support and protect all pipes, conduits, poles, wires, or other underground structures affected by excavation work, and shall inform the owner if any damage occurs to such facilities during the conduct of its work. The expense of repairs of any damage to City utilities shall be charged to the permittee. If any claim of such liability is made against the City of Pleasanton, California, its officers or employees, permittee shall defend, indemnify and hold them, and each of them, harmless from such claim insofar as permitted by law.

(Based on Sec. 3001, Ord. 341)

§ 5-8.27 Public Safety. The permittee in the conduct of the work, use or maintenance of an encroachment authorized by a permit issued pursuant to this chapter shall provide, erect, and/or maintain such lights, barriers, warning signs, patrols, watchmen, and other safeguards as are necessary to protect the traveling public. Any omission on the part of the Superintendent of Streets to specify in the permit what lights, barriers, or other protective measures or devices shall not excuse the permittee from complying with all requirements of law and appropriate regulations and ordinances for adequately protecting the safety of those using public streets. If, at any time, the Superintendent of Streets finds that suitable safeguards are not being provided, the City may provide, erect, maintain, relocate, or remove such safeguards as are deemed necessary, or may cancel the permit and restore the right-of-way to its former condition, all at the expense of the permittee. Where, in the judgment of the Superintendent of Streets, emergency conditions exist, notice need not be given to permittee.

A permittee making any excavation or erecting or leaving any obstruction within, under, or upon the right-of-way, or causing the same to be made, erected, or left, shall place and maintain lights at each end of the excavation or obstruction, at not more than fifty (50) foot intervals along the excavation or obstruction, from one-half (½) hour before sunset of each day to one-half (½) hour after sunrise of the next day, until the excavation is entirely refilled or the obstruction removed and the right-of-way made safe for use.

Where vehicular traffic and location of excavation or obstruction require, warning signs shall be placed in advance of any obstruction or excavation within the traveled way, in such a position as to warn traffic. Reflectors or reflecting material may be used to supplement, but not replace, light sources.

The warning signs, lights and other safety devices shall conform to applicable requirements of the Vehicle Code and of any sign manual issued by the Department of Public Works of the State of California.

(Based on Sec. 3002, Ord. 341)

§ 5-8.28 Maintaining Traffic. The permittee shall give particular attention to facilitating the flow of vehicular and pedestrian traffic. Unless prior written approval is obtained from the Superintendent of Streets, the permittee may not:

(1) Obstruct more than one-half (½) of the area used by vehicles;
(2) Obstruct the area between the curb (or the shoulder if there is no curb) and the right-of-way line in such a way as to create a hazardous path for pedestrians.

The permittee may not obstruct a driveway on a developed property, except that under unusual circumstances, and with forewarning to the occupant of the affected property, a driveway approach may be obstructed for a limited period of time.

The use of flagmen is mandatory where (1) the two-way vehicular traffic has less than twenty (20) feet in which to pass, or (2) vehicular traffic must pass to the left of the dividing islands in passing the site of the encroachment. The permittee may be required to remove excavated material from the site of the encroachment as it is excavated, rather than stockpiling it on the street, when such removal is necessary to permit traffic to pass freely and safely.

(Based on Sec. 3003, Ord. 341)

§ 5-8.29 Notices.

a. Notices to City. All notices required by this chapter to be given by the permittee to the Superintendent of Streets shall be given at his office at the City Hall.

(Based on Sec. 3005.01, Ord. 341)

b. Notice to Permittee. Any notice to be given to the permittee shall be deemed to have been received by him upon mailing by certified mail to the address shown on the permit or when notice is receipted for by permittee.

(Based on Sec. 3005.02, Ord. 341)

c. Beginning of Work. Before beginning any work which is or includes excavation, construction of concrete sidewalks, curbs, gutters or driveway approaches, planting, trimming or removing trees, making, placing or causing an obstruction in the water course or traveled way, the permittee shall notify the Superintendent of Streets.

(Based on Sec. 3005.03, Ord. 341)

d. Completion of Work. The permittee shall, upon completion of all work authorized in the permit, notify the Superintendent of Streets. No work shall be deemed to be completed until notification of completion is given pursuant to this section and the work is accepted by the Superintendent of Streets.

(Based on Sec. 3005.04, Ord. 341)

Article 3

Requirements of Permittee

§ 5-8.32 Care of Drainage. If the work, use or encroachment authorized in the permit issued pursuant to this chapter shall interfere with the established drainage, the permittee shall provide for proper drainage as directed by the Superintendent of Streets. Should the permittee fail to properly care for drainage, the Superintendent of Streets shall notify the permittee to take corrective action; if the permittee fails to complete such corrective action immediately upon receiving said notice, the Superintendent of Streets shall take such action as may be necessary to correct the drainage at the expense of the permittee.

(Based on Sec. 3006, Ord. 341)

§ 5-8.33 Proper Execution of Work. It shall be incumbent upon the permittee to plan and execute the work or use so as to cause the least inconvenience to the general public and abutting property owners.

(Based on Sec. 3007, Ord. 341)

§ 5-8.34 Restoring of Street. Upon completion of the work, acts or things for which the permit was issued, or when required by the Superintendent of Streets, the permittee shall replace, repair or restore right-of-way or water course at the place of work to the same condition existing prior thereto unless otherwise provided in the permit. The permittee shall remove all obstructions, impediments,materials or rubbish caused or placed within or upon the water course or the right-of-way of the public street under the permit, snd shall do any other work or perform any act necessary to restore the water course or right-of-way to a safe and usable condition.

(Based on Sec. 3008, Ord. 341)

§ 5-8.35 Maintenance of Encroachment. After completion of all work, the permittee shall exercise reasonable care in inspecting and maintaining the area affected by the encroachment. For a period of one (1) year after the completion of the work the permittee shall repair and make good any injury or damage to any portion of tha street which occurs as the result of work done under the permit, including any and all injury or damage to the street which would not have occurred had such work not been done. By the acceptance of the permit the permittee agrees to comply with the above. The permittee shall, upon notice from the Superintendent of Streets, immediately repair any injury, damage or nuisance, in any portion of the right-of-way or water course, resulting from the work done under the permit. In the event that the permittee fails to act promptly,or should the exigencies of the injury or damage require repairs or replacement to be made before the permittee can be notified or can respond to the notifications, the City may, at its option make the necessary repairs or replacement or perform the necessary work, and the permittee shall be charged with all the expenses incurred in the performance of the work.

(Based on Sec. 3009, Ord. 341)

§ 5-8.36 Relocation or Removal of Encroachments. If any future construction, reconstruction, or maintenance work by the City on a water course or right-of-way require the relocation, removal or abandonment of installations or encroachments in, on or under the water course or right-of-way, the permittee owning, controlling or maintaining such installations or encroachments shall relocate, remove or abandon the same as his sole expense; provided, however, that this provision shall apply to and remain in force and effect only so long as a street right-of-way upon which such installations or structures are located shall be used for usual street purposes and not as a freeway, and this provision shall cease to apply when such street shall become a freeway.

The provisions of the above paragraph shall not apply to any public utility possessing a franchise from the City or the State of California, which by its express terms or by state statute does impose an obligation to relocate upon the public utility.

When removal, relocation or abandonment is required, the Superintendent of Streets shall give said permittee a written demand specifying the place of relocation or that the installation or encroachment must be removed, relocated or abandoned. If said permittee fails to comply with said instructions, the City may cause the removal, relocation or abandonment of the encroachment at the expense of the permittee.

(Based on Sec. 3010, Ord. 341)

§ 5-8.37 Standards and Specifications. The Superintendent of Streets shall establish such standards and specifications as he may deem necessary for the proper construction, use and maintenance of encroachments. Any work or use done under such permit issued under provisions of this chapter shall conform to said standards and specifications. In the absence of specific standards and specifications, recognized standard of construction or approved practices shall govern the work or use.

(Based on Sec. 3011, Ord. 341)

§ 5-8.38 Supervision and Inspection. The Superintendent of Streets is authorized to make such inspections in person or through authorized subordinates as he may deem necessary in connection with permits issued under this chapter. All work done or uses under such permits shall be under the supervision of and to the satisfaction of the Superintendent of Streets.

(Based on Sec. 3012, Ord. 341)

§ 5-8.39 Storage of Materials. Unless otherwise approved by the Superintendent of Streets, no material shall be stored within five (5) feet of a public street, and/or excess earth materials from trenching or other operations shall be removed from the pavement, traveled way, or shoulder as the trench is back-filled or other work carried forward.

(Based on Sec. 3013, Ord. 341)

§ 5-8.40 Pipes and Conduits. Utility services and other small diameter pipes or rigid conduits shall be jacked or otherwise forced underneath a paved surface. The paved surface of a road shall not be cut, trenched or

otherwise disturbed unless specifically authorized in the permit. No tunneling will be permitted.

(Based on Sec. 3014, Ord. 341)

§ 5-8.41 Minimum Cover. The minimum cover over any and all pipes or conduits larger than two and a half (2½) inches installed within the right-of-way shall be two and one-half (2½) feet of earth or imported materials, unless otherwise specified in the permit. Within the public street, the minimum cover of two and one-half (2½) feet shall be measured from the surface, existing or planned. The Superintendent of Streets is authorized to permit installation of pipes or conduits where two and one-half (2½) feet of cover cannot be provided because of topography, structures, or other engineering necessity.

(Based on Sec. 3015, Ord. 341)

§ 5-8.42 Backfill. Backfilling of an excavation shall be in accordance with specifications established by the Superintendent of Streets or as otherwise required by him, both as to material and method; and backfill shall not be placed in any excavation without compaction of the material used therein, the degree and method thereof to be to the satisfaction of the Superintendent of Streets.

(Based on Sec. 3016, Ord. 341)

§ 5-8.43 Poles and Transmission Line Carriers. Clearances and types in the construction of poles and transmission line carriers shall be in accordance with rules, regulations and orders of the Public Utilities Commission and other public agencies having jurisdiction.

No guy wires are to be attached to trees without specific authorization to do so in the permit, and in no event shall guy wires be so attached as to girdle the tree or interfere with its growth. Guy wires shall not be below the minimum elevation above the ground, prescribed in the rules, orders and regulations of the Public Utilities Commission.

When a pole, brace, stub or similar timber is removed and not replaced, the entire length thereof shall be removed from the ground and the hole backfilled and compacted. Where such pole, brace, stub or similar timber was located in an area paved with concrete, asphalt, or other permanent surfacing, the area occupied shall be trimmed and resurfaced in kind to the satisfaction of the Superintendent of Streets.

(Based on Sec. 3017, Ord. 341)

§ 5-8.44 Cutting Exposed Concrete Pavement. Saw cutting of Portland cement concrete may be required by the Superintendent of Streets when the nature of the job or the condition of the street warrants. Any cuts required in exposed concrete sidewalk, curb, gutter, driveway, or paving shall be defined by a saw cut to a depth of not less than one-sixth (1/6) the thickness of said concrete, to a maximum of one (1) inch. All cuts in concrete shall be made to the nearest score line, unless otherwise permitted by the Superintendent of Streets. The Superintendent of Streets may

require removal of additional concrete when necessary to present a suitable appearance upon restoration. If over-breakage occurs, permittee shall extend the removal to the next score line.

(Based on Sec. 3018, Ord. 341)

§ 5-8.45 Aids to Visibility. When the location or position of a pole or other obstruction makes accentuation of its visibility to vehicular traffic necessary, the Superintendent of Streets may require that the pole or other obstruction be painted or equipped with reflectors or other aids to visibility prescribed or authorized by the Public Utilities Commission or the Department of Public Works of the State of California at the expense of the permittee.

(Based on Sec. 3019, Ord. 341)

§ 5-8.46 Movements of Vehicles or Objects. Before a vehicle or combination of vehicles or object of weight or dimension or characteristic prohibited by law without a permit is moved on any public right-of-way, a permit to do so must first be granted by the Superintendent of Streets as set forth in specifications established by the Superintendent of Streets or as otherwise required by him.

When authorized by a permit issued pursuant to this chapter to move a vehicle or combination of vehicles or load of dimension or weight in excess of that permitted by law, the permittee shall comply with the general law regulating traffic over a public street, including posted signs or notices which limit speed or direction of travel, or weight which may be placed upon a structure or the width or height that may be moved thereon or thereover, or otherwise restrict or control travel on a public street. The permittee shall at all times conform to and abide by the practice and procedure necessary to make safe and convenient the travel of the general public, and to keep safe and preserve the public highway over and on which movement is being made. Any violation of this section shall act toward cancellation of the permit issued to the permittee.

Prior to commencing any move for which a permit is granted pursuant to this section, the permittee shall give at least forty-eight (48) hours written notice to all police and fire department authorities having jurisdiction.

(Based on Sec. 3020, Ord. 341)

§ 5-8.47 Mailboxes. Individualized mailboxes required to be located at or near the curb in order to conform to the requirements of the United States Postal Service shall be permitted within the public right-of-way, provided said mailboxes comply with a Resolution Establishing Standards for Mailboxes. Copies of the resolution, or amendments thereto are available in the City Clerk's office.

(Based on Sec. 3021, Ord. 341, as amended by Sec. 1, Ord. 453 and Ord. 762.)

safety of the traveling public.

c. Boxes for the collection of mail may be permitted within the sidewalk area subject to the approval of the Director of Public Works.

d. No permit shall be issued for placing individual boxes for the delivery of mail.

(Based on Sec. 3021, Ord. 341, as amended by Sec. 1, Ord. 453)

§ 5-8.48 Hedges, Fences or Shrubbery.

a. Planting or Erection. No hedge, fence, shrub or similar structure shall be planted, erected, or maintained in a water course or right-of-way without a permit.

No hedge, shrub or other planting whatever, fence or similar structure shall be maintained across any existing walkway in a sidewalk area or shoulder. The intent of this restriction is to keep free a walkway for pedestrian or other lawful public travel without interference by or with vehicular travel. No encroachment of any nature will be permitted or maintained which impedes, obstructs, or denies such pedestrian or other lawful travel within the limits of the right-of-way of a public street, or which impairs adequate sight distance for safe pedestrian or vehicular traffic.

(Based on Sec. 3022.01, Ord. 341)

b. Maintenance. The permittee, or the owner of the adjacent property, shall maintain the hedges, shrubs, walls, fences or similar structures erected for landscaping purposes in a neat and orderly condition at all times. If the encroachment is not maintained as specified in this chapter, the Superintendent of Streets may direct that permittee or property owner remove the encroachment and restore the right-of-way or water course to its former condition at the expense of the permittee or property owner.

(Based on Sec. 3022.02, Ord. 341)

c. Lawns. Notwithstanding anything contained herein to the contrary, any person may plant and maintain a lawn of any grass, or type not prohibited by other law, within the right-of-way of a public street without a written permit. However, the lawn shall not extend into the traveled way of the public street nor into the drainage ditches, gutters or other drainage facilities.

The general public may not be denied the use of the planted area for pedestrian or other lawful travel. The City may use the planted area for any purpose whatever, and may issue a permit to any applicant to go thereon to perform work or otherwise encroach pursuant to this chapter. If the lawn is damaged or disturbed in the course of any authorized encroachment, it will be removed and replaced by the permittee unless the permit specifically states otherwise.

(Based on Sec. 3022.03, Ord. 341)

§ 5-8.49 Irrigation Systems. No portion of any irrigation system shall extend above the level of the surrounding ground or pavement. No irrigation system shall be installed in such a way as to direct sprays or streams of water onto or over adjacent street, sidewalk or driveway areas.

(Based on Sec. 3023, Ord. 341)

§ 5-8.50 Preservation of Monuments. Any monument of granite, concrete, iron or other lasting material set for the purpose of locating or preserving the lines and/or elevation of any public street or right-of-way, property subdivision or a precise survey point or reference point shall not be removed or disturbed without first obtaining permission from the Superintendent of Streets to do so, said permission to be granted in conformance with requirements as set forth in specifications established by the Superintendent of Streets. Replacement of removed or disturbed monument will be at the expense of the permittee.

(Based on Sec. 3024, Ord. 341)

§ 5-9.01 Maps of Facilities. Each permittee installing, constructing, or maintaining underground facilities, such as pipes, wires, conduits, or similar structures, shall maintain accurate and complete maps of such facilities. The Superintendent of Streets shall be furnished, at no cost to the City, information regarding location, size, and character of such facilities, either by sketches or maps, as may be necessary from time to time.

(Based on Sec. 3025, Ord. 341)

§ 5-9.02 Public Service Directional Signs. Public service directional signs for churches, hospitals and similar places of public use may not be erected, placed or maintained within a right-of-way without first obtaining a permit hereunder. The City Council may, from time to time, adopt by resolution special regulations and fee schedules pertaining to encroachment by such signs.

(Based on Sec. 3026, Ord. 341)

§ 5-9.03 Excavation of Newly Paved Streets. The Superintendent of Streets shall encourage private persons and public agencies to complete all maintenance and new construction before a street or other right-of-way is improved or newly paved. He shall scrutinize closely, and be firm in granting variances to these provisions upon receiving applications for encroachments on newly paved streets.

(Based on Sec. 3027.01, Ord. 341)

Article 4

Appeals

§ 5-9.07 Right of Appeal. Any person aggrieved by the action of any administrative official of the City acting under this chapter may appeal said decision to the City Council.

a. Method of Filing Appeal. Said aggrieved person shall file notice in writing with the City Clerk within seven (7) days after final action of the administrative official whose action is being appealed.

b. Action of City Council. The City Council may affirm, modify or reverse the action of the administrative official from whom the appeal is taken.

(Based on Secs. 4001.01 through 4001.03, Ord. 341)

TITLE V - VEHICLES AND TRAFFIC, STREETS AND HIGHWAYS

Chapter 9

FUTURE STREET WIDTH LINES

Article 1 - General Provisions

Article 2 - Future Street Width Lines

Article 1

General Provisions

§ 5-9.18 Objectives. This chapter is adopted to protect and to promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically this chapter is adopted in order to achieve the objectives of the General Plan and the Zoning Ordinances of the City of Pleasanton as adopted and amended by the City Council.

(Based on Sec. 1, Ord. 544)

§ 5-9.19 Nature. This chapter shall consist of the regulations and general descriptions contained herein and a set of maps as hereinafter described. Said maps shall be maintained on file in the Office of the Director of Public Works.

(Based on Sec. 2, Ord. 544)

§ 5-9.20 Extent. This chapter shall apply to the hereinafter described streets within the City of Pleasanton and to those portions of said described streets annexed to the City of Pleasanton at a future date.

(Based on Sec. 3, Ord. 544)

§ 5-9.21 Applicability. For the purpose of measuring yard dimensions and determining building lines as may be required by the Zoning Ordinances and Building Codes of the City of Pleasanton, the future street width lines described herein shall be deemed to refer to the property line and shall be used in the same manner as any other existing property line.

(Based on Sec. 4, Ord. 544)

Article 2

Future Street Width Lines

§ 5-9.25 Bernal Avenue. The future width for this street is shown on the plan of the City of Pleasanton, Department of Public Works, Division of Engineering, entitled "Right of Way Record Map, Bernal Avenue Realignment" prepared by MacKay and Somps, Civil Engineers, dated May, 1965, and generally described as follows:

A 108-foot wide right-of-way the centerline of which is generally described as follows: Beginning at the intersection of the centerline of Pleasanton Avenue and Bernal Avenue in the City of Pleasanton, thence S.89°36'55" W., 76.80 feet along the centerline of Bernal Avenue; thence S.0°23'05" E., 30.00 feet to the true point of beginning and point of curvature of a 1000 foot radius curve to the right, thence northeasterly, easterly and southeasterly along said curve 231.16 feet and through a control angle of 13°14'40" to the point of tangency; thence S. 77°08'25" E., 802.10 feet to the point of curvature of a 1000 foot radius curve to the right; thence southeasterly along said curve a distance of 358.67 feet and through a central angle of 20° 33'00" to the point of tangency; thence S. 56°35'25" E., 264.22 feet to the point of curvature at a 1000 foot radius curve to the left; thence southeasterly along said curve 395.61 feet and through a central angle of 22°40'01" to the point of tangency; thence S. 79°15'26" E., 347.97 feet to the point of curvature of a 500 foot radius curve to the right; thence southeasterly along said curve 262.25 feet and through a central angle of 30°03'06" to the terminal point of this description, said point lying S. 40°47'40" W., 5 feet from the intersection of the centerline of Minnie Street and the southeasterly right-of-way of First Street extended from that portion northeasterly of said intersection.

(Based on Sec. 5, Ord. 544)

§ 5-9.26 Vine Street. The future width for this street is shown on the plan prepared by the City of Pleasanton, Department of Public Works, Division of Engineering, entitled "Future Street Width Lines, Vine Street", dated January, 1966, and is generally described as follows:

A fifty-foot wide right-of-way which shall be the extension of Vine Street as it presently exists in unincorporated territory, the centerline of which is approximately 400 feet from the existing northerly right-of-way line of Vineyard Avenue and parallel thereto, terminating at its westerly limit in a cul-de-sac having a main radius of 45 feet, said cul-de-sac shall have its most westerly limit approximately 140 feet west of the extension of the centerline of Amador Court and situated so as to serve the property now or formerly owned by J.C. and W. Paulo; and a 50-foot wide right-of-way at right angles to Vineyard Avenue, extending from Vineyard Avenue northerly to an intersection with the previously described right-of-way, the centerline of which

shall be approximately 105 feet easterly of the extension of the centerline of Amador Court and shall be centered on the property now or formerly owned by J.B. and M.R. Vallarino; and 20 feet radius returns at all right-of-way line intersections.

(Based on Sec. 6, Ord. 544)

§ 5-9.27 Del Valle Parkway. The future width for this street is shown on the plan prepared by MacKay & Somps, Civil Engineers, entitled "Proposed Right-of-Way, Del Valle Parkway", dated February, 1966, and is generally described as follows:

Line One, from Hopyard Road to Santa Rita Road. A 120-foot wide right-of-way from Hopyard Road to Santa Rita Road, the centerline of which begins North 37°27'18" West, 208.16 feet and North 39°17'53" West, 307.00 feet from the intersection of the centerlines of Fair Street and Division Street; thence North 47°34'04" East, 158.24 feet to the point of curvature of a curve to the right having a radius of 600 feet; thence northeasterly, easterly and southeasterly along last said curve a distance of 781.85 feet and through a central angle of 74°39'39" to its point of tangency; thence South 57°46'17" East, 853.08 feet to the point of curvature of a curve to the left having a radius of 1000 feet; thence southeasterly along last said curve a distance of 251.25 feet and through a central angle of 14°23'43" to the point of tangency; thence 72°10'00" East, 495.90 feet to the point of curvature of a curve to the right having a radius of 1000 feet; thence southeasterly along last said curve a distance of 333.11 feet and through a central angle of 19°05'10" to the point of tangency, said point of tangency also being the point of curvature of a curve to the left having a radius of 1000 feet; thence southeasterly along last said curve a distance of 298.94 feet and through a central angle of 17°07'40" to the point of tangency; thence South 70° 12'30" East, 217.57 feet to a point on the centerline of Santa Rita Road from which the intersection of last said centerline and the centerline of Stanley Boulevard bears North 8°12'10" East, 252.01 feet distant.

Line Two, from Santa Rita Road to Stanley Boulevard. A right-of-way of varying widths from Santa Rita Road to the survey line of Stanley Boulevard and First Street, the centerline of which begins on the centerline of Santa Rita Road and lies South 8°12'10" East, 252.01 feet from the intersection of last said centerline and the centerline of Stanley Boulevard; thence South 70°12'30" East, 256.27 feet to the point of curvature of a curve to the left, having a radius of 500 feet, but not the point of curvature to the right-of-way line; thence southeasterly, easterly and northeasterly along said curve of 500 feet radius, 476.60 feet to the point of tangency, but not the point of tangency of the right-of-way lines, said right-of-way commences as a width of 104 feet and narrows along the curve to 84 feet; thence along said centerline of a right-of-way 84 feet in width, North 55°10'40" East, 240.03 feet to the centerline of a segment of right-of-way to the northwest (said right-of-way being 66 feet in width, whose centerline proceeds North 34°49'20" West, 62.00 feet from the last described point to the point of curvature of a curve of 200 feet radius, and northwesterly along last said curve 191.86 feet

to its point of tangency and intersection with the centerline of Stanley Boulevard, excepting that land previously included in the right-of-way of said Stanley Boulevard); thence continuing North 55°10'40" East, 79.00 feet to the point of curvature of a curve to the right having a radius of 500 feet; thence northeasterly, easterly and southeasterly along last said curve 305.74 feet and through a central angle of 35°02' 07" to the point of tangency, said point of tangency also being on the centerline of the existing 66-foot wide right-of-way of Stanley Boulevard; thence along the centerline of said 84-foot right-of-way and the centerline of the existing 66-foot right-of-way, South 89°47'13" East, 747.24 feet to its point of intersection with the survey line of Stanley Boulevard and First Street, South 39°18'50" West, 516.84 feet from a county monument on the survey line of Stanley Boulevard.

Line Three, from Stanley Boulevard to Vineyard Avenue. A right-of-way of varying widths from the survey line of Stanley Boulevard and First Street to Vineyard Avenue, its centerline of which begins on the said survey line of Stanley Boulevard and First Street, South 39°18'50" West, 516.84 feet from a county monument on last said survey line; thence South 89°47'13" East, 385.76 feet with a right-of-way of 120 feet in width; thence South 89°47'13" East, 80 feet to the point of curvature of a curve to the left having a radius of 500 feet (the right-of-way reduces from 120 feet to 104 feet along last said course); thence with a right-of-way width of 104 feet, southeasterly, easterly and northeasterly along last said curve, 145.50 feet through a central angle of 16° 40'22" to the point of tangency; thence North 73°32'25" East, 198.94 feet to the point of curvature of a curve to the right having a radius of 500 feet; thence northeasterly, easterly and southeasterly along last said curve 321.07 feet and through a central angle of 36°47'32" to the point of tangency; thence South 69°40'63" East, 750.00 feet to the point of curvature of a curve to the left having a radius of 1200 feet; thence southeasterly along said curve 252.02 feet and through a central angle of 12°01'59" to the point of tangency; thence South 81° 42'02" East, 1,155.00 feet to the point of curvature of a curve to the left having a radius of 1200 feet; thence southeasterly, easterly and northeasterly along last said curve, 178.01 feet to the point of tangency, said point of tangency being on the centerline of Vineyard Avenue, North 89°48'00" East, 220.00 feet from a square head bolt monumenting the centerline angle point on Vineyard Avenue, excepting the existing right-of-way of Vineyard Avenue.

(Based on Sec. 7, Ord. 544)

§ 5-9.28 Santa Rita Road-Tassajara Road. The future width for this street is shown on the plan prepared by the City of Pleasanton, Department of Public Works, Division of Engineering, entitled "Future Street Width Lines, Santa Rita Road", dated May 8, 1967, and is generally described as follows:

A 128-foot wide right-of-way from Valley Avenue northerly to the intersection with Tassajara Road, the centerline of which shall be the existing centerline of Santa Rita Road and a 128-foot wide right-of-way from Santa Rita Road northerly to U.S. Highway 580, eccentric

about the existing 56-foot wide right-of-way of Tassajara Road, with 8-foot additional right-of-way widening on the east side and 64 feet of additional right-of-way widening on the west side. The transition from Tassajara Road to Santa Rita Road shall be a 128-foot wide right-of-way concentric about a broken back curve of two parts, both having an 880 foot centerline radius and connected by a tangent of 139.46 foot length, and connection with the existing centerline of Santa Rita Road to the new centerline of Tassajara Road as established above.

(Based on Sec. 8, Ord. 544)

§ 5-9.29 Division Street. The future width for this street is shown on the plan prepared by the City of Pleasanton, Department of Public Works, Division of Engineering, entitled, "Future Street Width Lines, Division Street", dated February 26, 1968, and is generally described as followa:

A 74-foot right-of-way the centerline of which is generally described as follows: Northwesterly from the centerline of St. Mary Street along a 500-foot radius curve that is tangent to the centerline of St. Mary Street and a line three feet perpendicular distance northeasterly from the centerline of Division Street; thence northwesterly, parallel to and three feet perpendicular distance from the centerline of Diviaion Street to an angle point that is 300 feet from the intersection at the centerline of Division Street and St. Mary Street; thence deflecting to the right to the point of intersection of the tangents to a 1000 foot radius curve, said point of intersection being 17 feet northeasterly of the centerline of Division Street,measured perpendicular to said centerline at a point that is 1050 feet from the intersection of the centerline of Division Street and St. Mary Street, measured along said centerline of Division Street; thence northwesterly, parallel to and 17 feet perpendicular distance from the centerline of Division Street, said line extended to the Arroyo Del Valle.

(Based on Sec. 9, Ord. 544)

§ 5-9.30 Ray Street. The future width for this street is shown on the plan prepared by MacKay & Somps, Civil Engineers, entitled "Precise Plan Line for the Intersection of Vineyard Avenue, Ray Street, and First Street", dated October, 1968, and is generally described as follows:

A 50-foot right-of-way the centerline of which is generally described as follows: Beginning at the point of intersection of the centerline of Vineyard Avenue (extended westerly) and at the centerline of First Street; thence N. 88°01'00" W., 258.23 feet to the point of curvature of a 200-foot radius curve to the right; thence northwesterly along said curve 53.56 feet and through a central angle of 15°17'07" to the point of tangency, at which point said curve is tangent to the existing centerline.

(Based on Sec. 10, Ord. 544)

§ 5-9.31 Peters Avenue. The future width for this street is shown on the plan prepared by MacKay & Somps, Civil Engineers, entitled "Right-of-Way Record Map, Peters Avenue", dated May, 1968, and is generally described as follows:

A 60-foot right-of-way, the centerline of which is generally described as follows: Beginning at a point on the centerline of St. John Street which lies N. 71°41'30" W., 418.22 feet from the random survey line of Main Street; thence S. 18°18'30" W., 430.15 feet to a point on the centerline of St. Mary Street which lies N. 71°41'30" W., 423.02 feet from the random survey line of Main Street; thence S. 18°18'30" W., 353.64 feet to a point on the centerline of Division Street that lies N. 64°42'35" W., 430.76 feet from the random survey line of Main Street; thence S. 17°52'42" W., 422.94 feet to a point on the centerline of Rose Avenue that lies N. 68°11'25" W., 400.99 feet from the random survey line of Main Street; thence S. 20°29'50" W., 172.12 feet to the point of curvature of a 1000 foot radius curve to the right; thence southwesterly along said curve 22.66 feet and through a central angle of 1°17'55" to the point of tangency; thence S. 21°47'45" W., 193.33 feet to a point on the centerline of Angela Street that lies N. 68° 12' 15" W., 388.00 feet from the random survey line of Main Street; thence S. 68°12'15" E., 0.91 feet along said centerline of Angela Street to a point that lies N. 68°12'15" W., 387.09 feet from the random survey line of Main Street; thence S. 21°47'45" W., 512.53 feet to a point on the centerline of Bernal Avenue that lies N. 67°14'05" W., 202.09 feet and S. 84°40'05" W., 196.99 feet along said centerline from the random survey line of Main Street.

(Based on Sec. 11, Ord. 544)

See Page 62(a)

(Based on ORD. 652)

Add Sec. 5-9.32 RAILROAD STREET

and Sec. 5-9.33 ROSE AVENUE

(See pg. 62a)

§ 5-9.32 Railroad Street. The future width of this street is shown on the plan prepared by the City of Pleasanton, Department of Public Works, Division of Engineering, entitled, "Precise Plan Line for Railroad Street, Division Street to Spring Street", dated December, 1971, and is generally described as follows:

A sixty feet wide right-of-way having a centerline substantially the same as the centerline of Railroad Street as shown on Record of Survey No. 348 prepared by MacKay and Somps, Civil Engineers, dated November, 1967, and filed January 29, 1968, in Book G, Page 97, Alameda County Records.

§ 5-9.33 Rose Avenue. The future width for this street is shown on the plan prepared by the City of Pleasanton, Department of Public Works, Division of Engineering, entitled "Precise Plan Line Rose Avenue, Pleasanton Avenue to Fair Street", dated February, 1972, and is generally described as follows:

Maintaining the existing fifty-four feet wide right-of-way except for the addition of a 20 ft. radius corner at the northwest corner of the Pleasanton Avenue-Rose Avenue intersection and the addition of a 20 feet radius corner at the northeasterly corner of the Fair Street-Rose Avenue intersection, with construction within this fifty-four feet wide right-of-way of curb and gutter on the southwesterly side (Alameda County Fairgrounds side) with the face of curb being five feet from the southwesterly right-of-way line and curb and gutter on the northeasterly side with the face of curb being fifteen feet from the northeasterly right-of-way line, there being a distance of 34 feet between the curb faces.

(Based on Ord. 652)

TITLE V - VEHICLES AND TRAFFIC, STREETS AND HIGHWAYS

Chapter 10

UNDERGROUND UTILITIES

Article 1

General Provisions

§ 5-9.42 Definitions. Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

a. "Commission" shall mean the Public Utilities Commission of the State of California.

b. "Underground Utility District" or "District" shall mean that area in the City within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 5-9.47 of this chapter.

c. "Person" shall mean and include individuals, firms, corporations, partnerships, and their agents and employees.

d. "Poles, overhead wires and associated overhead structures" shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above-ground within a District and used or useful in supplying electric, communication or similar or associated service.

e. "Utility" shall include all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

(Based on Sec. 1, Ord. 511)

Article 2

Creation and Implementation of Underground District

§ 5-9.46 Public Hearing By Council. The Council may from time to time call hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead atructures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilitiea concerned by mail of the time and place of such hearings at least ten (10) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive.

(Based on Sec. 2, Ord. 511)

§ 5-9.47 Council May Designate Underground Utility Districts by Resolution. If, after any such public hearing, the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an Underground Utility District and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

(Based on Sec. 3, Ord. 511)

§ 5-9.48 Unlawful Acts. Whenever the Council creates an Underground Utility District and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 5-9.47 hereof, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the District after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 5-10.03 hereof, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this chapter.

(Based on Sec. 4, Ord. 511)

§ 5-9.49 Exception, Emergency or Unusual Circumstances. Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten (10) days, without authority of the City Engineer in order to provide emergency service. The City Engineer may grant special permission, on such terms as the City Engineer may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install,maintain, use or operate poles, overhead wires and associated overhead structures.

(Based on Sec. 5, Ord. 511)

§ 5-9.50 Other Exceptions. In any resolution adopted pursuant to Section 5-9.47 hereof, the City may authorize any or all of the following exceptions:

a. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer.

b. Poles, or electroliers used exclusively for street lighting.

c. Overhead wires (exclusive of supporting structures) crossing any portion of a District within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a District, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.

d. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts.

e. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street.

f. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services.

g. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.

h. Temporary polea, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

(Based on Sec. 6, Ord. 511)

§ 5-10.01 Notice to Property Owners and Utility Companies. Within ten (10) days after the effective date of a resolution adopted pursuant to Section 5-9.47 hereof, the City Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution of the adoption thereof. Said City Clerk shall further notify such affected

property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location.

Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 5-9.47, together with a copy of Ordinance No. 511, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

(Based on Sec. 7, Ord. 511)

§ 5-10.02 Responsibility of Utility Companies. If underground construction is necessary to provide utility service within a District created by any resolution adopted pursuant to Section 5-9.47 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission.

(Based on Sec. 8, Ord. 511)

§ 5-10.03 Responsibility of Property Owners.

a. Every person owning, operating, leasing, occupying or renting a building or structure within a District shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 5-10.02 and the termination facility on or within said building or structure being served. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 5-9.47 hereof, the City Engineer shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within ten (10) days after receipt of such notice.

b. The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, City of Pleasanton. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight (8) inches by ten (10) inches in size, to be posted in a conspicuous place on said premises.

c. The notice given by the City Engineer to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of such notice, the City Engineer will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

d. If upon the expiration of the thirty (30) day period, the said required underground facilities have not been provided, the City Engineer shall forthwith proceed to do the work, provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the City Engineer shall in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the City Engineer, he shall file a written report with the City Council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten (10) days thereafter.

e. The City Engineer shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the Council will pass upon such report, and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

f. Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

g. If any assessment is not paid within five (5) days after its confirmation by the Council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the City Engineer, and the City Engineer is directed to turn over to the Assessor and Tax Collector a notice of lien on each of said properties on which the assessment has not been paid, and said Assessor and Tax Collector shall add the amount of ssid assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six per cent (6%) per annum.

(Based on Sec. 9, Ord. 511)

§ 5-10.04 Responsibility of City. City shall remove at its own expense all City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 5-9.47 hereof.

(Based on Sec. 10, Ord. 511)

§ 5-10.05 Extension of Time. In the event that any act required by this chapter or by a resolution adopted pursuant to Section 5-9.47 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

(Based on Sec. 11, Ord. 511)

Code Reference Explanation

(II,2(3)) means
TITLE II, Chpt.2,Art.3

CODE INDEX

CODE INDEX

CODE INDEX

CODE INDEX