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PREFACE

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

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

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

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Chapter 1.20

CAMPAIGN REFORM

Sections:

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

1.20.010 Findings and purpose.

The city council finds and declares each of the following:

A. It is in the public interest for voters to know who is contributing to campaigns for local office and to campaigns for city measures.

B. It is in the public interest that candidates and committees aiding such candidates, and sponsors or opponents of city measures, make a full and fair declaration containing a disclosure of the persons making contributions and the amounts of each contribution. (Ord. 1622 § 1, 1994)

1.20.020 Definitions.

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

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

1. Paid, loaned, contributed or otherwise furnished \$25.00 or more, or its equivalent, to the candidate or any committee for the use of such candidate or such committee directly or indirectly, in aid of the candidate's election, or for the qualification, passage or defeat of any measure, and the amount, in detail, of such money or its equivalent each such person paid, loaned, contributed or otherwise furnished.

2. Purchased any tickets cumulatively totaling \$25.00 or more, for any fundraising event, regardless of the number of tickets purchased, the value of each ticket, or frequency of purchase.

3. Donated \$25.00 or more to any "kitty" at any campaign event.

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

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

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

E. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business, trust, company, corporation, association, committee, and any other organization or group of persons acting in concert. (Ord. 2120 § 1, 2015; Ord. 1622 § 1, 1994)

1.20.030 Filing of verified campaign statements.

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

B. Each campaign statement is to be filed electronically on the due date by 5:00 p.m. (Ord. 2065 § 1, 2013; Ord. 1969 § 1, 2008; Ord. 1966 § 1, 2008; Ord. 1622 § 1, 1994)

1.20.040 Criminal misdemeanor actions.

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

Chapter 2.29

YOUTH COMMISSION

Sections:

- 2.29.010 Commission created.**
- 2.29.020 Duties.**
- 2.29.030 Memberships—Appointments.**
- 2.29.040 Term of membership.**
- 2.29.050 Maintenance of membership.**
- 2.29.060 Commissioner vacancies.**
- 2.29.070 Organization.**
- 2.29.080 Meetings.**

2.29.010 Commission created.

There is created a youth commission (commission). (Ord. 1819 § 2, 2001)

2.29.020 Duties.

A. The commission shall advise the city council on matters related to the youth of the community.

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

1. Make recommendations to the city council regarding policies, services and issues related to the youth of the community.
2. Act as the “voice” of the community.
3. Act as a communication liaison between Pleasanton’s youth community and the city council.
4. Research the needs and interest of Pleasanton’s youth. Promote an understanding and appreciation of community affairs among the youth of Pleasanton.
5. Identify and report to the city council on youth needs and priorities in the city of Pleasanton and remain informed regarding the programs providing youth services to the community.
6. Research and formulate proposed policies, programs and services designed to meet the needs of the youth community in Pleasanton.
7. Review and evaluate requests received by the city for youth related policies and services.
8. Represent the city and maintain liaison with the youth commissions in other cities and with youth related agencies in Pleasanton and other cities. (Ord. 1819 § 2, 2001)

2.29.030 Memberships—Appointments.

A. The commission shall have 11 regular commissioners and three alternate commissioners all of whom shall be residents of the city.

B. The 11 regular commissioners shall include: three students from middle school; three students from

high school; four at large student representatives from grades six through 12; and one adult commissioner from the community at large.

C. The two alternate youth commissioners shall be from grades six through 12 and shall be selected from the community at large. The one alternate adult commissioner shall be selected from the community at large.

D. The regular commissioners and the alternate commissioners shall be appointed by the mayor subject to ratification by the city council, as provided in the adopted city resolution establishing procedures for appointments to boards and commissions.

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

F. The alternate commissioners may serve as a voting member on any subcommittee of the commission.

G. Commissioners shall be compensated as established by city council resolution or as allowed by state law. (Ord. 2120 § 1, 2015; Ord. 2093 § 1, 2014; Ord. 2065 § 1, 2013; Ord. 2059 § 1, 2013; Ord. 1853 § 1, 2002; Ord. 1819 § 2, 2001)

2.29.040 Term of membership.

A. Regular youth commissioners shall be eligible to serve a maximum of six years with three terms of two years.

B. The regular adult commissioner shall be eligible to serve a maximum term of eight years with two four-year terms.

C. The alternate youth commissioners shall be eligible to serve two-year terms and are not subject to a limit in the number of years served provided that their grade level does not exceed the 12th grade. The alternate adult member shall be eligible to serve four year terms and is not subject to the limit in the number of years served.

D. The term of a commissioner shall be consistent with and subject to city council resolution concerning limiting service on boards and commissions. (Ord. 1853 § 2, 2002; Ord. 1819 § 2, 2001)

2.29.050 Maintenance of membership.

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

1. The commissioner’s term of office on the commission expires;
2. The commissioner voluntarily resigns from the commission;

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

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

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

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

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

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

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

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

4. If the city council declares such office vacant, the city clerk shall notify the commissioner that the commissioner’s term has been officially terminated. (Ord. 1836 § 1, 2001; Ord. 1819 § 2, 2001)

2.29.060 Commissioner vacancies.

Vacancies on the commission shall be filled as provided in the city resolution establishing procedures for appointments to city boards and commissions. (Ord. 1819 § 2, 2001)

2.29.070 Organization.

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

B. The commission shall conduct its meetings and business in accordance with the Pleasanton city council’s adopted “rules and operating procedures,” as

said rules and procedures may be amended from time to time.

C. The chairperson shall:

1. Preside at all meetings;

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

3. Call special meetings.

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

E. The city manager shall appoint a city employee to serve as staff liaison who shall also serve as secretary to the commission. The staff liaison/secretary to the commission shall keep true and accurate accounts of all action of the commission. (Ord. 1887 § 3, 2003; Ord. 1819 § 2, 2001)

2.29.080 Meetings.

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

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

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

D. Seven commissioners need to be present to constitute a quorum and a vote to approve or deny shall only occur upon a majority vote of the commissioners present. (Ord. 2065 § 1, 2013; Ord. 1819 § 2, 2001)

Chapter 3.30

CRIMINAL JUSTICE ADMINISTRATION FEE

Section:

3.30.010 Payment of fee.

3.30.010 Payment of fee.

Any person convicted of any criminal offense related to an arrest shall pay to the city any criminal justice administrative fee imposed on the city by the county of Alameda. (Ord. 1517 § 1, 1991)

Chapter 3.32

**ALTERNATIVE BIDDING PROCEDURES
UNDER THE UNIFORM PUBLIC
CONSTRUCTION COST ACCOUNTING ACT**

Sections:

- 3.32.010 Contracting procedures for public projects.**
- 3.32.020 Contractors list.**
- 3.32.030 Notice inviting informal bids.**
- 3.32.040 Award of contracts.**

3.32.010 Contracting procedures for public projects.

A. Public projects of \$45,000.00 or less may be performed by the employees of the city by force account, by negotiated contract or by purchase order.

B. Public projects of \$175,000.00 or less may be let to contract by informal procedures as set forth in Section 22032 et seq., of the Public Contract Code.

C. Public projects of more than \$175,000.00 shall, except as otherwise set forth in Section 22032 et seq., of the Public Contract Code, be let to contract by formal bidding procedure. (Ord. 2120 § 1, 2015; Ord. 1916 § 1, 2005; Ord. 1523 § 1, 1991)

3.32.020 Contractors list.

A. A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California uniform construction cost accounting commission.

B. The community development director shall each January mail a notice to all contractors who have an office in the city, who have a current city business license, but who are not already on the list as set forth in subsection A of this section, informing such contractor of the existence of this chapter and encouraging such contractor to request to be put on the list. (Ord. 2000 § 1, 2009; Ord. 1537 § 1, 1992; Ord. 1523 § 1, 1991)

3.32.030 Notice inviting informal bids.

A. Where a public project is to be performed which is subject to the provisions of Section 3.32.010(B) of this chapter, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 3.32.020 of this chapter, and to all construction trade journals as specified by the California uniform construction cost accounting commission in accordance with Section 22036 of the Public Contract Code. Addi-

tional contractors and/or construction trade journals may be notified at the discretion of the department soliciting bids; provided, however:

1. If there is no list of qualified contractors maintained by the city for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the commission.

2. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors. (Ord. 1523 § 1, 1991)

3.32.040 Award of contracts.

The city manager is authorized to award contracts pursuant to Sections 3.32.010(A) and (B) of this chapter. (Ord. 1523 § 1, 1991)

Chapter 5.32**ENFORCEMENT****Section:****5.32.010 Violation—Penalty.****5.32.010 Violation—Penalty.**

Any person convicted of violating any of the provisions of this title, including, but not limited to, knowingly or intentionally misrepresenting to any officer or employee of the city any material fact in procuring the license or permit provided for, shall be guilty of a misdemeanor and subject to the general penalty provided for by Section 1.12.010. (Ord. 1222 § 11, 1985; prior code § 1-5.44)

Chapter 5.36

**TRI-VALLEY TOURISM BUSINESS
IMPROVEMENT DISTRICT**

Sections:

- 5.36.010 Established.**
- 5.36.020 Boundaries.**
- 5.36.030 Amendments to state law.**
- 5.36.040 Purpose.**
- 5.36.050 Assessments.**
- 5.36.060 Benefit.**
- 5.36.070 Power to contract.**
- 5.36.080 Collection of assessments.**
- 5.36.090 Bonds.**

5.36.010 Established.

There is established in the cities of Pleasanton, Dublin, and Livermore, the town of Danville, and the counties of Alameda and Contra Costa the Tri-Valley tourism marketing district (“the district”), under the provisions of the Property and Business Improvement District Law of 1994, as set forth in the Streets and Highways Code of the state, Section 36600 et seq. (Ord. 2119 § 1, 2015; Ord. 2004 § 1, 2010; Ord. 1929 § 1, 2006)

5.36.020 Boundaries.

The boundaries of the district shall be the corporate limits of the cities of Pleasanton, Dublin and Livermore, and the town of Danville, as such corporate limits are amended from time to time, and designated areas of the counties of Alameda and Contra Costa as described in the Management District Plan. (Ord. 2119 § 1, 2015; Ord. 2004 § 1, 2010; Ord. 1929 § 1, 2006)

5.36.030 Amendments to state law.

The businesses and operation of the district shall be subject to any amendments to the Property and Business Improvement District Law of 1994, as amended. (Ord. 2004 § 1, 2010; Ord. 1929 § 1, 2006)

5.36.040 Purpose.

The purposes for which the assessments collected under this chapter shall be used are the statutory purposes set forth in Section 36600 et seq., of the Streets and Highways Code of the state, or one or more of the following purposes:

- A. Sales and marketing programs and activities designed to attract overnight groups;
- B. Communications and public relations activities and services to build greater awareness of Tri-

Valley businesses and the Tri-Valley region as a tourism, meeting, and event destination;

C. Administrative costs and operation.

The improvements and activities to be provided in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within the district shall not be used to provide services outside of the district, or for any purpose other than the purposes established herein and in the resolution of intention. (Ord. 2004 § 1, 2010; Ord. 1929 § 1, 2006)

5.36.050 Assessments.

All lodging businesses available for public occupancy within the boundaries of the district shall be subject to an assessment based upon two dollars per paid occupied room per night, with a possible increase in the assessment beginning in year three of up to a maximum of three dollars per paid room night. Stays by persons who are government employees on government business, and stays of 30 days or more shall not be assessed. (Ord. 2119 § 1, 2015; Ord. 2004 § 1, 2010; Ord. 1929 § 1, 2006)

5.36.060 Benefit.

The city council finds that the lodging businesses within the district will be benefitted by the improvements and activities funded by the assessment levied. (Ord. 2004 § 1, 2010; Ord. 1929 § 1, 2006)

5.36.070 Power to contract.

The council may contract from time to time with a nonprofit tax exempt corporation, the purpose of which shall be to carry out the purposes for which the assessments are levied and provided in this chapter. In the event such agreement is made, it shall provide that the corporation shall present a budget of proposed expenditures and purposes to the city manager for investigation and report to the council upon the advisability and feasibility of the proposed expenditures and improvements. Upon approval of the budget requests, the council shall allocate and direct payment of such amounts as it shall determine to the contracting agency by the city finance office. The Tri-Valley convention and visitors bureau shall be designated as the contracting agency. (Ord. 2004 § 1, 2010; Ord. 1929 § 1, 2006)

5.36.080 Collection of assessments.

Each city and county shall be responsible for collecting the assessments from the lodging businesses subject to the assessment within that city. The assessments collected shall be transmitted to the city of Pleasanton which shall administer the funds collected. In Pleasanton

the assessments provided by this chapter shall be collected at the time and in the manner and with the same penalties as is provided in this code for the collection of transient occupancy taxes. (Ord. 2119 § 1, 2015; Ord. 2004 § 1, 2010; Ord. 1929 § 1, 2006)

5.36.090 Bonds.

Bonds shall not be issued. (Ord. 2004 § 1, 2010)

Title 6

SPECIFIC BUSINESS REGULATIONS

Chapters:

- 6.04 Amusement Devices**
- 6.08 Bingo Games**
- 6.18 Medical Marijuana Dispensaries**
- 6.20 Horseracing License Fee**
- 6.24 Massage**
- 6.28 Newsracks**
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- 6.32 Display of Sexually Explicit Reading Material**
- 6.36 Solicitors and Certain Businesses**
- 6.40 Taxicabs**
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- 6.52 Cable System Regulatory Ordinance**
- 6.54 State Video Franchises**
- 6.56 Alarms**
- 6.60 Mobilehome Space Rents**
- 6.64 Firearm Sales**

sity. All persons applying for such a certificate shall file with the police department an application which shall set forth:

A. The name, address and phone number of the owner, person applying and all persons financially interested in the operation of said taxicabs. All applicants shall be a minimum of 25 years old.

B. The number of vehicles for which a certificate of public convenience and necessity are desired.

C. The California Department of Motor Vehicles registration showing that the vehicles are currently registered as commercial vehicles to the owner for which application is made.

D. The make and type of taximeter intended to be installed in each taxicab for which application for a certificate is made.

E. A description of the proposed color scheme, insignia or any other distinguishing characteristics of the taxicab.

F. The proposed schedule of rates, which shall not exceed those fees established and set by resolution of the city council.

G. An application fee as set forth in the master fee schedule (on file in the office of the city clerk), that shall accompany each application for a certificate of public convenience and necessity.

H. A copy of the certificate of insurance for the business and taxicabs, or a written statement from the insurance company agreeing to provide insurance should the application be granted. This insurance company shall be headquartered in the United States, authorized by the state to provide insurance in this state and approved by the city attorney as to its financial status.

I. A copy of the Federal Communication Commission license to operate a base and mobile radio units.

J. A statement of personal business history regarding taxicab operations/ownership.

K. A statement as to whether the applicant has ever been denied a municipal taxi permit, or if it was issued whether it was ever suspended or revoked, and if yes, why.

L. Such other additional information as the chief of police may reasonably require. (Ord. 2120 § 1, 2015; Ord. 1744 § 1, 1998)

6.40.030 Procedure on application and hearing.

A. Publication of Application. Upon the filing of any application for a certificate with the chief of police, notice thereof shall be published one time in a local newspaper of general circulation.

B. Protest and Hearing. Persons interested or protesting an application should notify the chief of police in writing within five business days of the publishing of said notice of application.

Within 30 days of receipt of a written protest, the chief of police shall convene a hearing regarding said application. At the hearing, parties shall not be bound by the formal rules of evidence. The chief of police shall hear the information submitted by the protesting party, any interested party, and the applicant. The chief of police shall issue a written decision no later than 10 business days following the hearing. Such decision shall be supported by the findings set forth in subsection C of this section.

C. Findings of Decision. The chief of police shall issue or deny such certificate after investigating the applicant and the facts set forth in the application. If the chief of police finds that the applicant is fit, willing and able to meet the provisions of this chapter and any and all rules promulgated by the chief of police, then the chief of police shall issue a certificate stating the name and address of the applicant, and the date of issuance; otherwise, the application shall be denied.

In reaching a decision, the chief of police shall consider:

1. The character, experience and responsibility of the applicant.

2. Whether the applicant complies with the conditions of mandatory controlled substance/alcohol testing as set forth in Section 53075.5 of the Government Code and outlined in Section 6.40.105 of this chapter.

3. Any other information the chief of police deems pertinent to the issuance of a certificate. (Ord. 1744 § 1, 1998)

6.40.040 Certificate appeal.

Any person may appeal the decision of the chief of police, by filing a written notice of appeal, stating the basis of the appeal, with the city clerk within five days after the chief of police's decision. Such appeal shall be heard by the city manager within 30 days. The city manager may affirm, amend, or reverse the decision, or take other action deemed appropriate after receiving oral or written testimony from the appellant, the certificate holder, the chief of police, and all interested persons. In conducting the public hearing, the city manager shall not be limited by the formal rules of evidence. The hearing shall be de novo. (Ord. 1744 § 1, 1998)

6.40.050 Liability insurance required.

Before the chief of police issues the certificate, there shall be in full force and in effect insurance for each authorized vehicle in the amount of at least \$1,000,000.00 for injuries sustained in any one accident; and \$100,000.00 for property damage resulting from any one accident. Said insurance shall benefit any person who shall be injured or who shall sustain damage to property caused by the negligence of a certificate holder, and/or the holder's employees or agents. Said insurance certificate shall be filed with the police department and shall be with an insurance company authorized to do business as provided in Section 6.40.020(H) of this chapter. (Ord. 1744 § 1, 1998)

6.40.065 Location within the city required.

A. Within one year from the date that a certificate is issued, and thereafter all the time that the certificate is in force, the owner shall provide evidence that the owner has obtained a site within the city where drivers shall park their taxicabs when not in use or when waiting to be dispatched. Such evidence must include a zoning certificate for the site.

B. An owner's failure to provide such evidence shall be grounds for the certificate to be suspended or revoked. (Ord. 1744 § 1, 1998)

6.40.070 License fees.

Before the chief of police issues the certificate, the applicant shall pay the city's business license fee for the right to engage in the taxicab business as set forth in the master fee schedule (on file in the office of the city clerk). (Ord. 1744 § 1, 1998)

6.40.080 Certificate—Transfer.

No certificate may be sold, assigned, mortgaged or otherwise transferred without the written consent of the chief of police. Any proposed assignee may be required to meet the application procedures set forth in Section 6.40.030 of this chapter. (Ord. 1744 § 1, 1998)

6.40.090 Certificate and permit—Duration.

A. Every certificate issued under this chapter shall be valid for a period of five years subject to revocation in a manner prescribed in this chapter.

B. Every driver's permit issued under this chapter shall be valid for a period of two years, subject to revocation in the manner prescribed in this chapter. (Ord. 1744 § 1, 1998)

6.40.100 Certificate—Suspension or revocation.

A certificate issued under the provisions of this chapter may be suspended or revoked at any time by the chief of police if the holder thereof has:

A. Violated any of the provisions of this chapter.

B. Discontinued operations of more than 30 days.

C. Been convicted of violating any ordinances of the city, or the laws of the United States or the state, the violation of which reflects 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 by resolution of the city council.

E. Tested positive for a controlled substance and/or alcohol as directed by the mandatory controlled substance program, as prescribed in Section 6.40.105 of this chapter. (Ord. 1744 § 1, 1998)

6.40.105 Mandatory controlled substance/alcohol testing program.

Anyone proposing to drive a taxicab for hire shall meet all conditions set forth in Section 53075.5 of the Government Code, before employment and issuance of a driver's permit, or driver's permit renewal.

A. Drivers shall test negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations. Drivers shall test negative for these controlled substances and for alcohol as a condition of permit renewal.

B. Procedures shall be substantially as in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that the driver shall show a valid California driver's license at the time and place of testing.

C. The chief of police shall accept test results from other jurisdictions having testing procedures conforming with Government Code Section 53075.5. Any negative test result shall be accepted for one year as meeting a requirement for periodic permit renewal testing, if the driver has not tested positive subsequent to a negative result. However, an earlier negative result shall not be accepted as meeting the preemployment testing requirement for any subsequent employment, or any testing requirements under this chapter other than periodic driver's permit renewal testing.

D. In the case of a self-employed independent driver, the test results shall be reported directly to the chief of police, who will notify the taxicab company of record, if any, of positive results. In all other cases the

results shall be reported directly to the employing transportation operator, who is required to notify the chief of police of positive results.

E. All test results are confidential and shall not be released without the consent of the driver, except as authorized or required by law.

F. In all instances, the decision of the city manager or the city manager's designee whether to classify the firearm in question as a "Saturday night special" as defined in Section 6.64.160 of this article and to place said firearm on the roster is final. (Ord. 1719 § 1, 1998)

6.64.210 Publication of roster.

The city shall place on the roster those firearms which have been determined to constitute a "Saturday night special" within the meaning of Section 6.64.160 of this article. The city shall cause the roster to be published in the following manner:

A. Notification of the roster's completion shall be published at least once in the official newspaper as designated by the city and circulated in the city within 15 days after its completion;

B. A copy of the roster, certified as a true and correct copy thereof, shall be filed in the office of the city clerk; and

C. A copy of the roster, certified as a true and correct copy thereof, shall be distributed to every dealer within the city who is licensed to sell and transfer firearms pursuant to Section 12071 of the Penal Code of the state and this chapter. (Ord. 1719 § 1, 1998)

6.64.220 Effective date of roster.

The roster shall become effective on the 15th day after its publication. (Ord. 1719 § 1, 1998)

6.64.230 Additions to roster.

Additions to the roster shall be made in accordance with the following:

A. Semiannual Determination. On a semiannual basis, the city shall determine the need to place firearms on the roster. Upon identifying one or more firearms as a Saturday night special, the city manager or the city manager's designee shall prepare a draft list of the additions to the roster.

B. Notification of Additions to Roster. In the event that a draft list of firearms to be added to the roster is prepared, the city shall endeavor to send written notification in accordance with the aforementioned provisions of Section 6.64.180 of this article.

C. Reconsideration. Any person notified pursuant to subsection B of this section may apply for reconsideration of the classification of that firearm as a Saturday night special in accordance with the provisions of Section 6.64.190 of this article.

D. Appeal of Classification. Whenever a firearm has been determined to be properly classified as a Saturday night special after reconsideration, the applicant may file an appeal to the city manager and the city

manager or the city manager's designee shall hold a hearing in accordance with the provisions of Section 6.64.200 of this article.

E. Additions of Firearms to Roster. After all appeals have been exhausted, the city shall place on the roster those additional firearms which have been determined to constitute a "Saturday night special" within the meaning of Section 6.64.160 of this article. The city shall cause the roster, as amended to include these additional firearms, to be published in accordance with Section 6.64.210 of this article.

F. Effective Date of Additions to the Roster. The addition of new firearms to the roster shall not operate to preclude the enforcement of the roster with respect to firearms previously listed thereon. The publication of the roster, as amended to include new firearms, shall be effective as to those newly added firearms on the 15th day after its publication as set forth in Section 6.64.220 of this article. (Ord. 1719 § 1, 1998)

6.64.240 Sale of Saturday night specials prohibited.

No wholesale or retail firearms dealer with a firearm sales permit issued by the city shall engage in firearm sales of any firearm listed on the roster of Saturday night specials. This section shall not preclude a wholesale or retail gun dealer from processing firearm transactions between unlicensed parties pursuant to Section 12072(d) of the California Penal Code. (Ord. 1719 § 1, 1998)

6.64.250 Exemptions.

Nothing in this chapter relative to the sale of Saturday night specials shall prohibit the disposition of any firearm by police officers, sheriffs, constables, marshals, or other duly appointed peace officers in the performance of their official duties; nor to persons who are authorized by the United States Federal Government for use in the performance of their official duties; nor shall anything in this chapter prohibit the use of any firearm by the above mentioned persons in the performance of their official duties. (Ord. 1719 § 1, 1998)

6.64.260 Penalty.

Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this article shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any

violation of any provision of this article is committed, continued or permitted by such person and shall be punished accordingly. In addition, any person found to be in violation of this article shall be considered in noncompliance with the requirements of this chapter, and subject to the suspension and/or revocation of a firearm sales permit under Section 6.64.100(I) of this chapter. (Ord. 1719 § 1, 1998)

Chapter 7.36

MISCELLANEOUS ANIMAL REGULATIONS*

Sections:

- 7.36.010 Household pets.**
- 7.36.020 Police dogs—Interference or mistreatment.**
- 7.36.030 Canine defecation—Removal thereof.**
- 7.36.040 Fowl and rabbits—At large.**
- 7.36.050 Cleanliness of premises where animals are kept.**
- 7.36.060 Protection from the elements.**
- 7.36.070 Food and water.**
- 7.36.075 Feeding birds and wild animals prohibited.**
- 7.36.080 Treatment of sick or injured animals.**

* **Prior code history:** Prior code §§ 2-5.07.01, 4-5.24, 4-5.25, 4-5.50(1), 4-5.50(2), 4-6.01; Ord. 1428.

7.36.010 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. (Ord. 1919 § 8, 2005)

7.36.020 Police dogs—Interference or mistreatment.

No person shall wilfully 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 the department or any member thereof in the performance of any of the functions or duties of the department or of such officer or member. (Ord. 1919 § 8, 2005)

7.36.030 Canine defecation—Removal thereof.

A. Any owner of any dog shall have the duty to remove immediately any feces left by such dog on any public place and to dispose of such feces in a sanitary manner.

B. Any owner of any dog in or on a public place shall have in such person's immediate possession a device, equipment, or container for the picking up and removal of animal feces. For purposes of this section, such device, equipment, or container shall be deemed to

be in a person's immediate possession if such device, equipment, or container is in a person's hand or is on the person, such as within a pocket.

C. No person shall fail or refuse to show to the chief of police or to any police officer such device or equipment if the device or equipment is not visible.

D. The provisions of subsections B and C of this section shall not apply to any disabled person when the person's disability requires a dog to accompany the person or to a person using a dog in emergency or rescue activities. (Ord. 1919 § 8, 2005)

7.36.040 Fowl and rabbits—At large.

It is 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 the person, to run or fly at large or go upon the premises of any other person in the city. (Ord. 1919 § 8, 2005)

7.36.050 Cleanliness of premises where animals are kept.

Any owner of any animal or fowl shall keep the stable, barn, stall, pen, coop, building or place in which the animal is kept in a clean and sanitary condition. (Ord. 1919 § 8, 2005)

7.36.060 Protection from the elements.

No owner shall leave or confine an animal under conditions that endanger the health or well-being of the animal due to heat, cold, lack of proper and adequate shelter and protection from the elements, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. (Ord. 2070 § 1, 2013)

7.36.070 Food and water.

Every owner shall supply each animal food and water daily. The food shall be wholesome, palatable, free from contamination, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal as specified by a veterinarian. The water shall be clean, free from debris, and regularly changed. (Ord. 2070 § 1, 2013)

7.36.075 Feeding birds and wild animals prohibited.

It is unlawful for any person to feed or offer food to any bird or wild animal in or on any sidewalk, street or highway of the city. (Ord. 2120 § 1, 2015)

7.36.080

7.36.080 Treatment of sick or injured animals.

Any animal requiring medical attention shall be taken for examination or treatment to a veterinarian at the owner's expense if the chief of police finds that an examination or treatment is necessary in order to maintain the health of the animal. (Ord. 2070 § 1, 2013)

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 in this chapter. (Prior code § 4-3.41)

9.08.100 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. (Prior code § 4-3.42)

9.08.110 Throwing or distributing handbills in public places.

No person shall throw or deposit any commercial or noncommercial 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. (Prior code § 4-3.43)

9.08.120 Placing handbills on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle if such handbills create significant litter. (Ord. 2019 § 1, 2011; prior code § 4-3.44)

9.08.130 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. (Prior code § 4-3.45)

9.08.140 Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the city. (Prior code § 4-3.46)

9.08.150 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. (Prior code § 4-3.47)

9.08.160 Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the city. (Prior code § 4-3.48)

9.08.170 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 the 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 regular 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 or her 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 the 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 the real property lies, or may be the street and number thereof, or may be any other description by which the 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 subsection A of this section within 10 days after the mailing of such notice, it shall be the duty of the enforcement officer, his or her assistants, employees, contracting agents or other representatives of the city, to remove such litter, and they, and each of them, are expressly authorized to enter upon private property for such purpose, and it is 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 or her own expense at any time prior to the arrival of the enforcement officer or his or her 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 provided in this section 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 re-

port 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 subsection A of this section, 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 _____, at the hour of _____, in the Council Chamber of the City of Pleasanton, located at 200 Old Bernal Avenue, 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 is 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 delinquent taxes or assessments of the city. (Ord. 2120 § 1, 2015; prior code § 4-3.49)

9.08.180 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 chapter, 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 of this section; and

2. To protect citizens during extended absence from their residences against the visible accumulation of newspapers, commercial handbills and noncommercial handbills that the citizens do not express or have not expressed a willingness to receive, and thus to lessen the risk that the 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,

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

9.20.090 Rates.

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

9.20.100 Refuse collection contract.

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

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

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

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

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

sent reached at least 90 days prior to termination, may extend the agreement for an additional period not to exceed five years.

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

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

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

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

Chapter 9.21

CONSTRUCTION AND DEMOLITION DEBRIS

Sections:

- 9.21.010 Definitions.**
- 9.21.020 Regulated projects.**
- 9.21.030 Waste management plan.**
- 9.21.040 Evaluation of WMP.**
- 9.21.050 Compliance with WMP.**
- 9.21.060 Exemption.**
- 9.21.070 Appeal.**

9.21.010 Definitions.

In this chapter, the following definitions apply:

“Applicant” means any individual, public entity or private entity that applies to the city for the applicable permit to undertake a construction, demolition, or renovation project.

“City manager” means the city manager or the city manager’s designee.

“Compliance official” means the city manager designated staff person(s) authorized and responsible for implementing this chapter.

“Construction and demolition debris” means solid waste and recyclable materials generated at premises during construction, demolition, or renovation.

“Conversion rate” means the rate in the standardized conversion rate table approved by the compliance official pursuant to this chapter for use in estimating the volume or weight of materials identified in a waste management plan.

“Diversion rate” means the percentage of construction and demolition debris that is recycled or salvaged.

“Diversion requirement” means the recycling or reuse of at least 90 percent of Portland cement concrete and asphalt concrete and at least 75 percent of the remaining construction and demolition debris, or the percentage established by the compliance official for a project pursuant to an exemption, of the total construction and demolition debris.

“Franchised collector” means the individual, public entity or private entity that is operating pursuant to the exclusive solid waste collection franchise agreement for the collection of solid waste and recyclable materials in the city pursuant to Chapter 9.20 of the Pleasanton Municipal Code.

“Project” means any activity involving construction, demolition, or renovation requiring the issuance of a building, demolition, or similar permit. “Project” also

includes city-sponsored construction, demolition or renovation.

“Recyclable materials” means those nonhazardous materials or byproducts which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable materials may include, but are not limited to, aluminum cans, asphalt, cardboard, carpeting, concrete, glass, metals, paper, rubber, textiles, wood.

“Recycle” means the process of collecting, sorting, cleansing, treating, and reconstituting material that would otherwise become solid waste, and making it available for reuse.

“Regulated project” means all new construction, residential additions creating an increase in conditioned area, all nonresidential additions greater than 1,000 square feet and nonresidential alteration or renovation projects requiring a building or similar permit with a total value of \$125,000.00 or more, or any demolition project requiring a demolition or similar permit with a total value of \$25,000.00 or more. The total value shall be calculated by the compliance official using the city’s standard commercial and residential formulas and methods.

“Salvaged” means further or repeated use of construction and demolition debris.

“Solid waste” means all non-hazardous putrescible and nonputrescible solid, semisolid and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. Solid waste does not include recyclable materials, hazardous waste, radioactive waste or medical waste, which are subject to specific regulations in the California Public Resources Code and the California Health and Safety Codes, and are not addressed in this chapter.

“Waste management plan” or “WMP” means a plan approved by the compliance official, under this chapter, for a regulated project.

“Waste management plan fee” or “WMP fee” means a nonrefundable fee set by the city council to administer and implement this chapter. (Ord. 2120 § 1, 2015; Ord. 1992 § 1, 2009)

9.21.020 Regulated projects.

A. Each applicant for a regulated project shall comply with the diversion requirements of this chapter. Compliance with this chapter shall be a condition of

approval for any building or demolition permit issued for a regulated project. The failure to impose this condition for any building or demolition permit shall not relieve the applicant from complying with this chapter.

B. Each applicant for a project that is not a regulated project is encouraged to achieve an overall diversion rate of at least 75 percent. (Ord. 2120 § 1, 2015; Ord. 1992 § 1, 2009)

9.21.030 Waste management plan.

A. WMP Application. Each applicant of a regulated project shall submit an electronic WMP application through the city's designated online waste management and tracking system prior to beginning any project that requires a building, demolition, or similar construction permit. The completed WMP application shall include all of the following:

1. The address or location, building permit number(s) and description of the project;
2. Project information, such as the job valuation, area of work, permit number, tract information (if known), project diversion rate and relevant personnel involved with this WMP;
3. The estimated quantities of all materials to be salvaged, recycled and/or disposed;
4. The hauling and disposal method;
5. The facility or facilities being utilized for salvage, recycling or disposal of construction or demolition materials;
6. The applicant shall certify their acknowledgment of, and agreement to comply with both the city's franchise collector requirements and hauling and self-hauling regulations. (Ord. 2120 § 1, 2015; Ord. 1992 § 1, 2009)

9.21.040 Evaluation of WMP.

A. The compliance official shall approve a WMP if the compliance official determines that all conditions have been met.

B. If the compliance official determines that the WMP fails to meet the diversion requirement, the project will not be permitted to begin any work and will be restricted from scheduling building inspections until the WMP is approved.

C. The compliance official shall approve or deny a WMP within two business days of the notice of electronic submittal for review of a WMP application. (Ord. 2120 § 1, 2015; Ord. 1992 § 1, 2009)

9.21.050 Compliance with WMP.

A. Submittal Requirements. Before the building division will allow the scheduling of any final inspection

on any regulated project, or before the building division issues the last certificate of occupancy for units within a regulated project that is part of a phased residential project, the applicant shall complete the WMP in the city's designated online waste management and tracking system. To electronically submit the completed WMP for review by the compliance official, the applicant shall first complete the following:

1. All documentation, such as weight tickets, specifying the weight and/or quantity of materials being recycled or disposed from the franchise collector and/or any other facility or agency shall be scanned and/or directly uploaded into the specified WMP;
2. Pictures and estimated quantities of all materials donated or salvaged, whether within the same project or used at another project shall be uploaded into the specified WMP;
3. Any additional information the applicant believes is relevant in determining efforts to comply in good faith with this chapter.

B. The compliance official shall review the completed WMP within two business days of the compliance official's notice from the city's designated online waste management and tracking system of a completed WMP in the online waste management and tracking system.

C. Determination of Compliance. The compliance official shall review the information submitted in the WMP to determine whether the applicant has complied with this chapter.

1. Full Compliance. If the compliance official determines that the applicant has complied with this chapter, the city shall remove all restrictions on scheduling a final inspection, including issuing a certificate of occupancy.

2. Good Faith Compliance. If the compliance official determines that the applicant failed to fully comply with this chapter but made a good faith effort to comply, the city shall remove all restrictions on scheduling a final inspection, including issuing a certificate of occupancy. In making this determination, the compliance official shall consider the market for the recyclable materials, the diversion rate, the size of the project, the ability of the franchise collector to process the recyclable materials, and the documented efforts of the applicant to meet the diversion requirement.

3. Noncompliance. If the compliance official determines that the applicant failed to fully comply with this chapter and failed to make a good faith effort to comply with this chapter, the city shall not complete the building, demolition or other similar permit process. In

making this determination, the compliance official shall consider the diversion rate and diversion requirement for the recyclable materials, the submittal of documentation detailing the recycling efforts and any other relevant information. (Ord. 2120 § 1, 2015; Ord. 1992 § 1, 2009)

9.21.060 Exemption.

A. Application. If an applicant for a regulated project experiences unusual circumstances making it infeasible to comply with the diversion requirement, the applicant may apply for an exemption at the time that the applicant submits the WMP.

B. If after reviewing the material submitted by the applicant and, if necessary, meeting with the applicant, the compliance official determines that meeting the diversion requirement is infeasible due to unusual circumstances, the compliance official may grant a full or partial exemption. If the compliance official grants a partial exemption, the compliance official shall inform the applicant of the diversion requirement for each material.

C. The compliance official shall make a decision regarding the application for an exemption within 20 days of receipt thereof. (Ord. 2120 § 1, 2015; Ord. 1992 § 1, 2009)

9.21.070 Appeal.

A. Any applicant may appeal a determination of the compliance official regarding:

1. The granting or denial of an exemption pursuant to Section 9.21.060;
2. Compliance with the WMP pursuant to Section 9.21.050.

B. The applicant must file a written appeal with the city manager within 10 business days of the compliance official's determination. The appeal shall state the grounds for the appeal.

C. In deciding the appeal, the city manager may request additional information from the applicant, the compliance official, the franchise collector and third parties, including but not limited to, persons other than the franchise collector who collect recyclable materials. The city manager shall issue a written decision within 20 business days of receipt of the appeal, unless the applicant agrees to an extension of time. The city manager's decision shall be final. (Ord. 2120 § 1, 2015; Ord. 1992 § 1, 2009)

Chapter 9.30

WATER CONSERVATION PLAN*

Sections:

- 9.30.010 Declaration of emergency.**
- 9.30.020 Purpose.**
- 9.30.030 Application of chapter.**
- 9.30.040 Definitions.**
- 9.30.050 Creation of classes.**
- 9.30.060 Stages for reduction in water use.**
- 9.30.070 Calculation of customer reduction in water use.**
- 9.30.080 Conservation measures.**
- 9.30.090 Emergency shutoff—Nonessential use.**
- 9.30.100 Excess use penalties.**
- 9.30.110 Prohibition of certain water uses.**
- 9.30.120 Adjustments.**
- 9.30.130 Notification to customers.**
- 9.30.140 Calculation of allowable water use for new customers.**
- 9.30.150 Severability.**

* Prior ordinance history: Ords. 1508, 1560 and 2000.

9.30.010 Declaration of emergency.

A water shortage emergency shall be declared by resolution of the city council. The city manager may administratively determine that any water shortage is terminated, and inform the city council of such determination. (Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.020 Purpose.

The purpose of this chapter is to provide both voluntary and mandatory water conservation stages to minimize the effect of a shortage of water on the city's customers and, by means of this chapter, to adopt provisions that will significantly reduce the consumption of water over an extended period of time, thereby extending the available water required for the city's customers while reducing the hardship to the greatest extent possible on or to the city and on or to the general public. This chapter is also intended to implement the Urban Water Management Plan's Water Shortage Contingency Planning and Stages of Action. (Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.030 Application of chapter.

The provisions of this chapter shall apply to all customers, as defined herein, regardless of whether any

customer using water shall have a contract for water service with the city. Notwithstanding other municipal code provisions inconsistent with this chapter, the provisions of this chapter shall supersede and prevail for the duration of a city council declared water shortage. (Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.040 Definitions.

- A. "City" means the city of Pleasanton.
- B. "City manager" means the city manager of the city, or designee.
- C. "Customer" means a person, firm, partnership, association, corporation and all other institutions and businesses receiving water from the water distribution system of the city.
- D. "Director" means the operations services director of the city, or designee. (Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.050 Creation of classes.

The following types of customers or uses are those which exist in the city's current utility billing system, as follows:

- A. "Single-family residential individually metered" consists of water service to land improved with structures designed to serve as a residence for a single family, including single-family home, townhomes, and condominiums.
- B. "Commercial and multiple-family" consists of water service to land improved with structures designed to serve commercial (including restaurants), recreational, charitable, educational and cultural uses, as well as residential uses sharing water meters.
- C. "Irrigation" consists of water service which is separately metered and is used exclusively to water turf and other landscaping areas.
- D. "Special landscape areas" are uses as defined in the California Water Efficient Landscape Ordinance Government Code Section 65591 et seq. (Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.060 Stages for reduction in water use.

The following stages of action for reduction in water use depend on the total amount of water supplied to the city by Zone 7 and the amount of water the city is able to pump out of the groundwater basin from its own wells. These stages are based on the Urban Water Management Plan.

REDUCTIONS IN WATER USE

Stage	Overall Reduction	Voluntary or Mandatory
1	Up to 20%	Voluntary
2	Up to 20%	Mandatory
3	Up to 35%	Mandatory
4	35% or more	Mandatory

(Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.070 Calculation of customer reduction in water use.

A. When a water shortage is declared with mandatory reductions in water use, the director shall impose the applicable stage of mandatory reduction by calculating customers’ average usage for the same billing period from one to four prior years, as data is available. If sufficient historic usage information is not available, the director may base water use allocations on a combination of the limited historic usage data available, per-capita water use targets, water usage from similar customer types, and other activity-specific water usage data.

B. Usage of water in excess of a customer’s mandatory conservation amount is subject to excess use penalties in Section 9.30.100. (Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.080 Conservation measures.

The following conservation measures are applicable for normal supply, and the declared water shortage stage(s) indicated:

A. Level: Normal Supply. To protect and preserve the community water supply the elimination of wasteful water uses is essential at all times, regardless of water supply level. Pleasanton customers shall observe the following regulations on water use:

1. Use potable water for irrigation of landscapes in a manner that does not result in runoff such that water flows onto adjacent property, non-irrigated areas, driveways, private and public walkways, roadways, parking lots, or structures.
2. Schedule regular irrigation of lawn and landscape between the hours of 6:00 p.m. and 9:00 a.m. the following day. Watering is permitted at any hour if a hand-held nozzle or drip irrigation is used. Special landscapes are exempted.
3. Limit the use of water for washing sidewalks, walkways, driveways, patios, or other hard-surfaced areas to prevent excessive runoff or waste.
4. Use water for motor vehicle or machinery washing, from a hose equipped with a shutoff nozzle, in

a manner that does not result in excessive runoff or waste.

5. Repair potable water leaks from breaks within the customer’s plumbing system within eight hours after customer is notified or discovers the break.

6. Reduce other interior or exterior uses of water to minimize or eliminate excessive runoff or waste.

7. Restaurants shall serve water to their customers only when specifically requested.

8. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guest-room using clear and easily understood language.

B. Level: Stage 1—Up to 20% Voluntary Reduction. There is sufficient uncertainty concerning water supplies for this year or in the next few years that it would be prudent to conserve local water supplies so that these supplies may be used to meet water demands in future years. The following restrictions shall be applicable during a Stage 1 activation of the water shortage contingency plan:

1. All of the normal supply level restrictions, in subsection A, shall continue to be mandatory during Stage 1.
2. There shall be no hose washing of hard-surfaced areas. Use bucket and broom to wash down hard-surfaced areas if necessary for the benefit of public health and safety.
3. Outdoor irrigation of lawn and ornamental landscaping shall be limited to one day per week October through March, and two non-consecutive days per week April through September.
4. Commercial customers should post water conservation messages on bathroom lavatory mirrors.
5. Swimming pools, spas, fountains, and decorative ponds should be leak proof. Any leak should be repaired in a timely manner after notification by the city, but should not exceed 72 hours.
6. Cover pools when not in use to reduce evaporation.
7. Using potable water for construction is discouraged if a feasible alternative source of water for construction exists.

C. Level: Stage 2—Up to 20% Mandatory Reduction. There are definable events that lead to a reasonable conclusion that in the current and/or upcoming water years, water supplies may not be adequate to meet all customer water demands. The following mandatory restrictions shall be applicable during a Stage 2 activation of the water shortage contingency plan:

1. All of the prohibitions and restrictions set forth during normal supply, as well as the voluntary Stage 1 restrictions, shall all be in effect and shall all be mandatory.

2. Outdoor irrigation of lawn and ornamental landscaping shall be limited to one day per week October through March, and two non-consecutive days per week April through September. Irrigation system checks for breaks/leak repairs by present irrigation professionals who remain on-site directly observing the system are excluded.

3. Washing of autos, trucks, trailers, and other types of mobile equipment may be done at any hour, but no more frequently than once per month with a bucket and a hose equipped with a positive shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use. Washing is permitted at a commercial car wash. No wastewater from vehicle washing may enter the storm drain system.

4. Restaurant kitchens shall be equipped with low-flow rinse nozzles.

D. Level: Stage 3—Up to 35% Mandatory Reduction. There are definable events that lead to a firm conclusion that in the current water year, water supplies will not be adequate to meet customers' water demands. The following mandatory restrictions shall be applicable during a Stage 3 activation of the water shortage contingency plan:

1. All of the prohibitions and restrictions set forth during normal supply, as well as the voluntary Stage 1 restrictions, and the prohibitions and restrictions in Stage 2, shall all be in effect and shall all be mandatory.

2. Outdoor watering under Stage 3 is restricted as follows:

a. 20 through 25% Mandatory Reduction. Lawn watering and landscape irrigation, for all customer classes, shall be reduced to no more than one day per week during the months of October through March, and no more than two non-consecutive days per week during the months of April through September.

b. 26 through 35% Mandatory Reduction:

i. Single-family residential individually metered and multi-family (non-irrigation) classes shall be limited in the use of all outdoor watering to hand-watering using a hose with a positive shut-off nozzle, drip, or subsurface irrigation on Saturday and Sunday only.

ii. All other water customers classes not falling under subsection (D)(2)(b)(i) (with the exception of commercial nurseries, public sport fields, golf courses, and other water dependent industries, per subsection

(D)(2)(b)(iii)) shall be limited in the use of all outdoor watering to hand-watering using a hose with a positive shut-off nozzle, drip, or subsurface irrigation to two non-consecutive weekdays; specified as Mondays and Thursdays unless otherwise granted permission for alternate watering days by the director.

iii. Commercial nurseries, public sport fields, golf courses and other water dependent industries shall work together with city staff under the direction of the director to develop an approved irrigation schedule.

c. Irrigation system checks for breaks/leak repairs by on-site irrigation professionals who remain on-site directly observing the system are excluded.

3. Potable water use to clean sidewalks, walkways, driveways, parking areas, and other hard-surface areas, is prohibited, with the exception of public health and safety.

4. No person shall empty and refill a swimming pool except to prevent or repair structural damage or to comply with public health regulations.

5. Equip swimming pools with recirculating pump if not already equipped, and cover pools when not in use to reduce evaporation.

6. Potable water shall not be used for decorative ponds, basins, lakes, waterways, and fountains.

7. Washing of autos, trucks, trailers, and other types of mobile equipment is permitted only at commercial car wash facilities that recycle all or part of the water.

8. No potable water may be used for compaction or dust control purposes for construction activities.

E. Level: Stage 4—35% or More Mandatory Reduction. Earlier stages have been in effect and the reduction goal is not being met, or new definable events require increasing the reduction goal. The following mandatory restrictions shall be applicable during a Stage 4 activation of the water shortage contingency plan:

1. All of the prohibitions and restrictions set forth during normal supply, as well as the voluntary Stage 1 restrictions, and the prohibitions and restrictions in Stages 2 and 3, shall all be in effect and shall all be mandatory.

2. The irrigation of turf or lawn using potable water is prohibited. All water customers, with the exception of commercial nurseries, golf courses, sport fields, and other water dependent industries, shall be limited in the use of all other non-lawn area watering to hand-watering from a container of less than five-gallon capacity on Saturday and Sunday only. The aforementioned water dependent industries shall work with city staff under the direction of the director to develop an approved irrigation schedule.

3. No person shall drain and refill swimming pools and spas. Nor shall new pools be filled.

4. The use of potable water for washing autos, trucks, trailers, other mobile equipment, and the exterior of any building or structure through a hose, including pressure washing, is prohibited.

5. Laundromats are prohibited from using non-efficient washing machines.

6. Public Health and Safety. These regulations shall not be construed to limit water use which is immediately necessary to protect public health and/or safety. (Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.090 Emergency shutoff—Nonessential use.

A. It is the purpose of the city to protect the public health, safety and welfare, as well as property of customers within the city. Any time there is evidence that the fire storage water volume is threatened in any reservoir or that low water pressure may occur in any pressure zone, the city may, without notice, temporarily shut off by locking out any water service connection. The city shall restore such service as soon as an adequate water supply is assured. Efforts will be made to contact customers from the billing information on record if it appears that service will be interrupted for more than 24 hours.

B. Emergency public announcements may be made by electronic media, local radio and television whenever a shut off is found to be necessary. (Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.100 Excess use penalties.

Water usage in excess of the amount provided in Section 9.30.070 is subject to the following penalties:

	Exceed 1 time	Exceed 2 times	Exceed 3 times	Exceed 4 or more times
Stage 1 Up to 20% Voluntary	No penalty	No penalty	No penalty	No penalty
Stage 2 Up to 20% Mandatory	\$2.50 additional for all units	\$5 additional for all units + \$25	\$7.50 additional for all units + \$50	\$10 additional for all units + \$100
Stage 3 Up to 35% Mandatory	\$4 additional for all units + \$50	\$8 additional for all units + \$100	\$12 additional for all units + \$250	\$16 additional for all units + \$500

	Exceed 1 time	Exceed 2 times	Exceed 3 times	Exceed 4 or more times
Stage 4 35% or more Mandatory	\$6 additional for all units + \$100	\$12 additional for all units + \$250	\$18 additional for all units + \$500	\$24 additional for all units + \$750

Penalties may be added to water bill or billed separately, at the discretion of the director.

Additional penalties for multiple times exceeding water use amount are for the number of times within the prior 12 months. (Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.110 Prohibition of certain water uses.

During the time this chapter is in effect:

A. It is unlawful for any customer to use water obtained from the water system of the city of Pleasanton through fraud, including misrepresentation made to obtain a particular allocation.

B. It is unlawful for any customer to waste water. As used herein, the term “waste” means:

1. Use of potable water between 9:00 a.m. and 6:00 p.m. to irrigate grass, lawns, ground-cover, shrubbery, crops, vegetation, and trees, with the exception of hand watering and drip irrigation;

2. The application of potable water to outdoor landscaping in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

3. Use of potable water to irrigate outdoor landscaping during and within 48 hours after measurable rainfall;

4. Use of potable water to wash down sidewalks, walkways, driveways, parking lots, open ground or other hard surface areas by the direct application of water thereto;

5. Allowing potable water to escape from breaks within the customer’s plumbing system for more than eight hours after the customer is notified or discovers the break;

6. Use of water in non-recirculating decorative ponds, fountains, and other water features; with the exception of child water-play features;

7. The serving of drinking water other than upon request in eating or drinking establishments, including, but not limited to, restaurants, hotels, cafés, cafeterias, bars, or other public places where food or drink are served and/or purchased;

8. Use of potable water for any purpose in excess of the customer's allowed usage as provided in Section 9.30.070. (Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.120 Adjustments.

A. Any customer who believes that the application of the provisions of this chapter results in unfair treatment or causes undue hardship may seek an adjustment in the customer's allocation.

B. Such customer shall request the adjustment in writing and shall state with specificity the reasons why the adjustment is warranted, and provide any applicable supporting documentation. Such request for an adjustment shall be submitted within 30 days of receipt of the bill that is the subject of the adjustment request.

C. The director shall consider all requests and make a written decision, transmitted by U.S. mail or email, within 30 days of receiving all information supporting the adjustment request. In making a decision, the director shall give particular consideration to the following:

1. The reduction would cause conditions threatening to health, sanitation, fire protection or safety of the customer, the customer's dependents or the general public.
2. The reduction would cause unfair economic hardship including, but not limited to, loss of employment, loss of production, or loss of jobs, or be unfair or result in the unnecessary loss of a business.
3. Medical requirements of the customer.
4. Permanent change to the household size of the residential customer (temporary visitor(s)/guest(s) do not warrant a request for adjustment).

D. The director's decision may be appealed in writing to the city manager for reconsideration on the written record. Such appeal shall be submitted within 15 days of the date of the director's decision. The city manager shall review written material submitted by the customer, written information from the director, and shall issue a decision within 30 days of receipt of the complete written materials. The city manager's decision as to the request shall be final. (Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.130 Notification to customers.

After the city council adopts a water shortage contingency plan stage, customers will be notified by publication in the newspaper and/or by mail. The failure of any customer to receive actual notice shall not invalidate any action taken by the city council as to a particular customer nor reduce the amount of the penalties pro-

vided herein. (Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.140 Calculation of allowable water use for new customers.

Where the current customer has no billing history, or only a partial billing history, the director shall determine the customer's allocation, based upon the allocation for similar customers. (Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.150 Severability.

If any provision of this chapter is held to be unconstitutional, it is the intent of the city council that such portion of such chapter be severable from the remainder and that the remainder be given full force and effect. (Ord. 2118 § 1, 2015; Ord. 2104 § 1, 2014; Ord. 2092 § 1, 2014)

Chapter 9.32

**RESTRICTIONS ON ACCESSIBILITY TO
CIGARETTES
AND OTHER TOBACCO PRODUCTS**

Sections:

- 9.32.010 Legislative findings and declarations.**
- 9.32.020 Definitions.**
- 9.32.030 Sale of cigarettes and other tobacco products from vending machines prohibited—Exception.**
- 9.32.040 Possession by minors of tobacco products in public places prohibited and free distribution of tobacco product samples prohibited.**
- 9.32.050 Violations and penalties.**

9.32.010 Legislative findings and declarations.

The city council hereby finds and determines that the adoption of this chapter is necessary to the promotion of the public health, safety and welfare. Each of the reasons set forth below provides a separate and independent basis for the council’s adoption of this chapter.

A. Substantial scientific evidence supports the causal relationship between using tobacco products and the deadly diseases such as lung cancer, chronic bronchitis, heart disease, emphysema and other types of cancer. The Surgeon General of the United States has determined that smoking is the leading cause of preventable death in this country.

B. An estimated annual 31,000 deaths in the state of California and 434,175 deaths nationwide are caused by cigarette smoking. The estimated annual economic burden to the state of California resulting from smoke-related health care costs and lost productivity is over \$7,100,000,000.00.

C. 90 percent of cigarette smoking initiation occurs between the ages of nine through 18 years, and many children are particularly attracted to e-cigarettes.

D. Minors currently have ready access to cigarettes and other tobacco products as a result of noncompliance with existing laws that prohibit the sale of such tobacco products to minors, and the widespread availability of cigarette vending machines, the free distribution of tobacco products in public places, and seeing other minors with e-cigarettes in public parks or other youth gathering areas.

E. The free distribution of cigarettes and other tobacco products encourages people to begin smoking and using tobacco products and thereby become ad-

dicted to the habit, discourages people from quitting smoking, and tempts those who had quit smoking to begin smoking again. Encouraging smoking and discouraging those who are currently smoking from overcoming the habit endangers the public health by leading more people into habits that cause illness and death.

F. Free distribution of cigarettes and other tobacco product promotes unsightly litter, thereby increasing the costs to the public in cleaning the streets; and also causes pedestrian traffic congestion.

G. The compelling purpose and intent of this chapter includes:

1. To prevent young people from using nicotine until they are mature and capable of making an informed and rational decision;
2. To reduce significantly the ability of young people from illegally obtaining tobacco products by banning cigarette vending machines and prohibiting the free distribution of tobacco products in public places;
3. To reduce the ability of young people to possess e-cigarettes in public parks or other public places where youth gather, as that may influence other youth to try such tobacco products; and
4. To promote generally the health and welfare of all people in the community against the health hazards and harmful effects of using addictive tobacco products. (Ord. 2120 § 1, 2015; Ord. 1529 § 1, 1991)

9.32.020 Definitions.

For the purposes of this chapter, the following terms shall be defined as set forth herein:

A. “Cigarette vending machine” means any electronic or mechanical device or appliance the operation of which depends upon the insertion of money, whether in coin or paper bill, or other thing representative of value, which dispenses or releases a tobacco product and/or tobacco accessories.

B. “Distribution” means to give, sell, deliver, dispense, issue, or cause or hire any person to give, sell, deliver, dispense, issue or offer to give, sell, deliver, dispense or issue.

C. “E-cigarette” means an activated or functioning device, whether an electronic cigarette as defined by California Health and Safety Code Section 119405 (“e-cigarette”) or a similar device, including, but not limited to, a device intended to emulate smoking, which permits a person to inhale vapors or mists that may or may not include nicotine.

D. “Person” shall mean an individual, firm, partnership, joint venture, unincorporated association, corporation, estate, trust, trustee, or any other group or combination of the above acting as a unit, excepting

however the United States of America, the state of California, and any political subdivision or unit thereof.

E. "Tobacco accessories" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed primarily for the smoking or ingestion of tobacco products.

F. "Tobacco product sample" means a tobacco product and/or tobacco accessories distributed to members of the general public at no cost or at a nominal cost for product promotional purposes.

G. "Tobacco product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, e-cigarette, smoking tobacco, and smokeless tobacco. (Ord. 2120 § 1, 2015; Ord. 1529 § 1, 1991)

9.32.030 Sale of cigarettes and other tobacco products from vending machines prohibited—Exception.

A. Except as provided in subsection D of this section, no person shall locate, install, keep, maintain or use, or permit the location, installation, keeping, maintenance or use on his, her or its premises of any cigarette vending machine used or intended to be used for the purpose of selling or distributing any tobacco products therefrom.

B. Any cigarette vending machine in use on the effective date of the ordinance codified in this chapter shall be removed within 120 days after the effective date of the ordinance codified in this chapter. Notwithstanding the previous sentence, any cigarette vending machine which is the subject of a written contract authorizing its installation which was entered into prior to the enactment of the ordinance codified in this chapter shall be removed within 30 days after the date specified in subsections 1 or 2 of this subsection, whichever occurs later:

1. The first date on which permissive termination of the written contract by the person on whose premises the cigarette vending machine is located could take effect if said person elected to terminate, or the expiration date of the contract term in effect on the enactment date of this chapter if no provision of the agreement authorizes permissive termination;

2. 120 days after the effective date of the ordinance codified in this chapter.

C. Any person who purchased a cigarette vending machine less than 36 months prior to the enactment of this chapter for the purpose of using the vending machine to sell or distribute tobacco products exclusively within the city and who has not, or will not have, recov-

ered his, her or its investment therein by the date on which discontinuance of use is required pursuant to subsection B, may apply to the city manager for a use extension based on financial hardship. A use extension shall be granted if the city manager, or the city manager's designee appointed to consider the application, makes all of the following findings:

1. That the vending machine was intended for use only within the corporate limits of the city;

2. That the vending machine owner has not, or will not have recovered his, her or its investment therein before the date of required discontinuance;

3. That the vending machine owner has no practical way to recover the investment in the machine other than its continued use within the corporate limits of the city;

4. That the investment not yet recovered exceeds 10 percent of the actual cost of the machine; and

5. That the vending machine will be located in a place not accessible to minors, or if so accessible to minors, that it will be placed in a location on the premises easily viewed and supervised by the owner or responsible employee.

The length of the use extension shall not exceed that additional time period estimated to be necessary to allow recovery of the owner's investment; provided, however, that no use extension shall be granted which allows the total time in which the machine will be in use within the corporate limits of the city to exceed three years. The cigarette vending machine owner shall bear the burden of proof on each issue. The decision of the city manager, or the city manager's designee, shall be final.

D. This section shall not apply to any person who locates, installs, keeps, maintains or uses, or permits the location, installation, keeping, maintenance or use on his, her or its premises of any cigarette vending machine if persons under 18 years of age are not permitted in or on such premises. (Ord. 2120 § 1, 2015; Ord. 1529 § 1, 1991)

9.32.040 Possession by minors of tobacco products in public places prohibited and free distribution of tobacco product samples prohibited.

A. No person under 18 years of age shall distribute or possess any tobacco accessories, tobacco product sample, or tobacco product, in any city park or facility, public property, or private property open to the public. These restrictions are in addition to California Penal Code Sections 308 and 308b, as amended.

B. No person in the business or otherwise distributing cigarettes or other tobacco products for commercial purposes shall in the course of such business distribute, or direct, authorize, or permit any agent or employee to distribute: (1) any tobacco product sample; or (2) coupons, certificates, or other written material which may be redeemed for tobacco products and/or tobacco accessories without charge or for a nominal charge, to any person on any public street or sidewalk or in any public park or playground or on any other public ground or in any public building. (Ord. 2120 § 1, 2015; Ord. 1529 § 1, 1991)

9.32.050 Violations and penalties.

A. Any person violating this chapter shall be deemed guilty of an infraction, punishable by:

1. A fine, not exceeding \$100.00, for a first violation.
2. A fine, not exceeding \$200.00, for a second violation of this chapter within one year.
3. A fine, not exceeding \$500.00, for each additional violation of this chapter within one year.

B. Each distribution of a tobacco product sample or redeemable coupon or certificate to a person shall be considered a separate offense.

C. Any cigarette vending machine not removed from the premises or converted to a permissible use within the time limits set forth in Section 9.32.030(B) shall be deemed a public nuisance, and may be abated by the city in a civil action or by other appropriate legal proceedings.

D. Minors in violation of subsection A may have any tobacco accessories, tobacco product sample, or tobacco product in the minor's possession taken as evidence of the violation by the citing officer or official. (Ord. 2120 § 1, 2015; Ord. 1529 § 1, 1991)

Chapter 9.34

GRAFFITI ABATEMENT

Sections:

9.34.010	Purpose.
9.34.020	Definitions.
9.34.030	Declaration of nuisance.
9.34.040	Removal by person who has created, caused or committed graffiti.
9.34.050	Abatement at owner's expense.
9.34.060	Abatement at owner's expense; notice to abate.
9.34.070	Abatement at owner's expense; hearing.
9.34.080	Owner's expense of abatement.
9.34.090	Abatement at expense of person creating, causing or committing graffiti; hearing.
9.34.100	Removal limitations.
9.34.110	Police department procedures.
9.34.120	Cumulative remedies.
9.34.130	Severability.

9.34.010 Purpose.

A. The purpose of this chapter is to provide a program and enforcement tools in addition to those already provided by state law to remove graffiti from public and private property and to prevent and control the further spread of graffiti in the city by administering and financing graffiti removal, educating the community on the prevention of graffiti and enforcing graffiti laws.

B. The increase of graffiti on public and private buildings, structures, and other places is creating a condition of blight within the city which results in deterioration of property and business values for adjacent and surrounding properties, all to the detriment of the city.

C. The city council finds and determines that graffiti is detrimental to the public health, safety, and general welfare and constitutes a public nuisance which must be abated so as to avoid the detrimental impact of such graffiti on the city and to prevent the further spread of graffiti. It is further the intent of the city council, through the adoption of this chapter to give notice to all who disregard the property rights of others that the city will strictly enforce all laws prohibiting graffiti, including, but not limited to: Sections 594, 594.1, 594.6, 640.5 and 640.6 of the California Penal Code; Section 13202.6 of the California Vehicle Code; and the provisions of this chapter. (Ord. 1713 § 1, 1997)

9.34.020 Definitions.

For purposes of this chapter, the following words or phrases shall have meanings as provided in this section:

A. "Abatement" means removing or covering over of graffiti by such means and in such manner and to such extent as is necessary in the interest of the general health, safety, and welfare of the community as determined by the city manager.

B. "City manager" includes the city manager or the city manager's designee.

C. "Expense of abatement" includes, but is not limited to, court costs, costs of removal of graffiti, costs of repair and replacement of defaced property, recording costs, costs of providing notice to the property owners and/or responsible party, law enforcement costs incurred by the city in identifying and apprehending the person who created, caused, or committed graffiti on property within the city of Pleasanton, costs of administering and monitoring the participation of a person, and if the person is a minor, the minor and the minor's parent or guardian in a graffiti abatement program, and attorney fees by the prevailing party pursuant to Government Code Section 38773.5(b).

D. "Graffiti" means any unauthorized inscription, word, figure, mark, design, or other inscribed material that is written, marked, etched, scratched, drawn, sprayed, painted, pasted, or otherwise affixed to any surface on any property to the extent that same was unauthorized by the owner thereof or, despite authorization, is deemed by the city council to be a public nuisance.

E. "Property" means real or personal property, whether publicly or privately owned, within the city of Pleasanton. (Ord. 1713 § 1, 1997)

9.34.030 Declaration of nuisance.

The city council finds and declares that the existence of graffiti anywhere within the city is a public and private nuisance and may be abated as provided in this chapter. (Ord. 1713 § 1, 1997)

9.34.040 Removal by person who has created, caused or committed graffiti.

Any person who has created, caused or committed graffiti within the city shall have the duty to abate the same immediately, but not longer than 72 hours after notice by the city or by the owner of the property involved. Each instance of failure by any person to abate graffiti following notice shall constitute a separate violation. Every day that said graffiti is not abated after no-

Chapter 11.04

DEFINITIONS

Sections:

11.04.010	Generally.
11.04.020	Bus.
11.04.030	Business district.
11.04.040	Council.
11.04.050	Divisional island.
11.04.055	Electric charging station.
11.04.057	Electric vehicle.
11.04.060	Holidays.
11.04.070	Loading zone.
11.04.080	Median island.
11.04.090	Official time standard.
11.04.100	Park—Parking.
11.04.110	Parking meter.
11.04.120	Parkway.
11.04.130	Passenger loading zone.
11.04.140	Pedestrian.
11.04.150	Police officer.
11.04.160	Roadway.
11.04.170	Stop.
11.04.180	Street.
11.04.190	Traffic control device.

11.04.010 Generally.

The following words and phrases, when used in this title, shall, for the purposes of this title, have the meanings respectively ascribed to them in this chapter. Whenever any words or phrases used in this title are not defined, but are defined in the Vehicle Code of the state and amendments thereto, such definitions shall apply. (Prior code § 5-1.01)

11.04.020 Bus.

“Bus” means any motor vehicle, other than a motor truck or truck tractor, designed for carrying more than 10 persons including the driver, and used or maintained for the transportation of passengers except that a van pool vehicle, as defined in Section 668 of the Vehicle Code, and any motor vehicle, other than a motor truck or truck tractor, designed for carrying not more than 15 persons, including the driver, when the driver is transporting only members of the household of the owner thereof shall not be considered a bus for the purposes of this section. (Ord. 1222 § 18, 1985; prior code § 5-1.01(a))

11.04.030 Business district.

“Business district” means 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 in this section if the above ratio of buildings in use for business to the length of the highway exists. (Prior code § 5-1.01(b))

11.04.040 Council.

“Council” means the council of the city of Pleasanton. (Prior code § 5-1.01(c))

11.04.050 Divisional island.

“Divisional island” means 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. (Prior code § 5-1.01(e))

11.04.055 Electric charging station.

“Electric charging station” means equipment that has as its primary purpose the transfer of electric energy to a battery or other energy storage device on an electric vehicle. (Ord. 2120 § 1, 2015)

11.04.057 Electric vehicle.

“Electric vehicle” means a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off grid source, that is stored on board for motive purposes. (Ord. 2120 § 1, 2015)

11.04.060 Holidays.

Within the meaning of this title, holidays are those enumerated as follows:

- A. January 1st;
- B. The third Monday in January, known as “Martin Luther King, Jr. Day”;
- C. The third Monday in February, known as “Presidents Day”;
- D. The last Monday in May, known as “Memorial Day”;
- E. July 4th;
- F. The first Monday in September, known as “Labor Day”;
- G. The 11th day of the 11th month, known as “Veterans Day”;
- H. Thanksgiving Day;

- I. The Friday following Thanksgiving Day;
- J. Christmas Eve day;
- K. December 25th. (Ord. 1844 § 1, 2001; Ord. 1222 § 18, 1985; prior code § 5-1.01(f))

11.04.070 Loading zone.

“Loading zone” means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. (Prior code § 5-1.01(g))

11.04.080 Median island.

“Median island” means an island created by curbs, paint, traffic bars or buttons or other means, located in the center of the roadway and separating opposing or conflicting streams of traffic. (Prior code § 5-1.01(d))

11.04.090 Official time standard.

Whenever certain hours are named in this title, they shall mean standard time or daylight saving time as may be in current use in the city. (Prior code § 5-1.01(h))

11.04.100 Park—Parking.

“Park” or “parking” means 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. (Prior code § 5-1.01(n))

11.04.110 Parking meter.

“Parking meter” means 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. (Prior code § 5-1.01(j))

11.04.120 Parkway.

“Parkway” means that portion of a street between the curb and sidewalk other than a roadway or a sidewalk. (Prior code § 5-1.01(i))

11.04.130 Passenger loading zone.

“Passenger loading zone” means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers. (Prior code § 5-1.01(k))

11.04.140 Pedestrian.

“Pedestrian” means any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle. (Prior code § 5-1.01(l))

11.04.150 Police officer.

“Police officer” means every officer of the police department of the city or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (Prior code § 5-1.01(m))

11.04.160 Roadway.

“Roadway” means that portion of a highway improved, designed or ordinarily used for vehicular travel. (Prior code § 5-1.01(r))

11.04.170 Stop.

“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. (Prior code § 5-1.01(o))

11.04.180 Street.

“Street” means 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.” (Prior code § 5-1.01(p))

11.04.190 Traffic control device.

“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. (Prior code § 5-1.01(q))

Chapter 11.36

STOPPING, STANDING AND PARKING

Sections:

- 11.36.010 Authority to install.**
- 11.36.020 Curb markings.**
- 11.36.030 Authority to establish loading zones.**
- 11.36.040 Extent of loading zones.**
- 11.36.050 Marking of loading zones.**
- 11.36.060 Authority to establish bus zones.**
- 11.36.070 Authority to establish taxicab zones.**
- 11.36.080 Funeral zones.**
- 11.36.090 No stopping zones.**
- 11.36.100 No parking zones.**
- 11.36.110 (Rep. by Ord. 1635 § 1, 1994)**
- 11.36.120 Repairing or greasing vehicles.**
- 11.36.130 Washing or polishing vehicles.**
- 11.36.140 Parking parallel on one-way streets.**
- 11.36.150 Parking on grades.**
- 11.36.160 (Rep. by Ord. 1697 § 2, 1996)**
- 11.36.170 Emergency parking or street closure signs.**
- 11.36.180 Parking vehicles in excess of 20 feet in length restricted.**
- 11.36.190 Parking on city property.**
- 11.36.200 Vehicles, including vehicles dispensing food, not to obstruct streets; vehicles dispensing food in park facilities prohibited.**
- 11.36.205 Parking vehicles in excess of five feet in height.**
- 11.36.210 Authority to establish limited time parking zones.**
- 11.36.220 Diagonal parking.**
- 11.36.230 Reserved parking for charging electric vehicles.**

11.36.010 Authority to install.

The provisions of Chapter 11.16 of this title 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. (Prior code § 5-3.01)

11.36.020 Curb markings.

The city traffic engineer is authorized to place and, when required in this chapter, shall place the following traffic-control devices in the form of curb markings to indicate stopping or parking regulations pursuant to this chapter, and the curb markings shall have meanings as follows:

A. "Red" means no stopping 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" means 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 20 minutes.

C. "White" means no stopping 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 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 mail box, 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 Section 11.36.070.

D. "Green" means no standing or parking for a period of time longer than 20 minutes at any time between 9:00 a.m. and 6:00 p.m. on any day except Sundays and holidays.

E. "Blue" indicates parking limited exclusively to vehicles of physically handicapped persons.

F. When the city traffic engineer as authorized under this title 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. (Ord. 1222 § 19, 1985; prior code § 5-3.02)

11.36.030 Authority to establish loading zones.

The city traffic engineer is authorized to determine the location of and to mark loading zones and passenger loading zones as provided in Section 11.36.020, 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. (Prior code § 5-3.10)

11.36.040 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. (Prior code § 5-3.11)

11.36.050 Marking of loading zones.

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. (Prior code § 5-3.12)

11.36.060 Authority to establish bus zones.

The city traffic engineer is authorized to establish bus zones opposite 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 stenciled 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. (Prior code § 5-3.15)

11.36.070 Authority to establish taxicab zones.

A. Consistent with the provisions of any ordinance relating to the regulation of taxicabs, the city traffic engineer is authorized to determine the location of and to mark taxi stands.

B. 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.

C. No driver of any taxicab shall park the same upon any public highway in any business district in the city 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 subsection A of this section.

D. When official signs or markings designating such taxi stands are in place, no person other than the driver of a taxicab shall stop or park any vehicle other than a taxicab in any taxi stand. (Prior code § 5-3.20)

11.36.080 Funeral zones.

No operator of any vehicle shall stop or park the vehicle for any period of time longer than is necessary for the loading or unloading of passengers and not to exceed three minutes at any place between the limit markers or signs placed within the projected real property boundaries of any undertaking establishment, pri-

vate residence, or any public or private place at any time during or within 40 minutes prior to the beginning of any funeral or funeral service, unless the operator of the 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 specified in this section, two approved portable signs, one at each extremity of such place, upon the sidewalk or pavement area and within two feet of the curb. (Prior code § 5-3.25)

11.36.090 No stopping zones.

No operator of any vehicle shall stop such vehicle in any of the following places:

A. Within any median or divisional island or parkway unless authorized and clearly indicated with appropriate signs or markings;

B. On either side of any median island;

C. On the main or through traffic side of any divisional island when indicated by appropriate signs or markings;

D. 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;

E. 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;

F. In any area established by resolution of the council as a no stopping area when such area is indicated by appropriate signs or markings;

G. In any area where the stopping of any vehicle would constitute a traffic hazard or would endanger life or property;

H. At any place within 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;

I. At any place within 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. (Prior code § 5-3.30)

11.36.100 No parking zones.

No operator of any vehicle shall park such vehicle in any of the following places:

A. In any no stopping zone;

11.36.220 Diagonal parking.

Whenever any resolution designates any street or portion thereof as a diagonal parking zone, the city traffic engineer shall erect and maintain appropriate signs or pavement markings. It shall be unlawful for the operator of any vehicle to park the 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 the allotted space;

B. With the front wheel nearest the curb within six inches of the curb. (Prior code § 5-3.55)

11.36.230 Reserved parking for charging electric vehicles.

A. The city traffic engineer is authorized to designate, by the installation of signs posted in compliance with Section 22511 of the California Vehicle Code, parking spaces for the exclusive use of electric vehicles that are connected to electric charging stations for the purpose of transfer of electricity to the battery or other energy storage device of an electric vehicle.

B. An owner or person in lawful possession of an off-street parking facility is authorized to designate, by the installation of signs posted in compliance with Section 22511 of the California Vehicle Code, parking spaces for the exclusive use of electric vehicles that are connected to electric charging stations for the purpose of transfer of electricity to the battery or other energy storage device of an electric vehicle.

C. Where a sign designating a parking space for the exclusive use of charging electric vehicles is posted in compliance with Section 22511 of the California Vehicle Code, no person shall park in that space any nonelectric vehicle, electrical vehicle that is not connected to the electric charging station, electric vehicle that is not charging, or electric vehicle that has been charging for more than four hours. (Ord. 2120 § 1, 2015)

Chapter 11.38

RESIDENTIAL PERMIT PARKING ZONE

Sections:

- 11.38.010 Definitions.**
- 11.38.020 Issuance of permits.**
- 11.38.030 Duration and limit on number of permits to be issued.**
- 11.38.040 Guest permits.**
- 11.38.050 Display of permits.**
- 11.38.060 Fees for issuance—Duration of permits.**
- 11.38.070 Termination of permits.**
- 11.38.080 Posting of residential permit parking zone.**
- 11.38.090 Violations.**
- 11.38.100 Exemptions.**
- 11.38.120 Penalty.**

11.38.010 Definitions.

For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them:

- A. "Director" means the director of finance.
- B. "Owner" means a person who has an ownership interest in a parcel of real property within a residential permit parking zone designated pursuant to this chapter.
- C. "Resident" means a person who lives in a residential permit parking zone as his or her permanent place of residence, either as a tenant or owner.
- D. "Residential parking permit" means a permit issued pursuant to this chapter.

E. "Residential permit parking zone" means a residential zone designated as provided in this chapter wherein vehicles displaying a valid permit issued pursuant to this chapter shall be exempt from the parking time restrictions established for the permit parking area.

F. "Vehicle" means an automobile, truck, trailer, house car, motorcycle or other motor driven device for transportation, not in excess of 6,000 pounds gross weight. (Ord. 1931 § 1, 2006; Ord. 1376 § 1, 1988)

11.38.020 Issuance of permits.

Residential parking permits shall be issued by the director of finance. Parking permits may be issued to an owner or resident of a property within a residential parking permit zone or to a guest of such an owner or resident duly authorized by the owner or resident to apply for a residential parking permit; provided, that a residen-

tial parking permit shall only be issued to an owner or resident, who has a motor vehicle currently registered in his or her name, or who has lawful possession of a motor vehicle for his or her exclusive use and/or which is under his or her control and to individuals providing in home medical care to a resident of a zone; provided, that the in home provider shows proof, in the form of a contract or other agreement, of the service being provided. Not more than one residential parking permit shall be issued for any motor vehicle. The city manager may establish rules and regulations necessary or appropriate to carry out the purpose of this chapter. The city manager shall require each applicant for a residential parking permit to establish proof of residency and vehicle ownership, possession or control in compliance with this chapter. (Ord. 1376 § 1, 1988)

11.38.030 Duration and limit on number of permits to be issued.

There shall be no limit to the number of annual permits issued to any residential address within a residential permit parking area; provided, that the resident owns or has control over each of the vehicles for which an annual permit is issued. A separate application shall be filed for each motor vehicle. Each residential parking permit issued by the director shall be valid for a maximum of one year unless otherwise stated on the permit. The city manager shall cause to be prepared and issue effective on or about September 1st of each year, a distinctively colored sticker for issuance to permittees of residential parking permits, which sticker shall be affixed to the motor vehicle for which a permit is issued at the location specified in Section 11.38.050 of this chapter. (Ord. 1376 § 1, 1988)

11.38.040 Guest permits.

Not more than two guest permits shall be issued for any dwelling unit. Guest permits shall be issued to residents in a residential parking permit zone and may be issued at the same time as the annual permit. Guest permits shall not be used for regular vehicle usage nor to bypass the need to buy an annual permit. Residents who abuse guest pass privileges shall have their annual permit privileges revoked for up to one year. (Ord. 1376 § 1, 1988)

11.38.050 Display of permits.

Residential parking permits shall be affixed to a motor vehicle at the left rear bumper. Guest permits shall be placed inside the vehicle, visible through the rear window on the driver's side or attached to the rear-view mirror. (Ord. 1376 § 1, 1988)

Chapter 13.08

PARKS AND RECREATION FACILITIES

Sections:

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

13.08.010 Purpose and intent.

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

13.08.020 Definitions.

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

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

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

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

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

E. “Written permission of the director” means a permit issued by the city department of community services, which permit shall contain the following information: the name of the person or organization to whom the permit is issued; the name of the park and recreation facility and/or the identification of the activity to which the permit applies; the effective date(s) and times of the permit; and such other administrative information as may be necessary. (Ord. 2065 § 1, 2013; Ord. 1924 § 1, 2005; Ord. 1919 § 9, 2005; Ord. 1654 § 1, 1995; Ord. 1428 § 4, 1989)

13.08.030 Trees, plants and property.

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

13.08.040 Fires.

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

B. No person shall discard or permit unattended any lighted cigar, cigarette, match or other flammable article. (Ord. 2120 § 1, 2015; Ord. 1889 § 1, 2003; Ord. 1428 § 4, 1989)

13.08.050 Firearms and fireworks.

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

13.08.060 Birds and animals.

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

13.08.070 Sanitation.

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

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

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

13.08.080 Dogs in public parks.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13.08.085 Dogs in Augustin Bernal Park.

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

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

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

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

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

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

13.08.090 Sale of goods or services—Exhibitions and private lessons and classes.

No person shall sell any goods or services; conduct or maintain any show, performance, concert, place of amusement or exhibition; or conduct private lessons or classes for compensation without the written permission of the director. (Ord. 2093 § 1, 2014; Ord. 2065 § 1, 2013; Ord. 1428 § 4, 1989)

13.08.100 Advertising.

No person shall place or affix any handbills, circulars, pamphlets, or advertisement to any tree, fence, shrub or structure. (Ord. 1428 § 4, 1989)

13.08.110 Vehicles.

A. No person shall operate a motor vehicle in or on any park and recreation facility except on designated streets and parking areas without the written authorization of the director of parks and community services.

B. No person shall park a motor vehicle between 11:00 p.m. and 5:00 a.m. in or on any park and recreation facility, including city parking lots serving such park and recreation facilities, except with written authorization of the director of parks and community services. (Ord. 2120 § 1, 2015; Ord. 1796 § 1, 1999; Ord. 1428 § 4, 1989)

13.08.120 Camping—Sleeping.

A. No person shall camp or lodge in a tent or on the ground in any park and recreation facility, including the parking lot area of any such facility.

B. Except during daylight, or except for security purposes and with the written permission of the director, no person shall stay, remain or sleep in a motor home or other motor vehicle or otherwise, in any park and recreation facility, including the parking lot area of such facility. (Ord. 1428 § 4, 1989)

13.08.130 Alcoholic beverages.

No person shall drink any alcoholic beverage in any park and recreation facility, except in connection with an event or activity which has the written permission of the director. (Ord. 1659 § 1, 1995; Ord. 1428 § 4, 1989)

13.08.140 Hours of operation.

A. A park and recreation facility shall be available to the public during daylight except: (1) for the use of pathways/sidewalks within the facility; (2) when there is posted conspicuously a sign limiting the daytime hours when such facility is available to the public; and (3) after daylight if and when the facility is lighted.

B. No person shall refuse or fail to leave a park and recreation facility upon being directed to leave: (1) by the director or the director's designee; or (2) by a peace officer.

C. No person shall be or remain in a park and recreation facility other than during daylight except as follows:

1. When the person is only using the sidewalk or pathway within the facility;

2. When the facility is posted conspicuously that the daytime hours that the facility is open to the public are limited to hours other than during daylight;

3. When the facility is lighted and the person is a participant or spectator at the event taking place at the lighted facility; or

4. When the director has given written permission.

D. The director, police chief or fire chief, or the designees, may close any park and recreation facility to the public when it is determined that such closure will protect the public health, safety and/or welfare or is necessary to protect such facility from misuse or destruction. If possible, notice thereof shall be posted in conspicuous locations in the affected facility.

E. No person shall be in the Century House or within the fenced area within the Bicentennial Park without the written permission of the director.

F. No person, group or organization (collectively the "renter") shall claim exclusive use of any or all of a park and recreation facility without having leased such park or recreation facility or received the written permission of the director. With such lease or permission, the renter may exclude members of the public from that park or from that recreation facility, and the renter may also establish the renter's own reasonable rules of use during such period.

G. Group use (which means 25 or more persons affiliated in any way) of any park and recreational facility shall be permitted only as follows:

1. With the written permission of the director;

2. Only in those sections of any community park planned for such use; and

3. Only in neighborhood parks if by bona fide neighborhood groups and only for neighborhood related

activities. (Ord. 2120 § 1, 2015; Ord. 1659 § 1, 1995; Ord. 1474 § 1, 1990; Ord. 1428 § 4, 1989)

13.08.145 Required riding equipment in in-line skateparks and skateboard parks.

It is unlawful for a person to ride a skateboard or a nonmotorized scooter, or to use in-line skates, in an in-line skatepark or skateboard park unless the person is wearing a helmet that meets the standards specified in Section 21212(a) of the California Vehicle Code, elbow pads and kneepads, all which shall be properly fitted and fastened, and where the skateboard park has a sign posted which provides that anyone in-line skating or riding a skateboard in the park must wear a helmet, elbow pads and kneepads or be subject to a citation. (Ord. 1924 § 1, 2005; Ord. 1654 § 2, 1995)

13.08.150 Motor driven cycles and model vehicles and planes.

A. No person shall operate, transport or maintain any motor driven cycle, motorcycle, motorized bicycle or moped as the same are defined in the Vehicle Code or determined in the reasonable discretion of the chief of police or designee, within any park and recreation facility except in those areas as may be specifically designated for such purpose or with the written permission of the director.

B. No person shall operate in any park and recreation facility any airborne, waterborne or landborne model plane, any rocket or missile, or any vessel or vehicle, whether such plane, rocket, missile, vessel or vehicle uses an internal combustion engine or is propelled/operated otherwise, without the written permission of the director. (Ord. 2065 § 1, 2013; Ord. 1428 § 4, 1989)

13.08.160 Horseback riding.

No person shall ride, walk or pasture a horse in any park and recreation facility except within areas specifically designated for that purpose. (Ord. 1428 § 4, 1989)

13.08.170 Golfing.

No person in a park and recreation facility shall golf, including, but not limited to, chipping, putting, driving or otherwise practicing golf, except within areas specifically designated for such use. (Ord. 1428 § 4, 1989)

13.08.180 Amplified sound or music.

A. No person in a park and recreation facility shall use amplifiers, amplifying equipment, micro-

phones, boosters, electrified musical instruments or any other type of electronic or mechanical device used to increase the wattage and volume of electronically or otherwise produced sound, without the written permission of the director.

B. No person in a park and recreation facility, by use of a radio, tape, record or other electronic or mechanical device, shall produce or allow to be produced a noise level which disturbs a reasonable person's peace and quiet; in no event shall the noise level exceed the limits of Section 9.04.060 of this code. (Ord. 1428 § 4, 1989)

13.08.190 Smoking.

No person shall smoke in any enclosed building in a park and recreational facility except as provided in Chapter 9.24 of this code. (Ord. 1428 § 4, 1989)

13.08.200 Bicycles.

A. No person shall ride or operate a bicycle in any park and recreation facility in a negligent, unsafe or reckless manner or in any way that endangers the life, limb or property of any person.

B. It is unlawful for a person to ride a bicycle in a bicycle motocross park unless the person is wearing a properly fitted and fastened helmet that meets the standards specified in Section 21212(a) of the California Vehicle Code.

C. If a pathway or roadway is designated for bicycle use, a person shall use such pathway or roadway for such use. (Ord. 1924 § 1, 2005; Ord. 1428 § 4, 1989)

13.08.205 Hang gliding prohibited.

Hang gliding and hang gliders are prohibited in Augustin Bernal Park. (Ord. 1595 § 2, 1993)

13.08.210 Additional rules.

The director is authorized to promulgate from time to time such other and further rules and regulations as may be necessary for the purpose of regulating the use of any park and recreation facility. Upon adoption thereof by the city council by resolution, such rules and regulations shall have the same force and effect as the provisions of this chapter. (Ord. 1428 § 4, 1989)

Title 14

WATER

Chapters:

- 14.04 Regulation of Water System and Water Service Fees**
- 14.06 Regulation of Recycled Water Use**
- 14.08 Water Connections**
- 14.12 Well Standards**
- 14.16 Regulations for Protection From Water Contamination**
- 14.20 Recycled Water Use for Landscape Irrigation**

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.

F. It is a violation of this chapter for any person to tamper with any of the property comprising the water system.

G. It is a violation of this chapter for any person or consumer to waste water obtained from the water system. As used in this subsection, the term "waste" means:

1. Use of potable water between 9:00 a.m. and 6:00 p.m. to irrigate grass, lawns, groundcover, shrubbery, crops, vegetation, and trees, with the exception of hand watering and drip irrigation;
2. The application of potable water to outdoor landscaping in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures;
3. Use of potable water to irrigate outdoor landscaping during and within 48 hours after measurable rainfall;
4. Use of potable water to wash down sidewalks, walkways, driveways, parking lots, open ground or other hard surface areas by the direct application of water thereto, unless needed for health or safety reasons;
5. Use of potable water in non-recirculating decorative ponds, fountains and other water features, with the exception of child water-play features;
6. Allowing potable water to escape from breaks within the person or consumer's plumbing system for more than eight hours after the person or consumer is notified or discovers the break. (Ord. 2118 § 1, 2015; Ord. 2097 § 1, 2014; Ord. 2093 § 1, 2014; prior code § 2-16.06)

14.04.070 Water rates and charges.

There is levied and assessed upon all consumers and 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 the meter, both of which 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. (Ord. 1973 § 2, 1983; prior code § 2-16.07)

14.04.075 Security deposits.

A. For a new residential applicant, whether the applicant is the property owner or a tenant of a residential unit that is not master metered, the finance director may require from the applicant a security deposit in an amount not to exceed twice the average periodic (i.e., bimonthly) bill.

B. For a new residential applicant for a building that is master metered, the finance director may require from the property owner a security deposit in an amount not to exceed an estimated 12 months' average bills.

C. For a new nonresidential applicant, whether the applicant is the property owner or the tenant, the finance director may require from the applicant a security deposit in an amount not to exceed an estimated 12 months' average bills.

D. Where the new residential applicant is a tenant in a residence that is not master metered, the finance director shall not require, as a condition of the new applicant's establishing an account and receiving service, that the account be established in the property owner's name unless the property owner consents through a written agreement.

E. Where the new residential applicant is a tenant in a residence where the account for the previous tenant has outstanding charges and/or penalties, the finance director shall not require the new applicant to pay those charges/penalties as a condition of establishing an account and receiving service unless the new applicant was an adult living in the residence when the charges/penalties accrued.

F. If a portion or all of a bill is not paid, the security deposit shall be applied to satisfy the bill. Any charges/penalties not satisfied from the security deposit may be collected by the city as provided in Section 14.04.130 of this chapter. (Ord. 1703 § 1, 1997; Ord. 1127 § 1, 1984; prior code § 2-16.08)

14.04.080 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. (Unnumbered prior code section)

14.04.090 Collection of water charges.

A. 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 or her successor

in interest, or to any person requesting that such bill be charged to him or her.

B. All water charges shall become due and payable at the office of the finance department on the date of payment specified thereon 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.

C. Opening bills, closing bills, monthly bills rendered for a 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.

D. 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 reestablish service.

(Prior code § 2-16.09)

14.04.100 Temporary service.

A. The city will, if no undue hardship to its existing consumers will result therefrom, furnish temporary service under the following conditions:

1. 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

2. 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

3. Where the duration of service is to exceed one month, the applicant may also be required to establish his or her credit in the manner prescribed for permanent service in Section 14.04.070.

B. 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 Chapter 14.08. (Prior code § 2-16.10)

14.04.110 Refusal to serve.

A. The city may refuse an application for service under the following conditions:

1. If the applicant fails to comply with the provisions of this chapter; or

2. 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

3. 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

4. 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.

B. The city shall have the right to refuse water service to any premises if necessary to protect itself against fraud or abuse.

C. 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.

D. When an applicant is refused service under the provisions of this section, the director shall inform him or her of the reason for the refusal to serve him or her and of his or her right of appeal under this chapter. (Prior code § 2-16.11)

14.04.120 Discontinuance of service.

Any consumer may have his or her 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 or her request. Such charge shall be as set forth in the master fee schedule. (Ord. 2019 § 1, 2011; prior code § 2-16.12)

14.04.130 Enforcement measures.

A. A consumer's water service may be discontinued for nonpayment of a bill for water service furnished if the bill is not paid within 30 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 subsection 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. The city may also provide additional notice about discontinuance of water service by telephone contact, and/or a door hanger with written notice on the main entrance of the building where water service is furnished.

B. 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.

C. In the event of violation of any terms of this chapter (except subsections A and B 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 commit-

ting 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 or her authority to disconnect the premises from the water system; provided, that such time shall not be less than five 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.

D. 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:

In each case where any bill for water service remains unpaid after such bill becomes delinquent, and remains unpaid for 30 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.

For situations involving significant unpaid amounts which have been delinquent for a long period of time involving accounts where service was requested by the property owner, the director may impose a lien on the property for the unpaid amount plus penalties as provided in California Government Code Section 43008.

E. 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 applicable charges as provided in the master fee schedule, and until a security deposit is established pursuant to Section 14.04.075. When any person's premises have been disconnected from the water system under the provisions of this subsection, the director shall inform him or her of the reason for the disconnection and of his or her right of appeal under this chapter. (Ord. 2093 § 1, 2014; Ord. 2019 § 1, 2011; prior code § 2-16.13)

14.04.140 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 two percent 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 or her 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 or she 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 two percent 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 or her presence or in the presence of his or her 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 two percent 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 five percent 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 non-registering 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. (Prior code § 2-16.14)

14.04.150 Notices.

A. Notices from the city to any consumer will be given in writing, either delivered to the consumer or mailed to his or her last known address, except that where conditions warrant or in any emergency the city may give verbal notice by telephone or in person.

B. Notices from a consumer to the city may be given by the consumer or his or her 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. (Prior code § 2-16.15)

14.04.160 Appeals.

A. 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 under this chapter by the department or the director may, at any time within 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 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 under this chapter. 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 10 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.

B. Pending decision upon any appeal relative to the amount of any charge under this chapter, 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. (Prior code § 2-16.16)

14.04.170 Disposition of revenues.

All revenues received by the finance department or the city under this chapter, excepting all connection charges provided for in Chapter 14.08, 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.

(Prior code § 2-16.17)

Chapter 14.06

REGULATION OF RECYCLED WATER USE

Sections:

- 14.06.010 Purpose.**
- 14.06.020 Provision of recycled water service.**
- 14.06.030 Recycled water use permit.**
- 14.06.040 Responsibilities of customers.**
- 14.06.050 Protection of public health.**

14.06.010 Purpose.

This chapter sets forth requirements, in addition to those in Chapter 14.04 Regulation of Water System and Water Service Fees, for the use of recycled water supplied by the city's recycled water distribution system. The purpose of this chapter is to promote the use of recycled water and maintain conformance to regulatory requirements.

This chapter shall govern all use of recycled water supplied by the city and shall apply to all customers thereof. This chapter provides for monitoring, compliance, and enforcement activities resulting from the use of the city's recycled water system. (Ord. 2115 § 1, 2015)

14.06.020 Provision of recycled water service.

Water supplied from the city's recycled water system is subject to the following provisions:

A. Approval from the city engineer (new service connection) or operation services director (existing development) for recycled water service in accordance with Chapter 14.20, Recycled Water Use for Landscape Irrigation, is required in order to initiate recycled water service for the first time to a particular irrigation meter, and the potential recycled water customer shall obtain such approval before installing any recycled water facilities.

1. Such review and approval may include the requirement that a customer is required to install and maintain, at customer's sole expense, a pump or other pressure-adjusting device and such other facilities sufficient to maintain pressure within an acceptable pressure range at each intended point of use. The city may require evidence of such installation.

B. The city may suspend service if, for any reason, recycled water produced and purchased from Dublin San Ramon Services District or city of Livermore does not meet tertiary treated recycled water quality in conformance with Title 22, Division 4 of the California Code of Regulations, as amended, or if, in the opinion of the operation services director, the use of

recycled water is not compatible with the quality of the recycled water delivered to the customer. (Ord. 2115 § 1, 2015)

14.06.030 Recycled water use permit.

Customers shall obtain and maintain in effect a recycled water use permit. Customers shall comply with all permitting, tracking, record keeping, monitoring, and inspection procedures that may be established by the city from time to time for such permit holders. The recycled water use permit grants the customer permission to use recycled water in conformance with city recycled water standards, guidelines, codes, ordinances, and policies, including any special site-specific requirements that may be identified. (Ord. 2115 § 1, 2015)

14.06.040 Responsibilities of customers.

Customers shall comply with all of the provisions of Chapters 14.06 and 14.20 relative to the use of recycled water during the entire time that recycled water is delivered to the customer. In addition, customers shall comply with all applicable provisions contained in the city's *Recycled Water Use Guidelines* and *Recycled Water Standards and Specifications*, permit conditions, and other laws, regulations, agreements, orders, guidelines, and/or standards, any amending or superseding requirements thereof. The customer shall bear all costs incurred to remedy the noncompliance with any such provisions, and shall pay any monetary penalties or fines imposed for the violation of or noncompliance with such provisions. The omissions or acts by the city shall not relieve the customer of responsibility to comply with the provisions of this section. Without limiting the generality of the foregoing, customers shall comply with the following requirements:

A. **Customer-Owned Facilities.** Customers shall design and construct customer-owned recycled water facilities in accordance with city-approved standards. Customers shall maintain such facilities in good working order as to achieve compliance with all city requirements applicable to use of recycled water. Any proposed changes to the customer-owned recycled water facilities shall be submitted for approval by the city in advance of making such modifications.

B. **Use of Recycled Water.** Customers shall be responsible for application of recycled water on their use areas and the associated operations and maintenance of the customer-owned facilities.

C. **Disclosure.** Customers shall be responsible for informing persons to whom they have delegated responsibility for applying recycled water of the requirements of the city. Customers shall provide employee

training to those employees who may be exposed to recycled water to assure proper operation of recycled water facilities and worker protection.

Customers shall assure that all above-ground equipment, including pumps, piping, storage reservoirs, valves, etc., which may at any time contain recycled water, shall be adequately and clearly identified with appropriate warning signs and shall make necessary provisions to inform the public that recycled water, which is unfit for human consumption, is being used.

D. **Monitoring.** Customers shall regularly monitor customer-owned facilities and submit accurate monitoring reports to the city on a timely basis in accordance with the reporting requirements outlined in the recycled water use permit issued by the city to the customer. The customer shall notify the city immediately if any unauthorized use or discharge of recycled water occurs, or if other conditions occur, which impact or threaten to impact the public health.

E. **Access to Customer Site.** All recycled water customers shall permit the officers, employees, and agents of the city, the Regional Water Quality Control Board (RWQCB), the Division of Drinking Water, Alameda County, and other entities with jurisdiction over recycled water or public health, access to the site where recycled water supplied by the city is used, or where records relative to recycled water use are kept, for the purposes of: (1) inspection, testing, and repair of facilities, equipment, practices or operations regulated pursuant to the city's general water reuse requirements, and other laws; and (2) sampling or monitoring to assure compliance with the general water reuse requirements and other laws. In addition, customers shall supply access to, or copies of, records relative to recycled water use to representatives of the above-named entities upon request.

F. **Operation and Maintenance by Qualified Persons.** Recycled water facilities may be operated only by natural persons who hold a current certificate issued by the city establishing satisfactory completion of the most recent recycled water use training course offered by the city. Failure to have a current certificate shall disqualify a person from operating or maintaining customer-owned recycled water facilities within the city. Failure to employ or retain a natural person who holds a current certificate shall be grounds for immediate termination of recycled water service by the city.

G. **Periodic Training.** Each natural person who operates or maintains customer-owned recycled water facilities for one or more recycled water customers shall attend periodic recycled water use training courses offered by the city. At the end of each such course, the city

shall issue a certificate to each such person who satisfactorily completes the course. Such certificate shall provide that, in the absence of violations of the provisions of this chapter, it shall be effective until the commencement of the next training course or until the rules, regulations, permits or orders applicable to recycled water use within the city are changed, whichever is later. Such certificates are not transferable in any manner.

H. **Compliance with Emergency Cross-Connection Response Plan.** In the event of a cross-connection, customers shall immediately comply with the emergency cross-connection response plan established by the city as amended from time to time.

I. **Penalties for Noncompliance.** Any customer who fails to timely submit accurate monitoring reports to the city in accordance with its recycled water use permit, or otherwise fails to comply with the city's *Recycled Water Use Guidelines* and *Recycled Water Standards and Specifications*, or who uses water or discharges wastewater in any manner which is contrary to the laws, regulations, agreements, permits, orders, guidelines, and/or standards relative to the use of water is subject to citation pursuant to Chapter 1.24, as well as other remedies in law or equity. (Ord. 2115 § 1, 2015)

14.06.050 Protection of public health.

Notwithstanding compliance by a customer with these rules and regulations, the city reserves the right and has the authority to terminate recycled water service immediately, without notice, in the interest of protecting a threat to the public health if at any time during construction or operation of the recycled water system, real or potential hazards are evidenced, such as cross-connections with the potable system, failure to conform to monitoring and reporting requirements, improper tagging, signing, or marking, improper construction, or unapproved/prohibited uses. (Ord. 2115 § 1, 2015)

connection Control and Hydraulic Research (FCCC & HR) of the University of Southern California established by:

Specifications of Backflow Prevention Devices fi69-2 dated March 1969 or the most current issue.

Said AWWA and FCCC & HR standards and specifications have been adopted by the operations services director. 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 operations services director to test and certify backflow preventers:

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 operations services director.

Backflow preventers which may be subjected to back pressure or back-siphonage that have been fully tested and have been granted a certificate of approval by the 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 operations services director deems the hazard to be great enough, he or she 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 operations services director. It shall be the duty of the operations services director to see that these timely tests are made. The customer-user shall notify the operations services director in advance when the tests are to be undertaken so that he or she or his or her 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 the devices are found to be

defective. Records of such tests, repairs and overhaul shall be kept and made available to the operations services director.

G. All presently installed backflow 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 F of this section, be excluded from the requirements of these rules so long as the operations services director 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 operations services director 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 operations services director to be subject to backflow prevention will, upon written notice, have an appropriate backflow prevention device installed and inspected within 60 days of the notification. (Ord. 2000 § 1, 2009; Ord. 1073 § 3, 1983; prior code § 2-16.50 (2))

Chapter 14.20

RECYCLED WATER USE FOR LANDSCAPE IRRIGATION

Sections:

- 14.20.010 Purpose.**
- 14.20.020 Definitions.**
- 14.20.030 Applicability.**
- 14.20.040 Process for new development.**
- 14.20.050 Process for existing development.**
- 14.20.060 Appeals.**
- 14.20.060 Exemptions.**

14.20.010 Purpose.

The purpose of this chapter is to provide protection to the city’s potable water supply by acting in accordance with Section 13550 et seq., of the California Water Code and Section 65605 of the California Government Code. Now that recycled water is available, it is the policy of the city that recycled water be used for approved nonpotable landscape irrigation uses within the city’s recycled water use area when it is determined that there is not an alternative higher or better use for the recycled water, its use is economically justified, and its use is financially and technically feasible, consistent with legal requirements, preserves public health, safety and welfare, and protects the environment. (Ord. 2116 § 1, 2015)

14.20.020 Definitions.

A. “Existing customer and/or existing development” means a water customer currently receiving potable water service from the city.

B. “Landscape irrigation” means water service which is separately metered and is used exclusively to water turf and/or other landscaping areas.

C. “New development” means: (1) a proposed development project involving new construction and seeking approval for new water service; or (2) proposed rehabilitation of existing development that may involve removal and replacement of existing buildings and/or landscaping.

D. “Recycled water” means treated water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

E. “Recycled water use area” means areas within the city where recycled water pipelines allow for connections for recycled water service. (Ord. 2116 § 1, 2015)

14.20.030 Applicability.

The provisions of this chapter shall apply to:

A. New development involving cemeteries, golf courses, parks, greenbelts, landscaped streets, landscaped medians, highway landscaped areas, and landscape irrigation uses in industrial and commercial sites, as well as common areas of residential sites.

B. Existing customers and/ or existing development consisting of cemeteries, golf courses, parks, greenbelts, landscaped streets, landscaped medians, highway landscaped areas, and landscape irrigation uses in industrial and commercial sites, as well as common areas of residential sites.

C. Those sites described in subsections A and B of this section, located in the recycled water use area. (Ord. 2116 § 1, 2015)

14.20.040 Process for new development.

A. All new development within the recycled water use area shall use recycled water for appropriate landscape irrigation. The city’s determination of appropriate landscape irrigation uses shall be based on the need for isolated irrigation water meter(s), and the standards for recycled water contained in Title 22 of the California Code of Regulations, Article 3 Uses of Recycled Water, Sections 60304 and 60305, as amended. Planning, design, and construction in new development shall incorporate recycled water facilities in accordance with the most current version of the city’s *Recycled Water Standard Specifications* and the city’s *Recycled Water Use Guidelines*, and such facilities shall be connected to the city’s recycled water system and use city recycled water service.

This requirement for all new development within the recycled water use area to use recycled water for appropriate landscape irrigation shall not apply when the city engineer, or designee, determines that:

1. Such use could pose a potential threat to public health, safety, and welfare, and/or the protection of the environment.

2. Such use is not among the list of allowable uses as specified under state law, and/or are not included in the permitted uses as issued within the city’s recycled water distribution permit from the State Water Quality Control Board.

B. Compliance with the requirements of this section may be imposed as a condition of approval for any new development entitlement and shall be a condition precedent to the city’s provisions of new potable water services to new development within the recycled water use area.

C. The applicant for a new development for which recycled water service is otherwise required by this chapter may seek a written determination by the city engineer or designee (collectively “city engineer”) for reconsideration of such recycled water requirement. The applicant’s request for such determination shall be in writing and shall set forth with sufficient supporting information at least one of these criteria:

1. Not economically feasible because of distance from, or access to, available or planned recycled water sources;
2. Landscape irrigation demands within the new development are minor relative to overall water demands; or
3. Inadequate recycled water supply is available to service the demand.

After receipt of such request for reconsideration, the city engineer may ask for additional written information from the applicant. After receipt of all reasonably requested information, the city engineer shall issue a written determination in 30 days.

D. For new development where required use of recycled water for landscape irrigation is a condition of approval, the applicant may also appeal such condition of approval through the regular new development entitlement process. (Ord. 2116 § 1, 2015)

14.20.050 Process for existing development.

A. Existing customers and/or existing development with dedicated irrigation meters within the recycled water use area shall be exempt from the requirements of this section if the operation services director or designee determines at least one of the following criteria are met:

1. Conversion to the recycled water system is determined not economical for the existing customer and/or existing development because of its distance from available or planned recycled water sources. Recycled water service that is not economical, as used herein, shall be reasonably determined by the operation services director and/or designee.
2. Irrigation demands are minor compared to overall water demands.
3. Inadequate recycled water supply is available to service the demand.
4. Conversion to recycled water service at the existing customer and/or existing development’s property is determined to pose a potential threat to public health, safety and welfare, and/or the protection of the environment.

5. The current or planned use(s) of water serviced through the existing potable irrigation meter is/are

not among the list of allowable uses as specified under state law, and/or are not included in the permitted uses as issued within the city’s recycled water distribution permit from the State Water Quality Control Board.

B. Nothing in this section shall be construed to prohibit any existing customer or existing development with dedicated irrigation meters from voluntarily applying for recycled water service. The city shall have the right to deny such application if the city engineer and/or operation services director or designee determines that inadequate recycled water supply is available to serve the demand. (Ord. 2116 § 1, 2015)

14.20.060 Appeals.

A. After receipt of the written determination described in Sections 14.20.040(C) and 14.20.050(A), a written appeal may be filed with the city manager within 30 days of the date of the determination.

B. Such written appeal shall state the basis for such appeal and provide any applicable supporting documentation.

C. The city manager may request reasonable additional information. After receipt of any additional information, the city manager shall issue a written decision within 30 days regarding the appeal. The city manager’s decision regarding the appeal shall be final. (Ord. 2116 § 1, 2015)

14.20.060 Exemptions.

This chapter also does not alter any rights, remedies, or obligations that may exist pursuant to: Chapter 7 (commencing with Section 13500) of Division 7 of the California Water Code; or other vested rights under state law or applicable agreements. (Ord. 2116 § 1, 2015)

Title 17

PLANNING AND RELATED MATTERS

Chapters:

- 17.04 Condominium Conversions**
- 17.08 Flood Damage Prevention**
- 17.12 Geologic Hazards**
- 17.16 Tree Preservation**
- 17.20 Future Street Width Lines**
- 17.24 Transportation Systems Management**
- 17.26 Transit Incentive**
- 17.28 Residential School Facility Impact Fee (Rep. by
Ord. 1282, 1986)**
- 17.32 (Reserved)**
- 17.36 Growth Management Program**
- 17.38 Density Bonus**
- 17.40 Lower-Income Housing Fees**
- 17.44 Inclusionary Zoning**
- 17.46 Dedications**
- 17.48 Right to Farm**
- 17.50 Green Building**

17.12.080 Report—Consideration.

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. (Prior code § 2-19.08)

17.12.090 Appeal.

The decision of the approving board, commission or staff person may be appealed pursuant to the applicable appellate provisions set forth in this code. (Prior code § 2-19.09)

17.12.100 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 seismic 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, except where more stringent standards or regulations have been adopted from time to time by the state Mining and Geology Board, shall apply within the city. (Prior code § 2-19.10)

Chapter 17.16

TREE PRESERVATION*

Sections:

17.16.003	Purpose and intent.
17.16.006	Definitions.
17.16.009	Exceptions.
17.16.010	Permit—Required.
17.16.020	Permit—Procedure.
17.16.025	Significant impact—Administrative hearing.
17.16.030	Action by director—Findings.
17.16.040	Appeal.
17.16.043	Heritage tree board of appeals—Established.
17.16.046	Heritage tree board of appeals—Duties.
17.16.050	New property development.
17.16.060	Emergency action.
17.16.070	Protection of existing trees.
17.16.080	Pruning and maintenance.
17.16.090	Public utilities.
17.16.100	Insurance requirements.
17.16.110	Fines and penalties.
17.16.120	Additional provisions.

* **Prior code history;** prior code §§ 2-17.02-2-17.12; Ords. 1152, 1653.

17.16.003 Purpose and intent.

The city recognizes that preservation of 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 the erosion of topsoil, helps create an identity and quality, 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 city council finds that in order to promote the public health, safety and general welfare of the city while at the same time recognizing individual rights to develop and maintain 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. However, the city council also recognizes that under certain circumstances heritage trees may properly be removed. Those circumstances include where heritage trees are dangerous; are dead or diseased; are so situated on undeveloped land that their preservation would preclude feasible development; are so abundant their removal would not destroy the area's natural beauty or ecology or cause erosion; or have a significant impact on the property. It is the intent of this chapter to preserve as many heritage trees as possible throughout the city through staff review and the development review process. (Ord. 2120 § 1, 2015; Ord. 1737 § 1, 1998)

17.16.006 Definitions.

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

- A. "Heritage tree" means a tree of any species or origin which meets any of the following:
1. Any single-trunked tree with a circumference of 55 inches or more measured four and one-half feet above ground level;
 2. Any multi-trunked tree of which the two largest trunks have a circumference of 55 inches or more measured four and one-half feet above ground level;
 3. Any tree 35 feet or more in height;

4. Any tree of particular historical significance specifically designated by official action;
 5. A stand of trees, the nature of which makes each dependent upon the other for survival or the area's natural beauty.
- B. "Director" means the community development director or the director's designated representative.
 - C. "Topping" means heading back of the crown and/or creating large stubs without regard to form.
 - D. "Certified or consulting arborist" means an arborist who is registered with the International Society of Arboriculture and approved by the director.
 - E. "Applicant" means the owner of improved property submitting an application to remove a heritage tree(s) located upon said property. Only the property owner may apply to remove a heritage tree(s) or appeal the director's decision.
 - F. "Significant impact" means an unreasonable interference with the normal and intended use of the property. In determining whether there is a significant impact, the typical longevity of the subject tree species, as well as the size of the tree relative to the property, shall be considered. Normal maintenance, including, but not limited to, pruning, and leaf removal and minor damage to paving shall not be considered when making a determination of significant impact. (Ord. 2120 § 1, 2015; Ord. 2019 § 1, 2011; Ord. 2000 § 1, 2009; Ord. 1737 § 1, 1998)

17.16.009 Exceptions.

The provisions of this chapter shall not apply to fruit or nut trees when part of an orchard, the produce of which is used for commercial purposes. (Ord. 1737 § 1, 1998)

17.16.010 Permit—Required.

- A. No person shall remove, destroy or disfigure, any heritage tree growing within the city without a permit except as provided in this chapter.
- B. Normal maintenance pruning of heritage trees shall not require a permit but shall in all cases be in conformance with the guidelines of the International Society of Arboriculture, Best Management Practices, Tree Pruning, current edition. Pruning which, in the opinion of the director, varies from these guidelines shall be subject to fines and penalties as provided in Section 17.16.110 of this chapter. (Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.020 Permit—Procedure.

- A. Except as provided in Section 17.16.050 of this chapter, any person desiring to remove any heritage tree in the city shall make application to the director. Said application shall contain the number, species, size and location of heritage trees to be removed and a brief statement of the reason for removal as well as any other pertinent information the director may require. The permit, if granted, shall entitle the applicant to remove only those heritage trees designated by permit.
- B. The director shall visit and inspect the property, the heritage tree or trees in question, and the surrounding area and shall ascertain the following:
 1. The condition of the heritage 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 heritage 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;
 2. Whether the tree has a significant impact on the property;
 3. The necessity to remove any heritage tree in order to construct any proposed improvements to allow for the economic enjoyment of the property;
 4. 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 value and beauty of the area;

5. The topography of the land upon which the heritage tree or trees are situated and the effect of removal thereof upon erosion, soil retention and diversion or flow of surface waters;
 6. Good forestry practices, i.e., the number of healthy trees that a given parcel of land will support.
- C. The director may refer any application to any city department or commission for review and recommendation. (Ord. 1737 § 1, 1998)

17.16.025 Significant impact—Administrative hearing.

- A. Where the applicant applies to remove a heritage tree on grounds that it has a significant impact on the property, the director shall conduct a hearing. The hearing shall be set not less than 15 days and not more than 60 days from the date the application is filed.
- B. The director shall send notice of the hearing to all property owners and residents within 300 feet.
- C. At the hearing, the applicant and any interested party shall be given the opportunity to be heard concerning the preservation or removal of the heritage tree.
- D. After considering all relevant evidence, the director shall issue a written decision to preserve or remove the tree.
- E. The director shall send a copy of the written decision to the applicant and neighboring property owners and residents within 300 feet of the tree.
- F. Unless appealed, the decision of the director shall become effective 20 days after being issued.
- G. The director's decision may be appealed as provided in Section 17.16.040 of this chapter. (Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.030 Action by director—Findings.

- A. The director shall issue a permit to remove a heritage tree or trees if it is determined that one of the following conditions exists:
 1. The heritage 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;
 2. The heritage tree has a significant impact on the property;
 3. The heritage tree is dead, dying or diseased and good forestry practices cannot be reasonably undertaken to preserve the tree; or
 4. Where the heritage tree in question is not diseased or hazardous, the removal of the tree is consistent with the purpose and intent of this chapter and in keeping with the health, safety and general welfare of the community.
- B. The director shall notify the applicant in writing of the determination giving the reason for the application's approval or denial. (Ord. 1737 § 1, 1998)

17.16.040 Appeal.

- A. The director's decision may be appealed only by the applicant. Such appeal must be submitted in writing to the city clerk within 20 days of the decision, and shall briefly state facts and the grounds of the appeal and be signed by the applicant filing the appeal.
- B. Any appeal concerning property with four or fewer residential units on the subject property, not concerning new development, shall be heard by the heritage tree board of appeals. All other appeals shall be heard by the city council.
- C. The city clerk shall set a date for hearing before the appropriate appellate body and shall notify all interested parties. The director shall submit a report to the appropriate appellate body, along with any departmental recommendations.

- D. The appellate body shall conduct a hearing on the appeal. Following the hearing of any such appeal, the appellate body 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 appellate body on any such appeal shall be final and conclusive. (Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.043 Heritage tree board of appeals—Established.

There is created and established a board of appeals consisting of three members, two planning commissioners and one park and recreation commissioner appointed by their respective commissions. The board shall elect a chairperson. The director 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. (Ord. 1737 § 1, 1998)

17.16.046 Heritage tree board of appeals—Duties.

The board of appeals shall:

- A. Hold a hearing within 60 days after the city’s receipt of appeal, to hear such testimony by any department of the city, the applicant who filed the appeal, or any interested party.
- B. Make written findings of fact upholding, reversing or modifying the director’s decision. The decision of the board shall be final. (Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.050 New property development.

- A. Any person desiring to remove one or more trees on any property in the city which is related to the development of such property requiring city approval or where any tree may be affected by a proposed development shall include in the application to the appropriate city reviewing body as part of the regular application, the following:
1. A tree survey plan, including all trees which will be affected by the new development. The survey, noting all trees six inches in diameter and greater, shall specify the precise location of trunk and dripline, size, health and species of all existing trees on the property with a special notation of those classified as a heritage tree;
 2. The applicant shall provide a report by a certified or consulting arborist. The report, based on the findings of the tree survey plan and other necessary information, shall be used to determine the health of existing trees, the effects of the proposed development upon the trees, recommendations for any special precautions necessary for their preservation and shall also indicate which trees are proposed for removal;
 3. The tree survey plan and report 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 17.16.020 of this chapter. This report shall be made part of the staff report to the city reviewing body upon its consideration of the application for new property development;
 4. The city reviewing body through its site and landscaping plan review shall endeavor to preserve all trees recommended for preservation by the director. The city reviewing body 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;
 5. Approval of final site or landscape plans by the appropriate city reviewing body indicating which trees are to be removed shall constitute the approval and permit for the purpose of this chapter; and
 6. Prior to issuance of a grading or building permit, the applicant shall secure an appraisal of the condition and replacement value of all trees included in the tree report affected by the development which are required to remain within the development. The appraisal of each tree shall recognize the location of the tree in the proposed development. The appraisal shall be performed in accordance with the current edition of the “Guide for Plant Appraisal” under the auspices of the International Society of Arboriculture. The appraisal shall be performed at the applicant’s expense, and the appraiser shall be subject to the director’s approval.

- B. Prior to acceptance of subdivision improvements, the developer shall submit to the director a final tree report to be performed by a certified or consulting arborist. This report shall consider all trees that were to remain within the development. The report shall note the trees' health in relation to the initially reported condition of the trees and shall note any changes in the trees' numbers or physical conditions. The applicant will then be responsible for the loss of any tree not previously approved for removal. For trees which are not heritage trees which were removed, the developer shall pay a fine in the amount equal to the appraised value of the subject tree. For heritage trees which were removed, the developer shall pay a fine in the amount of the appraised value of such tree. The applicant shall remain responsible for the health and survival of all trees within the development for a period of one year following acceptance of the public improvements of the development.
- C. Prior to the issuance of any permit allowing construction to begin, the applicant shall post cash, bond or other security satisfactory to the director, in the penal sum of \$5,000.00 for each tree required to be preserved, or \$25,000.00, whichever is less. The cash, bond or other security shall be retained for a period of one year following acceptance of the public improvements for the development and shall be forfeited in an amount equal to \$5,000.00 per tree as a civil penalty in the event that a tree or trees required to be preserved are removed, destroyed or disfigured.
- D. An applicant with a proposed development which requires underground utilities shall avoid the installation of said utilities within the dripline of existing trees whenever possible. In the event that this is unavoidable, all trenching shall be done by hand, taking extreme caution to avoid damage to the root structure. Work within the dripline of existing trees shall be supervised at all times by a certified or consulting arborist.
- E. Any decision by a city reviewing body under this section may be appealed as in Section 17.16.040 of this chapter. (Ord. 1737 § 1, 1998)

17.16.060 Emergency action.

A person may remove or prune a heritage tree without a permit if there is an emergency caused by a heritage tree being in a hazardous or dangerous condition requiring immediate action for the safety of structures or human life. In such event, the director shall be notified at the earliest opportunity in order to confirm the emergency situation. If the director determines that the situation was not an emergency requiring immediate action, the person removing or damaging the heritage tree shall be subject to fines and penalties set forth in Section 17.16.110 of this chapter. (Ord. 1737 § 1, 1998)

17.16.070 Protection of existing trees.

All persons shall comply with the following precautions:

- A. Prior to the commencement of construction, install a sturdy fence at the dripline of any tree which will be affected by the construction and prohibit any storage of construction materials or other materials inside the fence. The dripline shall not be altered in any way so as to increase the encroachment of the construction.
- B. Prohibit excavation, grading, drainage and leveling within the dripline of the tree unless approved by the director.
- C. Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the dripline or in drainage channels, swales or areas that may lead to the dripline.
- D. Prohibit the attachment of wires, signs and ropes to any heritage tree.
- E. Design utility services and irrigation lines to be located outside of the dripline when feasible.
- F. Retain the services of a certified or consulting arborist for periodic monitoring of the project site and the health of those trees to be preserved. The certified or consulting arborist shall be present whenever activities occur which pose a potential threat to the health of the trees to be preserved.
- G. The director shall be notified of any damage that occurs to a tree during construction so that proper treatment may be administered. (Ord. 1737 § 1, 1998)

17.16.080 Pruning and maintenance.

All pruning of heritage trees shall be performed by a licensed contractor familiar with International Society of Arboriculture pruning guidelines and shall comply with the guidelines established by the International Society of Arboriculture, Best Management Practices, Tree Pruning, current edition and any special conditions as determined by the director. For developments which require a tree report, a certified or consulting arborist shall be in reasonable charge of all activities involving heritage trees. (Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.090 Public utilities.

- A. Any public utility installing or maintaining any overhead wires or underground pipes or conduits in the vicinity of a heritage tree shall obtain permission from the director before performing any work, including pruning, which may cause injury to the heritage tree.
- B. The director shall inspect said pruning work to ensure that appropriate pruning practices are followed. The public utility shall follow pruning practices conforming to the International Society of Arboriculture pruning standards to promote the well-being of the tree. Topping shall not be permitted unless specifically approved by the director. The director shall stop any tree pruning performed by a utility if said practices are not being followed. (Ord. 1737 § 1, 1998)

17.16.100 Insurance requirements.

Any person engaged in the business of pruning heritage trees within the city shall be a California licensed contractor and shall carry public liability and property damage insurance as determined by the city attorney. (Ord. 1737 § 1, 1998)

17.16.110 Fines and penalties.

- A. Any person who unlawfully removes or destroys a heritage tree shall pay a civil penalty in the amount of the appraised value of the tree, or other amount reasonably determined by the director of community development. If there is inadequate plant material to properly appraise the tree, the penalty shall be \$5,000.00, or other amount reasonably determined by the director of community development. Any person who unlawfully disfigures a heritage tree whether through vandalism, improper pruning or other actions, shall pay a civil penalty commensurate with the damage; the amount shall be determined by the director in accordance with the "Guide for Plant Appraisal" under the auspices of the International Society of Arboriculture; or other amount reasonably determined by the director of community development. The collection of the penalties may be enforced by civil action brought in the name of the city by the city attorney.
- B. The cost of replacement plant material may be considered as partial payment of any penalty under this chapter. (Ord. 2120 § 1, 2015; Ord. 1737 § 1, 1998)

17.16.120 Additional provisions.

The provisions of this chapter shall supplement but not supplant other provisions of this code relating to the preservation of trees. (Ord. 1737 § 1, 1998)

Chapter 17.20

FUTURE STREET WIDTH LINES

Sections:

- 17.20.010** **Objectives.**
- 17.20.020** **Nature of provisions.**
- 17.20.030** **Extent.**
- 17.20.040** **Applicability.**
- 17.20.050** **Vine Street.**
- 17.20.060** **Del Valle Parkway.**
- 17.20.070** **Santa Rita Road—Tassajara Road.**
- 17.20.080** **Division Street.**
- 17.20.090** **Ray Street.**
- 17.20.100** **Peters Avenue.**
- 17.20.110** **Railroad Street.**
- 17.20.120** **Rose Avenue.**

17.20.010 **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 as adopted and amended by the city council. (Prior code § 5-9.18)

17.20.020 **Nature of provisions.**

This chapter shall consist of the regulations and general descriptions contained herein and a set of maps as described in this chapter. The maps shall be maintained on file in the office of the community development director. (Ord. 2000 § 1, 2009; prior code § 5-9.19)

17.20.030 **Extent.**

This chapter shall apply to the streets within the city described in this chapter and to those portions of the described streets annexed to the city at a future date. (Prior code § 5-9.20)

17.20.040 **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, the future street width lines described in this chapter shall be deemed to refer to the property line and shall be used in the same manner as any other existing property line. (Prior code § 5-9.21)

17.20.050 **Vine Street.**

The future width for Vine Street is shown on the plan prepared by the city department of public works, division of engineering, entitled "Future Street Width Lines, Vine Street," dated January, 1966, and is generally described as follows:

A 50-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 in-

Chapter 17.36

GROWTH MANAGEMENT PROGRAM

Sections:

- 17.36.010 Purpose.**
- 17.36.020 Objectives.**
- 17.36.030 Building permit restriction.**
- 17.36.040 Exemptions.**
- 17.36.050 Administration of the growth management program.**
- 17.36.060 Establishment of annual new residential unit limits.**
- 17.36.080 Approval procedures.**
- 17.36.090 Use and loss of growth management approval.**
- 17.36.100 Modification to projects with growth management approval.**
- 17.36.110 Fees and exactions.**
- 17.36.120 Application to prior approved projects.**

17.36.010 Purpose.

- A. Since the mid-1960s, Pleasanton's transformation from a small, agricultural-based community to a suburban bedroom community and then to a suburban "edge city" has been marked by periods of rapid growth which stressed the city's ability to provide infrastructure and services, affecting the quality of life of both existing and new residents.
- B. In order to minimize the adverse effects of rapid uncontrolled residential growth, the city council adopted its first growth management ordinance in 1978, designed to regulate the location and rate of new residential growth in a period of sewage treatment capacity constraints brought about by air quality degradation concerns. Through the 1980s and 1990s, the city council modified the growth management ordinance in order to better achieve the evolving goals set for it, with the rate, location, and type of residential units regulated to achieve the general welfare of the city.
- C. In 1996, the city council adopted a comprehensive revision to its general plan. Key goals and policies reflect the city's continued commitment to developing in an efficient, orderly, and logical fashion, ensuring adequate infrastructure and services are present to ensure that the city's quality of life and level of services are maintained. The general plan calls for assuring its citizens of a predictable growth rate, while providing housing to meet the needs of all economic segments of the community, regional housing needs, and employment growth.
- D. Despite the controls established by past versions of the city's growth management program, residential development has continued to fluctuate over time, there has been little predictability of the actual number of new building permits issued and development under construction, and there is uncertainty over the city's ability to maintain its service levels and quality of life for its citizens due to regional influences and uncertain revenue sources for city and other local service-providing agencies.
- E. This revised growth management program has been designed to rectify the areas wherein the former programs did not totally succeed; to establish a predictable growth rate which reflects community sentiment and which alleviates the potential for strain on the ability of the city and other local service providers to keep pace with services with no reduction in their quality; to continue to relate new residential growth to housing needs (including regional needs and local employment growth) and the availability of infrastructure and services; to move toward build-out of the community in a logical manner while affording future development areas the ability to accommodate changing housing demands; and to be fair and equitable to the development community, developers large and small, who have either received past approvals under former growth management programs or who have undertaken or will undertake development plans consistent with current goals and policies.
- F. In 2012, the city council amended the growth management program to reflect current circumstances and changes in state law. (Ord. 2112 § 2, 2015)

17.36.020 Objectives.

The protection of the public health, safety, and general welfare requires a growth management program to accomplish the following:

- A. Regulate the timing, location, and type of residential growth in accordance with the goals and policies of the general plan.
- B. Achieve predictability in the rate of growth at levels which reflect community sentiment and the ability of the city and other local service-providing agencies to provide services without compromising quality of life issues.
- C. Retain flexibility to accommodate projects desiring and capable of actual development in the short-term in order to more closely meet annual development goals.
- D. Create some certainty for the construction of city approved residential housing projects which are subject to market conditions that impact the timing of construction.
- E. Facilitate and implement the general plan goals, including the goals of the housing element, which cannot be accomplished by zoning alone. (Ord. 2112 § 2, 2015)

17.36.030 Building permit restriction.

Except as otherwise provided in this chapter, no building permit for a new residential unit, including permits for installation of a mobilehome unit, shall be issued until a growth management unit allocation is first granted by the city council pursuant to the regulations contained in this chapter. (Ord. 2112 § 2, 2015)

17.36.040 Exemptions.

This chapter shall not be applicable to the following categories of residential units:

- A. Second units approved in accordance with city zoning regulations.
- B. Mobilehomes and/or living quarters located on school sites, public and institutional properties, and commercial/industrial properties used for security purposes or other purposes ancillary to the primary use, the use of which has been approved in accordance with city zoning regulations, when such residential units do not exceed one dwelling per site.
- C. A condominium conversion or replacement unit of an existing unit demolished and/or destroyed. (Ord. 2112 § 2, 2015)

17.36.050 Administration of the growth management program.

- A. Review of Growth Management Report.
 - 1. Periodically, a growth management report shall be prepared which shall include:
 - a. Historical building permit activity;
 - b. Projections of likely building activity within the city by category of project;
 - c. Estimates of new projects which may seek approval in the following year or years;
 - d. Analysis of the capability of infrastructure and services to meet the demands of new residential development, including any changes to established conditions and/or measures designed to mitigate the adverse effects of new residential development; and
 - e. Progress toward meeting city general plan goals and policies.
 - 2. The growth management report shall be presented to the planning commission for its review. The planning commission shall make recommendations to the city council regarding the growth management report, including, but not limited to, annual allocation issues.
 - 3. The city council shall receive and review the growth management report, and the recommendations of the planning commission. The city council's review of the growth management report should coincide with the council's review of requests for modifications of allocations and should occur at the council's second meet-

ing in September. The city council may schedule such review at any time during the year should changed circumstances relating to the provision of planned infrastructure and/or services require a review and possible modification to the growth management program.

B. Program Review.

1. The city council, as necessary to administer the growth management program, including following review of the growth management report, shall have the following duties and powers:
 - a. Determine whether the annual new residential unit limits, including those pertaining to trades or re-allocation, require adjustment due to infrastructure/service constraints;
 - b. Determine whether to adjust future allocations established for new residential units;
 - c. Coordinate the requested trades of units among developers;
 - d. Determine the disposition of reallocation requests;
 - e. Take other action determined by the council to be necessary to implement the provisions of this chapter.
2. The city council shall act on the following in administering the growth management program on an on-going basis:
 - a. Grant initial growth management unit allocations;
 - b. Review and act on requests for amendment of growth management agreements;
 - c. Adjust annual limits as it deems necessary pursuant to subsection A of this section;
 - d. Take any other action determined by the council to be necessary to implement this chapter. (Ord. 2112 § 2, 2015)

17.36.060 Establishment of annual new residential unit limits.

- A. Except as provided herein, effective July 1, 2014, the number of annual growth management unit allocations issued for new residential units subject to this chapter shall not exceed the regional housing needs allocation assigned to the city as provided in the Association of Bay Area Government Regional Housing Needs Allocation Plan divided by the number of years in the regional housing needs allocation cycle.

Except as provided in subsection C of this section and except when necessary to increase the annual housing allocations in order to grant approvals to projects so that the city is able to meet its total regional housing needs goals, the maximum limitations established in this section shall not be modified except by an ordinance adopted by the city council in implementing this chapter.

- B. Within 90 days of the Association of Bay Area Governments issuing its regional housing needs allocation plan, the city manager shall provide the city council with a report identifying the annual growth management unit allocation.
- C. The limitations established in subsection A of this section may be reduced by the city council if, upon reviewing the annual growth management report, it determines that infrastructure and/or services will not be available to satisfy the demands of the new residential units allowed for a given year. The limitation reduction mentioned in the previous sentence may be citywide or localized, depending on the scope of the infrastructure and/or service shortfalls. The city council shall exercise its discretion pursuant to this subsection if the planned, phased infrastructure expansions which form the basis for establishing the managed growth to build-out of the general plan are not completed in a timely manner. "Infrastructure" as used herein includes new school construction pursuant to the school financing agreement, sewage treatment/export facility expansions, treated water availability, traffic network expansions consistent to implement city LOS policies, park procurement/development, and other measures of infrastructure/services as described in the growth management reports.
- D. No reduction in future annual growth management unit allocations shall affect any project which has received growth management approval granting future years' allocations so long as the conditions in effect at the time of the initial approval remain unchanged and the approved project continues to meet all project requirements. Noth-

ing herein, however, limits the city's ability to impose a development moratorium under state law. (Ord. 2112 § 2, 2015)

17.36.080 Approval procedures.

- A. A project developer must receive a growth management unit allocation for each housing unit proposed in accordance with the process below. One growth management unit allocation shall be required for each housing unit.
1. Prior Discretionary Project Approval Necessary.
 - a. A project developer may request a growth management unit allocation at the time of, or after, any of the following: PUD plan approval, design review approval, or a tentative map approval. The community development department shall provide the necessary application forms, and a project developer must file the application with the planning division. The application shall be accompanied by a fee established by the resolution establishing fees and the charges for various municipal services. The request shall indicate the desired phasing of the project.
 - b. No application will be accepted for processing by the planning division if the growth management unit allocation capacity is not available for a reasonable project phase within at least the second calendar year after the year the application is tendered.
 2. Growth Management Approval.
 - a. The city council may grant a specific growth management unit allocation to a project for one or more years so long as the total units allocated do not exceed the growth management unit allocation for that year.
 - b. In reviewing a project developer's request for growth management unit allocation, the city council shall use its discretion in giving consideration to the number of projects which are pending or are likely to seek approval in the near term, the economic feasibility of phasing the project, and other factors. The approval of growth management unit allocations shall be in the form of a growth management agreement approved by the city council.
 - c. Notwithstanding subsection (A)(2)(b), a total of 10 growth management allocations for housing units subject to the discretionary approval of the Zoning Administrator as set forth in Chapter 18.20 of the Pleasanton Municipal Code, may be approved annually by the zoning administrator. Any such approval shall require the developer of the project to enter into a growth management agreement with the city approved by the zoning administrator without the need for city council approval. The city council may increase the number of allowable annual growth management allocations subject to discretionary approval of the zoning administrator based on demonstrated need.
 - d. Any growth management unit allocation approved will be deducted from the total number of annual growth management unit allocations available for the year in which the project is approved and from the total number of growth management unit allocations in the regional housing needs cycle.
- B. Proration of Project Growth Management Unit Allocations. Generally, the approval of a growth management unit allocation is intended to be made available to developers in chronological order consistent with subsection (A)(1). However, in certain instances when the demand for growth management unit allocations is known to exceed the number of remaining units available in a particular year, the city may approve a growth management application in any manner it finds equitable, including assigning unused growth management unit allocations from previous years or to future years. If assigned to a future year, the unit allocation will be accounted for in that year; not the year the growth management agreement is approved.
- C. In the event that growth management unit allocations are unavailable during a particular year and the city has approved a project containing affordable units that is subject to a city affordable housing agreement, growth management unit allocations from previous and/or future years shall be approved in the number required to accommodate the affordable housing units, including if necessary, borrowing from the next regional housing needs allocation period. (Ord. 2112 § 2, 2015)

17.36.090 Use and loss of growth management approval.

- A. A project developer may be issued building permits up to the maximum number of growth management unit allocations established in its growth management agreement provided that a building permit shall not be issued prior to the year approved for the growth management unit allocations. Once the building permits are issued, the units may be constructed at any time consistent with conditions set forth in the growth management agreement or project approvals.
- B. Any amendment to a growth management agreement requires submittal of an application on a form provided by the community development department and approval by the city council.
- C. In the event a project developer does not utilize the maximum number of growth management unit allocations as specified in its growth management agreement, it may, subject to the approval by the city council, assign or trade the unused number of growth management unit allocations for use by a different project provided the parties involved in the assignment or trade show proof of an agreement regarding such trade. Any approved transfer or trade shall not be counted as new growth management unit allocations.
- D. The city council shall have the discretion to approve rules or procedures concerning the use, loss, trade, reallocation, and assignment of growth management unit allocations at any time, including when the city council considers a project developer's development agreement or other legislative act relating to a project so as long as the overall number of allowed permits do not exceed the total number assigned to the city for the current regional housing needs allocation cycle. (Ord. 2112 § 2, 2015)

17.36.100 Modification to projects with growth management approval.

Once a project has secured a growth management agreement, the project may be modified without affecting its growth management allocation approval, subject to city council review and approval, so long as no additional units are added. Such a modified project retains its original growth management unit allocation. Project modifications as used in this section shall mean significant changes to a project's design, density, product type, affordability component, amenities, and other aspects which bear on its original approval. Architectural modifications, site plan changes, and other project adjustments which are characterized as "minor modifications" in the city's PUD ordinance shall not need city council review and approval to retain growth management approval. Should the modification reduce the number of units, the units eliminated shall be deducted from the project's allocation, if applicable. (Ord. 2112 § 2, 2015)

17.36.110 Fees and exactions.

- A. A project developer will pay normal city development fees in effect at the time building permits are issued or at the time otherwise provided by the city ordinances or resolutions, or by agreement.
- B. A project developer shall pay the required city fees in conjunction with the issuance of a building permit. Growth management fees shall be placed in a special fund applied to public projects made necessary by the cumulative effects of ongoing residential development.
- C. The city council may approve an increase or decrease in the growth management fees or permit a developer to provide finished public works in lieu of paying growth management or other city fees in order to achieve the purposes of this chapter and the general plan. The fee or public work may be implemented by resolution or by agreement with the developer. (Ord. 2112 § 2, 2015)

17.36.120 Application to prior approved projects.

A residential unit in projects which were approved prior to the effective date of the ordinance codified in this chapter and which have been determined by the city attorney to have a vested right to the issuance of a building permit at the time such a permit is sought shall be issued such permit notwithstanding the annual limitation on building permits contained in Section 17.36.060 of this chapter. (Ord. 2112 § 2, 2015)

of an affordable housing proposal for projects approved prior to the effective date hereof and/or for projects that have undergone considerable public review during which affordable housing issues were addressed.

The affordable housing proposal shall be reviewed by the city's housing commission at a properly noticed meeting open to the public. The housing commission shall make recommendations to the city council either accepting, rejecting or modifying the developer's proposal and the utilization of any incentives as outlined in this chapter. The housing commission may also make recommendations to the planning commission regarding the project as necessary to assure conformance with this chapter.

Acceptance of the applicant's affordable housing proposal is subject to approval by the city council, which may direct the city manager to execute an affordable housing agreement in a form approved by the city attorney. The city manager or his or her designee shall be responsible for monitoring the sale, occupancy and resale of inclusionary units. (Ord. 2000 § 1, 2009; Ord. 1818 § 1, 2000)

17.44.100 Conflict of interest.

The following individuals are ineligible to purchase or rent an inclusionary unit: (a) city employees and officials (and their immediate family members) who have policymaking authority or influence regarding city housing programs; (b) the project applicant and its officers and employees (and their immediate family members); and (c) the project owner and its officers and employees (and their immediate family members). (Ord. 1818 § 1, 2000)

17.44.110 Enforcement.

The city manager is designated as the enforcing authority. The city manager may suspend or revoke any building permit or approval upon finding a violation of any provision of this chapter. The provisions of this chapter shall apply to all agents, successors and assigns of an applicant. No building permit or final inspection shall be issued, nor any development approval be granted which does not meet the requirements of this chapter. In the event that it is determined that rents in excess of those allowed by operation of this chapter have been charged to a tenant residing in an inclusionary unit, the city may take appropriate legal action to recover, and the project owner shall be obligated to pay to the tenant, or to the city in the event the tenant cannot be located, any excess rents charged. (Ord. 1818 § 1, 2000)

17.44.120 Appeals.

Any person aggrieved by any action or determination of the city manager under this chapter, may appeal such action or determination to the city council in the manner provided in Chapter 18.144 of this code. (Ord. 1818 § 1, 2000)

Chapter 17.46

DEDICATIONS*

Sections:

17.46.010	Purpose.
17.46.020	Requirements.
17.46.030	General standard.
17.46.040	Formula for dedication of land.
17.46.050	Formula for fees in lieu of land dedication.
17.46.060	Criteria for requiring both dedication and fee.
17.46.070	Amount of fee in lieu of land dedication.
17.46.080	Determination of fair market value.
17.46.090	Credit for private open space.
17.46.100	Procedure.
17.46.110	Disposition of fees.
17.46.120	Exemptions.
17.46.130	Subdivider provided park and recreation improvements.
17.46.140	Access.
17.46.150	Sale of dedicated land.

* **Prior history:** Prior code §§ 2-4.26 through 2-4.31; Ord. 856.

17.46.010 Purpose.

The ordinance from which this chapter derives is enacted pursuant to the authority granted by Section 66477 of the Government Code of the state. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this chapter are in accordance with the recreation element of the general plan of the city. (Ord. 2120 § 1, 2015; Ord. 1370 § 1, 1988)

17.46.020 Requirements.

At the time of approval of the planned development, real estate development, stock cooperatives, community apartment project (hereinafter collectively referred to as “subdivisions”), tentative map or parcel map, the city council shall determine pursuant to Section 17.46.040 of this chapter the land required for dedication or in-lieu fee payment. As a condition of approval of a project, final subdivision map or parcel map, the developer or subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for neighborhood and community park or recreational purposes at the time and according to the standards and formula contained in this chapter. (Ord. 2120 § 1, 2015; Ord. 1370 § 1, 1988)

17.46.030 General standard.

It is hereby found and determined that the public interest, convenience, health, welfare, and safety require that five acres of property for each 1,000 persons residing within this city be devoted to neighborhood and community park and recreational purposes. (Ord. 2120 § 1, 2015; Ord. 1370 § 1, 1988)

17.46.040 Formula for dedication of land.

A. Where a park or recreation facility has been designated as “parks and recreation,” on the general plan map of the city, or which is in conformance with the policies of the general plan for recreational uses, and is to be located in whole or in part within the pro-posed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the formula set forth in subsection B.

B. The formula for determining acreage to be dedicated is as follows:

Dwelling Type	Assumed Density	Standard: Acres/DUs
Single-family	2.87 persons/DU	0.01435 acres/DU
Multi-family	2.30 persons/DU	0.01150 acres/DU

1. For purposes of this subsection, the following definitions shall apply:

a. "Single-family dwelling unit" shall mean:

(1) A dwelling unit occupying a separate, legal lot or parcel (example: a detached single-family home or paired or attached single-family home);

(2) A primary dwelling unit located on the same site as a second unit whether the second unit is detached or attached to the primary unit, but a second unit meeting the requirements in Chapter 18.106 of this code is not considered a single-family dwelling unit;

(3) A dwelling unit which is part of a structure containing no more than two dwelling units where both dwelling units are located on the same parcel of land (examples: duplexes, duets).

b. "Multiple-family dwelling unit" shall mean:

(1) A dwelling unit which is part of a larger structure including three or more units and which does not occupy its own separate or individual lot or parcel;

(2) A dwelling unit which is part of a larger structure including three or more units which occupies its own separate or individual lot or parcel, and which is separated from adjacent units by a building wall extending from ground to roof (example: townhomes);

(3) A dwelling unit which is part of a larger structure including two or more units which may be owned separately (but does not occupy ground space), and which is separated from adjacent units by a building wall extending from floor to ceiling (example: condominiums); or

(4) Mobilehomes in which two or more units are located on the same parcel of land (example: mobilehomes located in mobilehome or trailer parks in which the land is owned in common by a single owner).

C. Dedication of the land shall be made in accordance with the procedures contained in Section 17.46.100 of this chapter.

D. For the purposes of this section, the number of new dwelling units shall be based upon the number of parcels indicated on the map when in an area zoned for one dwelling unit per parcel. When all or part of the subdivision is located in an area zoned for more than one dwelling unit per parcel, the number of proposed dwelling units in the area so zoned shall equal the maximum allowed under that zoning unless plans have been approved by the city council which show a different number. In the case of a condominium project, the number of new dwelling units shall be the number of condominium units. The term "new dwelling unit" does not include dwelling units lawfully in place prior to the date on which the parcel or final map is filed.

E. The subdivider shall, without credit:

1. Provide half street improvements and utility connections as required which shall include, but not be limited to, curbs, gutters, street paving, traffic control devices, street trees, and sidewalks to land which is dedicated pursuant to this section.

2. Provide improved drainage through the site;

3. Provide a fence or wall, if located next to an existing or a planned residential area; and

4. Provide other minimal improvements which the city engineer and director of parks and community services determines to be essential to the acceptance of the land for recreational purposes.

F. A preliminary plan showing location details to the satisfaction of the director of parks and community services shall be submitted prior to subdivision of land or approval of a project. Also, the director of parks and community services shall approve the site for suitability of the land to be dedicated and the improvements to be made pursuant to this section. (Ord. 2120 § 1, 2015; Ord. 1886 § 2, 2003; Ord. 1879 § 1, 2003; Ord. 1631 § 1, 1994; Ord. 1605 § 1, 1993; Ord. 1370 § 1, 1988)

17.46.050 Formula for fees in lieu of land dedication.

A. General Formula. If there is no park or recreation facility designated as "parks and recreation" on the general plan map or which is not in conformance with the general plan policies and to be located in whole or in part within

the proposed subdivision or project to serve the immediate and future needs of the residents of the subdivision or project, the developer or subdivider shall, in lieu of dedicating land, pay a fee equal to the value of that land which would be required to be dedicated, plus costs of off-site improvements, prescribed for dedication in Section 17.46.040 of this chapter and in an amount determined in accordance with the provisions of Section 17.46.070 of this chapter, such fee to be used for a local park which bears a reasonable relationship to serve the present and future residents of the area being subdivided or approved for development. For the purposes of this chapter, “off-site improvements” are defined as those improvements which would have been required if land had been dedicated using the provisions of Section 17.46.040 of this chapter.

B. Fees In Lieu of Land—50 Dwelling Units or Less. If the proposed subdivision or project contains 50 dwelling units or less, the subdivider or developer shall pay a fee equal to the land value, plus costs of off-site improvements, of the portion of the local park required to serve the needs of residents of the proposed subdivision or project as prescribed in Section 17.46.040 of this chapter and in an amount determined in accordance with the provisions of Section 17.46.070 of this chapter. However, nothing in this section shall prohibit the dedication and acceptance of land for park and recreation purposes in subdivisions or projects of 50 dwelling units or less, where the subdivider or developer proposes such dedication voluntarily and the land is suitable to the director of parks and community services and accepted by the city council.

C. Use of Money. The money collected hereunder shall be used only for the purpose of acquiring necessary land and developing new or rehabilitating existing park or recreational facilities reasonably related to serving the subdivision or project. (Ord. 2120 § 1, 2015; Ord. 1370 § 1, 1988)

17.46.060 Criteria for requiring both dedication and fee.

If a developer or subdivider dedicates more land than is required pursuant to this chapter, the developer or subdivider shall not be given money or credit for said additional land. (Ord. 2120 § 1, 2015; Ord. 1370 § 1, 1988)

17.46.070 Amount of fee in lieu of land dedication.

A. When a fee is to be paid in lieu of land dedication, value of the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required for dedication pursuant to Section 17.46.040 of this chapter, plus costs of off-site improvements, such as extension of utility lines. The fee shall be determined by the following formula:

$$\begin{array}{rcccccc}
 \text{DUs} & \times & \frac{\text{Pop}}{\text{DU}} & \times & \frac{5 \text{ acres}}{1,000 \text{ people}} & \times & \frac{\text{FMV}}{\text{Buildable acre}} & = & \text{Subtotal} \\
 \text{Subtotal} & & + & \text{Cost of off-site improvements} & = & \text{Total in lieu fee pursuant to Section 17.46.040}
 \end{array}$$

where:

- DUs = Number of dwelling units as defined in Section 17.46.040
- $\frac{\text{Pop}}{\text{DU}}$ = Population per dwelling unit
- FMV = Fair market value, as determined by Section 17.46.080
- Buildable acre = A typical acre of the subdivision, with a slope less than 10 percent, and located in other than an area on which building is excluded because of flooding, easements or other restrictions.

B. Fees to be collected pursuant to this section shall be approved by the director of parks and community services. (Ord. 2120 § 1, 2015; Ord. 1370 § 1, 1988)

17.46.080 Determination of fair market value.

For purposes of this chapter, an annual fair market value shall be determined by the city council. When a fee is to be paid in lieu of land dedication, the value of off-site improvements for single-family and multi-family units shall be

as set forth in the master fee schedule (on file in the office of the city clerk). (Ord. 2120 § 1, 2015; Ord. 1605 § 2, 1993; Ord. 1370 § 1, 1988)

17.46.090 Credit for private open space.

A. No credit shall be given for private open space in the subdivision or project except as provided in this section. Where private open space usable for active recreational purposes is provided in a proposed planned development or real estate development as defined in Sections 11003 and 11003.1 of the Business and Professions Code, partial credit, as set forth in subsection B of this section, shall be given against the requirement of land dedication or payment of fees in lieu thereof, if the city council finds that it is in the public interest to do so and that all the following standards are met:

1. Yards, court areas, setbacks and other open areas required by the zoning and building ordinances and regulations shall not be included in the computation of such private open space; and
2. Private park and recreation facilities shall be owned by a homeowners' association composed of all property owners in the subdivision and being an incorporated nonprofit organization capable of dissolution only by a 100 percent affirmative vote of the membership, operated under recorded land agreements through which each lot owner in the neighborhood is automatically a member, and each lot is subject to a charge for a proportionate share of expenses for maintaining the facilities; and
3. Use of the private open space is restricted for park and recreation purposes by recorded covenant which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the city or its successor; and
4. The proposed private open space is reasonably adaptable for use for active recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location; and
5. Facilities proposed for the open space are in substantial accordance with the provisions of the recreation element of the general plan; and
6. The open space for which credit is given is generally a minimum of three acres and provides all of the local park basic elements listed below, or a combination of such and other recreation improvements that will meet the specific recreation needs of the future residents of the area:
 - a. Recreational open spaces, which are generally defined as parks areas for active recreation pursuits such as soccer, golf, baseball, softball and football, and have at least one acre of maintained turf with less than 10 percent slope.
 - b. Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts or similar hard-surfaced areas especially designed and exclusively used for court games.
 - c. Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving or both. They must also include decks, lawned area, bathhouses or other facilities developed and used exclusively for swimming and diving and consisting of no less than 15 square feet of water surface area for each three of the population of the subdivision with a minimum of 800 square feet of water surface area per pool together with an adjacent deck and/or lawn area twice that of the pool.
 - d. Recreation buildings and facilities designed and primarily used for the recreational needs of residents of the development.

B. Where the city council gives a credit for private open space, the percentage of the maximum credit shall be calculated based on the proportion of neighborhood parkland to the overall neighborhood/community parkland in the city at the time the credit is requested; provided, however, that the credit shall at no time exceed 50 percent. Nothing provided in this section means that the city council must give the maximum credit allowable.

C. The determination of the city council as to whether credit shall be given and the amount of credit shall be final and conclusive. (Ord. 2120 § 1, 2015; Ord. 1695 § 1, 1996; Ord. 1370 § 1, 1988)

17.46.100 Procedure.

A. At the time of filing of the final approval of the subdivision, or subdivision map or parcel map, the subdivider shall dedicate the land or pay the fees as established at the time of subdivision approval, tentative map or parcel map approval. In-lieu fees will be established using current land values at the time of final map approval with the formula set forth in Section 17.46.070 of this chapter. The in-lieu fee shall be based on the fair market value of the land as determined in Section 17.46.080 of this chapter.

B. Open space covenants for private park or recreation facilities subject to Section 17.46.090 of this chapter shall be submitted to the city attorney prior to approval of the final subdivision or parcel map and shall be recorded contemporaneously with the final subdivision.

C. For projects without subdivision, the in-lieu fee shall be paid at the time of the building permit based on the fee in the Master Fee Schedule. (Ord. 2120 § 1, 2015; Ord. 1370 § 1, 1988)

17.46.110 Disposition of fees.

A. Fees determined pursuant to Section 17.46.070 of this chapter shall be paid to the city and shall be deposited into the subdivision park trust fund, or its successor. Money in said fund, including accrued interest, shall be expended solely for acquisition or development of park land or improvements related thereto.

B. Collected fees shall be appropriated by the city council to which the land or fees are conveyed or paid for a specific project or community park to serve residents of the subdivision or project in a budgetary year within five years upon receipt of payment or within five years after the issuance of building permits on one-half of the lots created by the subdivision or project, whichever occurs later.

C. If such fees are not so committed, these fees, less an administrative charge, shall be distributed and paid to the then record owners of the subdivision or project in the same proportion that the size of their lot bears to the total area of all lots in the subdivision or project. (Ord. 2120 § 1, 2015; Ord. 1370 § 1, 1988)

17.46.120 Exemptions.

A. Subdivisions containing less than five dwelling units or parcels and not used for residential purposes shall be exempted from the requirements of this chapter, provided, however, that a condition shall be placed on the approval of such parcel map or project that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

B. The provisions of this chapter do not apply to commercial or industrial subdivision, nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

C. The provisions of this chapter do not apply to a second unit meeting the requirements in Chapter 18.106 of this code.

D. The provisions of this chapter do not apply to nursing homes and senior care/assisted living facilities as defined in Chapter 18.08 of this code. (Ord. 2120 § 1, 2015; Ord. 1886 § 3, 2003; Ord. 1370 § 1, 1988)

17.46.130 Subdivider provided park and recreation improvements.

The value of park and recreation improvements provided by the subdivider or developer to the dedicated land shall be credited against the fees or dedication of land required by this chapter subject to the limitations of Section 17.46.060 of this chapter. The city council reserves the right to approve such improvements prior to agreeing to accept the dedication of land and to require in lieu fee payments should the land and improvements be unacceptable. (Ord. 2120 § 1, 2015; Ord. 1370 § 1, 1988)

17.46.140 Access.

All land offered for dedication to local park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the director of parks and community services if the director determines that public street access is unnecessary for the maintenance of the park area or use thereof by residents. (Ord. 2120 § 1, 2015; Ord. 1370 § 1, 1988)

17.46.150 Sale of dedicated land.

If during the ensuing time between dedication of land for park purposes and commencement of first stage development, circumstances arise which indicate that another site would be more suitable for local park or recreational purposes serving the subdivision and the neighborhood (such as receipt of a gift of additional park land or a change in school location), the land may be sold upon the approval of the city council with the resultant funds being used for purchase of a more suitable site. (Ord. 2120 § 1, 2015; Ord. 1370 § 1, 1988)

Chapter 17.48

RIGHT TO FARM

Sections:

- 17.48.010 Findings and policy.**
- 17.48.020 Definitions.**
- 17.48.030 Nuisance.**
- 17.48.040 Resolution of disputes.**
- 17.48.050 Role of agricultural advisory committee.**
- 17.48.060 Procedures.**

17.48.010 Findings and policy.

- A. The city council finds that commercially viable agricultural land exists within the city, and that it is in the public interest to enhance and encourage economically viable agricultural operations within the city. The city council also finds that residential and commercial development adjacent to certain agricultural lands often leads to restrictions on agricultural operations to the detriment of the adjacent agricultural uses and the economic viability of the city's agricultural industry as a whole.
- B. The purposes of this chapter are to promote public health, safety and welfare and to support and encourage continued agricultural operations. This chapter is not to be construed as in any way modifying or abridging state law as set forth in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code, or any other applicable provisions of state law relative to nuisances, rather it is only to be utilized in the interpretation and enforcement of the provision of this code and city regulations and provide a forum to discuss and resolve disputes to avoid litigation.
- C. This chapter is to promote a good neighbor policy between agricultural and nonagricultural property owners by providing owners of property adjacent to or near agriculture operations a forum to discuss problems resulting from agricultural operations including, but not limited to, the noises, odors, dust, chemicals, smoke and hours of operation that may accompany agricultural operations. It is intended that, through a discussion forum, property owners will understand the impact of living adjacent to or, near agricultural operations and be prepared to accept attendant conditions as the natural result of living in or near rural areas and agricultural operations. (Ord. 1633 § 1, 1994)

17.48.020 Definitions.

- A. "Agricultural land" shall mean all that real property within the city of Pleasanton currently zoned in the A (Agricultural) Zoning District or in another zoning district and may be used for "agricultural operations" as defined herein.
- B. "Agricultural operation" shall mean and include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including viticulture, horticulture, floriculture, nursery products, timber or apiculture, the raising of livestock, poultry and any commercial agricultural practices performed as incidental to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market, consistent with all city regulations. (Ord. 1633 § 1, 1994)

17.48.030 Nuisance.

No present or future agricultural operation or any of its appurtenances conducted or maintained for commercial purposes and in a manner consistent with proper and accepted customs and standards of the agricultural industry on agricultural land shall become or be a nuisance, private or public, due to any changed condition of the use of adjacent land in or about the locality thereof, provided that the provisions of this section shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation and its appurtenances or if the agri-

Title 18
ZONING

Chapters:

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18.08.167 Family.

“Family” means an individual or two or more persons who are related by blood or marriage; or otherwise live together in a dwelling unit. (See Housing Code Chapter 20.28 and 24 C.C.R. Section 202, as amended.) (Ord. 2062 § 2, 2013; Ord. 1880, 2003; prior code § 2-5.19(e))

18.08.170 Emergency standby electricity generator, fuel cell, or battery facility.

“Emergency standby electricity generator, fuel cell, or battery facility” means one or more electrical power generators (not including nuclear power generators), fuel cells, and/or batteries on a site which produce electricity via an engine, turbine, fuel cell, or battery, and which are only operated during interruptions of electrical service to the electrical power grid in Pleasanton or when the generators, fuel cells, or batteries are tested or serviced. (Ord. 1880, 2003)

18.08.172 Family daycare home.

“Family daycare home” means a home which regularly provides care, protection and supervision of children in the provider’s own home for periods of less than 24 hours per day while the children’s parents or guardians are away, including the following:

- A. Small Family Daycare Home. A home providing family daycare to seven or fewer children, including children under the age of 10 years who reside at the home in compliance with California Health and Safety Code Section 1597.44, as amended;
- B. Large Family Daycare Home. A home providing family daycare to eight to 14 children, inclusive, including children under the age of 10 years who reside at the home in compliance with California Health and Safety Code Section 1597.465, as amended. (Ord. 2120 § 1, 2015; Ord. 1880, 2003; Ord. 1126 § 1, 1984; prior code § 2-5.19(f))

18.08.175 Firearm.

“Firearm” means a gun, pistol, revolver, rifle or any device, designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of explosion or other form of combustion. (Ord. 1738 § 1, 1998)

18.08.180 Firearm sales.

“Firearm sales” or “sale of firearms” means the sale, transfer, lease, offer, registration, or advertising for sale, transfer, lease, offer or registration of a firearm. (Ord. 1738 § 1, 1998)

18.08.185 Firearm sales, antique.

“Antique firearm sales” means the sale of any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898), and also any firearm using fixed ammunition manufactured in or before 1898, for which the ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade. (Ord. 1738 § 1, 1998)

18.08.190 Floor area, basic.

“Basic floor area” means the total amount of gross floor area a building contains, expressed as a percentage of the total area of the lot. (Prior code § 2-5.20(a))

18.08.195 Floor area, gross.

“Gross floor area” means 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. (Prior code § 2-5.20(b))

18.08.200 Frontage.

“Frontage” means 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. (Prior code § 2-5.20(c))

18.08.205 Fuel cell facility.

“Fuel cell facility” means one or more electrical power generators which convert either hydrogen or a hydrocarbon based fuel into electricity through an electrochemical reaction, and which is further defined as follows:

- A. “Large.” Eleven to less than 50 megawatts in combined total size, and for which some or all of the electricity produced is exported off site.
- B. “Medium.” Either: (1) one to 10 megawatts in combined total size; or (2) 11 to less than 50 megawatts in combined total size, if no electricity is exported off-site.
- C. “Small.” Less than one megawatt in combined total size.

The size of a fuel cell facility does not pertain to emergency standby fuel cell facilities, as defined by this chapter. (Ord. 1880, 2003)

18.08.207 Game arcade.

“Game arcade” means any business which provides for public use two or more commercial “amusement devices” as defined by Section 6.04.010 of this code, or any business with fewer such devices where their operation is the primary business function. (Ord. 1071 § 1, 1983; prior code § 2-5.20(d))

18.08.210 Garage or carport.

“Garage” or “carport” means a class I accessory structure or a portion of a main structure, having a permanent roof, and designed for the storage of motor vehicles. (Prior code § 2-5.20(e))

18.08.215 Garage, parking.

“Parking garage” means a structure or part thereof used for the storage, parking or servicing of motor vehicles, but not for the repair thereof. (Prior code § 2-5.21(a))

18.08.220 Garage, repair.

“Repair garage” means a structure or part thereof where motor vehicles or parts thereof are repaired or painted. (Ord. 1071 § 1, 1983; prior code § 2-5.20(f))

18.08.225 Garden center.

“Garden center” means 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. (Prior code § 2-5.21(b))

18.08.230 Grid.

“Grid” means the electrical distribution and transmission system in Pleasanton. (Ord. 1880, 2003)

18.08.232 Habitable room.

“Habitable room” means 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. (Ord. 1880, 2003; prior code § 2-5.21(c))

18.08.235 Home occupation.

“Home occupation” means 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 Chapter 18.104 of this title. (Prior code § 2-5.21(d))

18.08.237 Homeless shelter.

“Homeless shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. (See California Health and Safety Code Section 50801(e).) (Ord. 2061 § 2, 2013)

18.08.240 Hotel.

See definition of Motel or Hotel. (Prior code § 2-5.20(e))

18.08.245 Household pet.

“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. (Prior code § 2-5.21(i))

18.08.250 Illumination, diffused.

“Diffused illumination” means 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. (Prior code § 2-5.21(f))

18.08.255 Illumination, direct.

“Direct illumination” means illumination by means of light which travels directly from its source to the viewer’s eye. (Prior code § 2-5.21(g))

18.08.260 Illumination, indirect.

“Indirect illumination” means illumination by means only of light cast upon an opaque surface from a concealed source. (Prior code § 2-5.21(h))

18.08.265 Intersection, street.

“Street intersection” means the area common to two or more intersecting streets. (Prior code § 2-5.22(a))

- J. Employee housing (agricultural) that complies with California Health and Safety Code Section 17008, 17021.5 or 17021.6 (depending on the number of employees accommodated) and the other applicable provisions of the Employees Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan;
- K. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107;
- L. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107;
- M. Beekeeping meeting the requirements of Chapter 18.103 of this title. (Ord. 2113 § 1, 2015; Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1126 § 3, 1984; prior code § 2-6.02)

18.28.040 Conditional uses.

The following uses shall be permitted in the A district upon the granting of a use permit in accordance with the provisions of Chapter 18.124 of this title:

- A. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:
 - 1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title.
 - 2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title.
 - 3. Wind energy facilities that meet the following criteria:
 - a. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located;
 - b. The design of the facilities shall be streamlined (without ladders and extra appurtenances) to discourage birds from roosting on the facilities;
 - c. Facilities on hillsides or ridges shall not be visible from a public right-of-way.
- B. Agriculture processing plants.
- C. Airports and heliports.
- D. Animal sales yards.
- 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. Firearm sales at a rifle or pistol range.
- O. Garbage and refuse incineration.
- P. Gas and oil wells.
- Q. Golf courses and golf driving ranges.
- R. Guest ranches.
- S. Hog and livestock raising, not including feedlots where more than 50 percent of the feed is imported.

18.28.045

- T. Hospitals.
- U. Large family daycare homes in accordance with the provisions of Chapter 18.124, Article II of this title.
- V. Nursery schools.
- W. Nursing homes, senior care/assisted living facilities, and sanitariums.
- X. Poultry raising, egg processing, and hatcheries.
- Y. Private schools.
- Z. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, storage tanks, and railroad facilities. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.
- AA. Rabbit raising.
- BB. Recreational vehicle storage facilities.
- CC. Riding academies and stables.
- DD. Rifle and pistol ranges.
- EE. Roadside stands for the sale of agricultural produce grown on the site.
- FF. Sanitary landfill operations.
- GG. Veterinarians' offices.
- HH. Wineries, winery sales and tasting rooms.
- II. Wood sales and storage yards for unmilled lumber. (Ord. 2113 § 1, 2015; Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1157 § 1, 1984; Ord. 1126 § 4, 1984; prior code § 2-6.03)

18.28.045 Prohibited uses.

The following uses shall not be permitted in the A district:

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

18.28.050 Off-street parking.

Off-street parking facilities shall be provided for each use in the A district as prescribed in Chapter 18.88 of this title. (Prior code § 2-6.04)

18.28.060 Off-street loading.

Off-street loading facilities shall be provided for each use in the A district as prescribed in Chapter 18.92 of this title. (Prior code § 2-6.05)

18.28.070 Signs.

No signs, outdoor advertising structure, or display of any character shall be permitted in the A district, except as prescribed in Chapter 18.96 of this title. (Prior code § 2-6.06)

18.28.080 Design review.

All uses shall be subject to design review as prescribed in Chapter 18.20 of this title. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 1656 § 1, 1995; prior code § 2-6.07)

Chapter 18.32

R-1 ONE-FAMILY RESIDENTIAL DISTRICTS

Sections:

- 18.32.010 Purpose.**
- 18.32.020 Required conditions.**
- 18.32.030 Permitted uses.**
- 18.32.040 Conditional uses.**
- 18.32.045 Temporary conditional uses.**
- 18.32.050 Prohibited uses.**
- 18.32.060 Off-street parking.**
- 18.32.070 Off-street loading.**
- 18.32.080 Signs.**
- 18.32.090 Design review.**

18.32.010 Purpose.

In addition to the objectives prescribed in Section 18.04.010 of this title, the R-1 one-family residential districts are included in this title 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 semipublic 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 objectionable influences;
- J. To protect residential properties from fire, explosion, noxious fumes and other hazards. (Prior code § 2-6.11)

18.32.020 Required conditions.

All uses shall comply with the regulations prescribed in Chapter 18.84 of this title. (Prior code § 2-6.12)

18.32.030 Permitted uses.

The following uses shall be permitted in the R-1 districts:

- A. One-family dwelling in which not more than two guest sleeping rooms may be used for lodging or boarding.
- B. Raising of fruits, nuts, vegetables and horticultural specialties for private, noncommercial consumption.
- C. Temporary subdivision sales offices conducted in accord with the regulations prescribed in Chapter 18.116 of this title.

- D. Accessory structures located on the same site with a permitted use, including private garages and carports, one guesthouse or accessory living quarters without a kitchen, storehouse, garden structures, greenhouses, recreation rooms and hobby areas within an enclosed structure and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day and no testing shall be on federal holidays or on "Spare The Air Days" in Alameda County;
 2. Portable, temporary electricity generator, fuel cell, or battery facilities in the R-1-40,000 district;
 3. Photovoltaic facilities.
- 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 areas, 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 including up to six female chickens.
- G. Small family daycare homes.
- H. Second units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Sections 17000 et seq., and to include a residential safety management plan.
- J. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107.
- K. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107.
- L. Beekeeping meeting the requirements of Chapter 18.103 of this title. (Ord. 2113 § 1, 2015; Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1930 § 1, 2006; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1636 § 3, 1994; Ord. 1126 § 5, 1984; prior code § 2-6.13)

18.32.040 Conditional uses.

The following conditional uses shall be permitted in the R-1 districts upon the granting of a use permit in accord with the provisions of Chapter 18.124 of this title:

- A. Agriculture for commercial purposes limited to the raising of fruits, nuts, vegetables, horticultural specialties, and related facilities and structures.
- B. Charitable institutions.
- C. Churches, convents, monasteries, parish houses, parsonages and other religious institutions.
- D. Golf courses.
- E. Nursery schools.
- F. Nursing homes and senior care/assisted living facilities for not more than three patients.
- G. Private recreation parks and swim clubs.
- H. Private nonprofit schools.
- I. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.

- J. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:
1. Small electricity generator facilities located on the same site as a charitable institution, religious institution, golf course, nursery school, nursing home, senior care/assisted living facility, private recreation facility, private recreation park, private swim club, private nonprofit school, or public facility and that meet the following criteria:
 - a. The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility;
 - b. The facilities shall use the best available control technology to reduce air pollution;
 - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
 - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located;
 - e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district; and
 - f. The facilities shall be cogeneration or combined cycle facilities, if feasible.
 2. Small fuel cell facilities that meet the following criteria:
 - a. The facilities shall not create any objectionable odors at any point outside of the property place where the facilities are located;
 - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
 - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district.

Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities.
- K. Home occupations conducted in accord with the regulations prescribed in Chapter 18.104 of this title.
- L. Rabbit or fowl raising (including more than six female chickens) consistent with the provisions of Section 7.36.010 of this code.
- M. Any grading requiring a permit by Section 7006 of the building code of the city on property having a “weighted incremental slope,” as defined in Chapter 18.76 of this title, of 10 percent 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 hereof.
- N. Large family daycare homes in accordance with Chapter 18.124, Article II of this title.
- O. Skateboard ramps.
- P. Small bed and breakfasts in accordance with Chapter 18.124, Article III of this title.
- Q. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.6 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan. (Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 1930 § 1, 2006; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1812, 2000; Ord. 1743, 1998; Ord. 1690 § 3, 1996; Ord. 1636 § 4, 1994; Ord. 1238 § 3, 1986; Ord. 1126 § 6, 1984; prior code § 2-6.14)

18.32.045 Temporary conditional uses.

The following conditional uses shall be permitted in R-1 districts upon the granting of a temporary conditional use permit in accord with the provisions of Section 18.116.050 of this title:

- A. Christmas tree sales lots. (Ord. 1443 § 1, 1989)

18.32.050 Prohibited uses.

The following uses shall not be permitted in the R-1 districts:

- A. Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title.
- 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 title 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 nonconforming as a result in change in zoning.
- C. Gunsmiths.
- D. Firearm sales.
- E. 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 18.12.040 of this title and shall be subject to review by or appeal to the city council as set forth in Section 18.124.090 of this title. (Ord. 1880, 2003; Ord. 1738 § 1, 1998; prior code § 2-6.12(a))

18.32.060 Off-street parking.

Off-street parking facilities shall be provided for each use in the R-1 districts as prescribed in Chapter 18.88 of this title. (Prior code § 2-6.15)

18.32.070 Off-street loading.

Off-street loading facilities shall be provided for each use in the R-1 districts as prescribed in Chapter 18.92 of this title. (Prior code § 2-6.16)

18.32.080 Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted in the R-1 districts except as prescribed in Chapter 18.96 of this title. (Prior code § 2-6.17)

18.32.090 Design review.

All uses shall be subject to design review as prescribed in Chapter 18.20 of this title. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 1656 § 1, 1995; prior code § 2-6.18)

Chapter 18.36

RM MULTI-FAMILY RESIDENTIAL DISTRICTS

Sections:

- 18.36.010 Purpose.**
- 18.36.020 Required conditions.**
- 18.36.030 Permitted uses.**
- 18.36.040 Conditional uses.**
- 18.36.045 Temporary conditional uses.**
- 18.36.050 Prohibited uses.**
- 18.36.060 RM-1,500 district—Reduced site area per dwelling unit with parking under or within structure.**
- 18.36.070 Underground utilities.**
- 18.36.080 Off-street parking.**
- 18.36.090 Off-street loading.**
- 18.36.095 Transit incentive.**
- 18.36.100 Signs.**
- 18.36.110 Design review.**

18.36.010 Purpose.

In addition to the objectives prescribed in Section 18.04.010 of this title, the RM multi-family residential districts are included in this title 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 semipublic 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. (Prior code § 2-6.22)

18.36.020 Required conditions.

All uses in the RM districts shall comply with the regulations prescribed in Chapter 18.84 of this title. (Prior code § 2-6.23)

18.36.030 Permitted uses.

The following uses shall be permitted in the RM multi-family residential districts:

- A. One-family dwellings in which not more than two guest sleeping rooms may be used for lodging or boarding.

- B. Multi-family dwellings.
- C. Combinations of attached or detached dwellings, including duplexes, multi-family dwellings, dwelling groups, row houses and townhouses.
- D. Nursing homes and senior care/assisted living facilities for not more than three patients.
- E. Accessory structures and uses located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
 - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on federal holidays or on "Spare the Air Days" in Alameda County;
 - 2. Photovoltaic facilities.
- F. Not more than two weaned household pets, excepting fish and caged birds.
- G. Small family daycare homes.
- H. Second units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan.
- J. Supportive housing, subject to the provisions of Chapter 18.107.
- K. Transitional housing, subject to the provisions of Chapter 18.107.
- L. Beekeeping meeting the requirements of Chapter 18.103 of this title. (Ord. 2113 § 1, 2015; Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1636 § 5, 1994; Ord. 1126 § 7, 1984; prior code § 2-6.24)

18.36.040 Conditional uses.

The following conditional uses shall be permitted in the RM districts upon the granting of a use permit, in accord with the provisions of Chapter 18.124 of this title:

- A. Charitable institutions.
- B. Churches, convents, monasteries, parish houses, parsonages 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. Lodging houses.
- F. In the RM-1,500 district only, motels.
- G. Nursery schools.
- H. Private recreation parks and swim clubs.
- I. Private schools, tutorial schools, and colleges, not including art, craft, music, dancing, business, professional or trade schools or colleges.
- J. Private noncommercial clubs and lodges, not including hiring halls.
- K. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.
- L. Trailer parks in accord with the regulations prescribed in Chapter 18.108 of this title.

- M. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:
1. Small electricity generator facilities located on the same site as multi-family dwellings, a charitable institution, religious institution, golf course, hospital, sanitarium, lodging house, motel, nursery school, nursing home, senior care/assisted living facility, private recreation park, private swim club, private school, private noncommercial club, or public facility and that meet the following criteria:
 - a. The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility;
 - b. The facilities shall use the best available control technology to reduce air pollution;
 - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
 - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
 - e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district;
 - f. The facilities shall be cogeneration or combined cycle facilities, if feasible;
 2. Small fuel cell facilities that meet the following criteria:
 - a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
 - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
 - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district;

Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities.
- N. Home occupations conducted in accord with the regulations prescribed in Chapter 18.104 of this title.
- O. Large family daycare homes in accordance with the provisions of Chapter 18.124, Article II of this title.
- P. Small bed and breakfasts and bed and breakfast inns in accordance with provisions of Chapter 18.124 of this title. (Ord. 2086 § 2, 2014; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1812, 2000; Ord. 1743, 1998; Ord. 1690 § 4, 1996; Ord. 1636 § 6, 1994; Ord. 1153 §§ 1, 2, 1984; Ord. 1126 § 8, 1984; prior code § 2-6.25)

18.36.045 Temporary conditional uses.

The following conditional uses shall be permitted in RM districts upon the granting of a temporary conditional use permit in accord with the provisions of Section 18.116.050 of this title:

- A. Christmas tree sales lots. (Ord. 1443 § 2, 1989)

18.36.050 Prohibited uses.

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

- A. Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title.

- 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 title 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 nonconforming as a result of the change in zoning.
- C. Gunsmiths.
- D. Firearm sales.
- E. 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 18.12.040 of this title and shall be subject to review by or appeal to the city council as set forth in Section 18.124.090 of this title. (Ord. 1880, 2003; Ord. 1738 § 1, 1998; prior code § 2-6.25(a))

18.36.060 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. (Prior code § 2-6.26)

18.36.070 Underground utilities.

Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the city engineer finds upon application by the property owner, that compliance is not feasible or economically justifiable, he or she shall permit different service arrangements. The property owner shall comply with the requirements of this section without expense to the city and shall make the necessary arrangements with the public utility involved. (Ord. 2000 § 1, 2009; prior code § 2-6.27)

18.36.080 Off-street parking.

Off-street parking facilities shall be provided for each use in the RM districts as prescribed in Chapter 18.88 of this title. (Prior code § 2-6.28)

18.36.090 Off-street loading.

Off-street loading facilities shall be provided for each use in the RM districts as prescribed in Chapter 18.92 of this title. (Prior code § 2-6.29)

18.36.095 Transit incentive.

For new multi-family dwellings of 20 units or more that are on sites located within one-half mile of a BART station platform, a transit benefit shall be required as provided in Chapter 17.26. (Ord. 2094 § 2, 2014)

18.36.100 Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted in the RM districts except as prescribed in Chapter 18.96 of this title. (Prior code § 2-6.30)

18.36.110 Design review.

All uses shall be subject to design review as prescribed in Chapter 18.20 of this title. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 1656 § 1, 1995; prior code § 2-6.31)

- c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
 - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
 - e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district;
 - f. The facilities shall be cogeneration or combined cycle facilities, if feasible.
4. Small fuel cell facilities that meet the following criteria:
- a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
 - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
 - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district;

Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities.

- K. Financial institutions including banks, savings and loan associations, finance companies, credit unions and related services.
- L. Private schools, tutorial schools, and colleges, including music and dance studios not less than 150 feet from an R district with no more than 20 students in the private school, tutorial school, college, music studio, or dance studio, at any one time shall be permitted uses subject to the following conditions:
 - 1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;
 - 2. The zoning administrator finds that adequate parking is available for such use.
- M. Beekeeping meeting the requirements of Chapter 18.103 of this title.

The standard city noise ordinance applies. (Ord. 2113 § 1, 2015; Ord. 2086 § 2, 2014; Ord. 1995 § 2, 2009; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1726 § 1, 1997; Ord. 1668 § 1, 1995; prior code § 2-6.37)

18.40.040 Conditional uses.

The following conditional uses shall be permitted in the O district upon the granting of a use permit in accord with the provisions of Chapter 18.124 of this title:

- 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, tutorial schools, and colleges, including music and dance studios not less than 150 feet from an R district which cannot meet the criteria for private schools, tutorial schools, colleges, music studios, and dance studios as written in Section 18.40.030.
- D. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.

18.40.050

- E. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:
 - 1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title.
 - 2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title.
- F. Barbershops.
- G. Massage establishments where four or more massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24. (Ord. 2086 § 2, 2014; Ord. 1995 § 2, 2009; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1726 § 1, 1997; Ord. 1668 § 1, 1995; prior code § 2-6.38)

18.40.050 Prohibited uses.

The following uses shall not be permitted in the office district:

- A. Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title.
- B. Firearm sales. (Ord. 1880, 2003; Ord. 1738 § 1, 1998)

18.40.060 Underground utilities.

Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the city engineer finds, upon application by the property owner, that compliance is not feasible or economically justifiable, he or she shall permit different service arrangements. The property owner shall comply with the requirements of this section without expense to the city and shall make the necessary arrangements with the public utility involved. (Ord. 2000 § 1, 2009; Ord. 1738 § 1, 1998; prior code § 2-6.39)

18.40.070 Off-street parking.

Off-street parking facilities shall be provided for each use in the O district as prescribed in Chapter 18.88 of this title. (Ord. 1738 § 1, 1998; prior code § 2-6.40)

18.40.080 Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Chapter 18.92 of this title. (Ord. 1738 § 1, 1998; prior code § 2-6.41)

18.40.090 Signs.

No sign, outdoor advertising structure or display of any character shall be permitted in the O district except as prescribed in Chapter 18.96 of this title. (Ord. 1738 § 1, 1998; prior code § 2-6.42)

18.40.100 Design review.

All permitted and conditional uses in the O district shall be subject to design review as prescribed in Chapter 18.20 of this title. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 1738 § 1, 1998; prior code § 2-6.43)

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title	C	C	C	C	C	C	C
2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title	C	C	C	C	C	C	C
Adult entertainment establishments (see Chapter 18.114 of this title)	P	P		P	P		
Ambulance services				C	P		
Amusement parks					C		
Antique stores, no firearm sales				P			
Antique stores with sales of antique firearms				C			
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
Automobile supply stores, no service or shop work	P	P	C	P	P		P
Automobile upholstery and top shops						C	P
Barbershops and beauty shops	P	P	P	P			
Bars and brew pubs, as defined in Chapter 18.08 of this title	C	C		C		C	
Basement storage, as defined in Section 18.08.057, that meet all of the following criteria:				P			
1. Basement storage shall be limited to the central commercial (C-C) zoning district within the downtown specific plan area and limited to commercial buildings only							
2. Basement storage shall be limited to nontoxic, nonhazardous materials only. It is the responsibility of the storage space operator to prepare a list of prohibited storage items, to have the list approved by the Livermore-Pleasanton fire department, and to require all storage space users to agree in writing that no items on the list or other hazardous materials will be stored. The storage space shall be used for storage only and no other activities and/or uses are allowed							
3. Prior to allowing basement storage, the building owner shall contact the building and safety division and fire department to ensure that the basement meets applicable building and fire codes. If required, the building owner and/or responsible party shall secure all applicable permits and/or make any required changes to the							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
basement space to ensure the space meets current code standards for fire, safety, and accessibility							
4. The hours of access for basement storage use shall be: Monday through Friday from 6:00 a.m. to 10:00 p.m. and Saturday and Sunday from 10:00 a.m. to 6:00 p.m. only							
5. One parking space per on-site storage employee and one parking space for storage customers. This parking requirement is in addition to the parking required for other uses on-site							
6. Prior to allowing and/or renting space for basement storage, the property owner and/or responsible party shall submit a zoning certificate application and secure a business license. The zoning certificate application shall be accompanied by a narrative that describes the type of storage proposed, where parking will be allowed, and the use(s) of the building and shall include a site plan and basement storage floor plan that clearly defines, but is not limited to, the following:							
a. The defined area(s) and square-footage in which storage will take place							
b. How the individual storage areas will be delineated (e.g., cages, walls, etc.)							
c. Access and ADA accessibility							
Beauty shops including massage services of four or more massage technicians at any one time. Massage establishments within a beauty shop shall meet the requirements of Chapter 6.24	C	C	C	C			
Beauty shops or beauty shops including massage services of three or fewer massage technicians at any one time. Massage establishments within a beauty shop shall meet the requirements of Chapter 6.24	P	P	P	P			
Bed and breakfast inns				C			
Beekeeping meeting the requirements of Chapter 18.103 of this title for detached, single-family homes located in the Downtown Specific Plan Area				P	P		
Bicycle shops	P	P	P	P	P		
Birthing center				C			
Blacksmiths' shops, not less than 300 feet 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		

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
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			

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
The standard city noise ordinance applies							
Variety stores	P	P	P	P			
Vending machine sales and service				C	P		
Veterinarians' offices and out-patient clinics, excluding any overnight boarding of animals, and including incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for soundproof construction prescribed by the chief building official			C				
Veterinarians' offices, out-patient clinics, and small animal hospitals, including short-term overnight boarding of animals and incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for sound-proof construction prescribed by the chief building official				C	P		
Veterinarians' offices and small animal hospitals including operations not conducted within an entirely enclosed building, not less than 300 feet from an R or O district					C		
Warehouses except for the storage of fuel or flammable liquids					C		
Watch and clock repair shops	P	P	P	P			
Waterbed shops including the sale of small incidentals, such as linens, wall hangings, and other similar items	P	P	P	P			
Wholesale establishments					C		
Wholesale establishments without stocks		P		P			

(Ord. 2113 § 1, 2015; Ord. 2086 § 2, 2014; Ord. 2061 § 2, 2013; Ord. 2055 § 2, 2012; Ord. 2039 § 2, 2012; Ord. 2017 § 2, 2011; Ord. 2000 § 1, 2009; Ord. 1995 § 2, 2009; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1850 § 1, 2002; Ord. 1821 § 1, 2001; Ord. 1810 § 1, 2000; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1726 § 1, 1997; Ord. 1725 § 1, 1997; Ord. 1668 § 2, 1995; Ord. 1665 § 2, 1995; Ord. 1604 § 1, 1993; Ord. 1603 § 3, 1993; Ord. 1394 § 1, 1989; Ord. 1390 § 1, 1988; Ord. 1379 § 1, 1988; Ord. 1354 § 4, 1988; Ord. 1346 § 2, 1987; Ord. 1340 § 1, 1987; Ord. 1216 § 1, 1985; Ord. 1071 § 2, 1983; prior code § 2-7.08)

18.44.095 Prohibited uses.

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

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

18.44.100 Underground utilities.

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

18.44.110

18.44.110 Off-street parking.

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

18.44.120 Off-street loading.

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

18.44.130 Signs.

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

18.44.140 Design review.

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

3. 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;
4. The existence of landscaping of a type, size and quantity which exceeds that of a standard residential development;
5. The existence of a topographical feature, including, but not limited to, a cliff or deep ravine, or extensive land area over 25 percent 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
6. The offer to and acceptance by the city of land in excess of the parkland dedication requirements of Chapter 17.46 of this code. (Prior code § 2-2.3209(g))

18.76.160 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 percent plus one and one-half 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. (Prior code § 2-2.3209(h))

18.76.170 Grading control.

- A. 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 chapter, 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.
- B. 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.
- C. 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. (Prior code § 2-2.3209(i))

Chapter 18.78

WEST FOOTHILL ROAD CORRIDOR OVERLAY DISTRICT

Sections:

- 18.78.010 Purpose.**
- 18.78.020 Creation of district.**
- 18.78.030 Regulations applicable.**
- 18.78.040 Properties not subject to the district’s regulations.**
- 18.78.050 Procedure.**
- 18.78.060 Adoption of guidelines.**
- 18.78.070 Regulations for lots adjoining Foothill Road.**
- 18.78.080 Subdivision design.**

18.78.010 Purpose.

The purpose of this chapter is to create a zoning overlay district with regulations which will implement the goals and policies of the general plan as they relate to maintaining the highly aesthetic, rural character of the Foothill Road corridor. This corridor is designated an “area of special concern” in the land use element, and the combination of residential densities allowed in the general plan is designed to form a complementary pattern of development and conservation which will provide Pleasanton with opportunities for custom homes, recreation, open space and preservation of the city’s most visible resource. This zoning overlay district will assure that development along this corridor is consistent with the goals and policies of the general plan and thereby promotes and protects the health, safety, comfort, appearance and general welfare of the community. (Ord. 1468 § 1 (part), 1990)

18.78.020 Creation of district.

There is created a zoning overlay district known as the West Foothill Road corridor overlay district (hereinafter referred to as “district”), the boundaries of which are as follows:

All that land bounded as follows: Foothill Road on the east, the northern boundary of lands of East Bay Regional Park district approximately 1,500 feet south of Verona Road on the south, the 670-foot elevation contour line on the west except in the northwest corner where it shall be the property line between lands of Presley Homes and lands of Panganiban, and Dublin Canyon Road on the north excluding lands planned for commercial uses; all as more precisely shown on Exhibit A, attached to the ordinance codified in this chapter, and incorporated herein by reference, appearing on the maps following this chapter. (Ord. 1468 § 1 (part), 1990)

18.78.030 Regulations applicable.

- A. The regulations applicable to the district contained in this chapter are in addition to the regulations otherwise applicable to the area within the district; provided, however, that where regulations conflict, the provisions of this chapter shall control.
- B. In the event the underlying zoning of properties within the district is changed, this district shall remain in effect unless the rezoning action specifically removes the properties from this district. (Ord. 1468 § 1 (part), 1990)

18.78.040 Properties not subject to the district’s regulations.

- A. All properties within the district which have approved PUD development plans, prior to the adoption of this district, shall be allowed to develop in accordance with the provisions of their development plans. To the extent those development plans require subsequent discretionary city approval, the city reviewing boards and commissions shall attempt to meet the spirit of this district’s regulations in the context of allowing development in accordance with the approved PUD development plans.

lic 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.

- F. “Sign” means and 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.
- G. “Utility structure” means any utility pole, supporting structure or guy wire owned by a public or private utility company.
- H. “Religious holiday banner” means any banner announcing a special religious holiday service for a religious group belonging to any religious institution. (Ord. 1574 § 1, 1992; prior code § 2-9.62)

18.100.040 Posting of political campaign signs, community event signs and religious holiday banners—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 district in excess of six square feet. No person shall post or cause to be posted on private property campaign signs in any other zoning district in excess of 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 district which in the aggregate exceeds 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 64 square feet.
- C. **Maximum Size, Number and Duration of Religious Holiday Banners.** No person shall post or cause to be posted on private property on sites exceeding 10,000 square feet in any zoning district, religious holiday banners in excess of 36 square feet. No person shall post or cause to be posted on private property, on sites 10,000 square feet or less in any zoning district, religious holiday banners in excess of six square feet. There shall be no more than one banner posted on the site of any religious institution during a special religious holiday. Religious holiday banners may be posted for a maximum of eight days during any special religious occasion not exceeding four such religious holidays each year.
- D. **Permission to Post.** No person shall post or cause to be posted on private property political campaign signs, community event signs or religious holiday banners without first receiving permission from the property owner or any other person authorized by property owner to give permission to post such signs. (Ord. 1574 § 2, 1992; prior code § 2-9.63)

18.100.050 Posting of political campaign signs—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 protruding into the public right-of-way. (Prior code § 2-9.64)

18.100.060 Removal of political campaign signs—Time limits.

It is unlawful for any person to fail to remove a political campaign sign within five days after the election for which the sign was posted. (Ord. 1496 § 1, 1991; prior code § 2-9.65)

18.100.070 Community event signs—Time and size limits.

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 30 days prior to the event or fail to remove such sign within five days after the event. Size limits for community event signs shall be the same as those set forth in subsections A and B of Section 18.100.040 of this chapter 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. (Prior code § 2-9.66)

18.100.080 Removal of illegal signs.

The city manager or his or her authorized agents shall remove any sign found posted within the corporate limits of the city which is in violation of Sections 18.100.040, 18.100.050, 18.100.060 and 18.100.070 of this chapter. (Prior code § 2-9.67)

18.100.090 Authority of city manager.

For the purposes of removing illegal signs, the city manager or his or her 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. (Prior code § 2-9.68)

18.100.100 Removal procedure.

When the city manager or his or her agent finds that a sign has been posted in violation of Sections 18.100.040, 18.100.050, 18.100.060 and 18.100.070 of this chapter, he or she shall document the nature of the violation and the location of the sign and 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 or she may dispense with the notice requirement and remove the sign, storing it in a safe location. Any sign posted six days after the election or event shall be deemed abandoned and the city manager may dispense with notice requirements. (Ord. 2120 § 1, 2015; prior code § 2-9.69)

18.100.110 Storage—Notice—Return.

If the city manager or his or her agents removes any sign, he or she shall keep a record of the location from which the sign was removed. He or she shall store the sign in a safe location for at least 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 or she 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. (Prior code § 2-9.70)

18.100.120 Sign removal 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 \$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, the city manager shall bill the person responsible for the sign. (Prior code § 2-9.71)

18.100.130 Persons responsible.

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 or she first notifies the city clerk and the city manager of some other person responsible, in the manner described in this section. 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 in this chapter. 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. (Prior code § 2-9.72)

18.100.140 Exception.

Billboards and other permanent signs used for advertising messages which are otherwise permitted by this code or exist as legal nonconforming uses are exempt from the regulations of this chapter. (Prior code § 2-9.73)

Chapter 18.103**BEEKEEPING****Sections:**

- 18.103.010 Policy and purpose.**
- 18.103.020 Definitions.**
- 18.103.030 Application—Required information and plans.**
- 18.103.040 Application—Fee.**
- 18.103.050 Notice.**
- 18.103.060 Public hearing.**
- 18.103.070 Action of zoning administrator.**
- 18.103.080 Standards.**
- 18.103.090 Nuisance and enforcement.**
- 18.103.100 Additional procedures.**

18.103.010 Policy and purpose.

Beekeeping is beneficial for society as bees are essential for pollination, gardening, and food production. The purpose of this chapter is to promote public health, safety and welfare and to establish reasonable and uniform regulations for beekeeping: on land in the A (Agricultural) zoning district; for properties with detached, single-family homes located in the R-1 (One-Family Residential) zoning district and RM (Multi-Family Residential) zoning district; and for properties with detached, single-family homes located in the Downtown Specific Plan Area. (Ord. 2113 § 1, 2015)

18.103.020 Definitions.

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

- A. “Absconding” or “abscond” means the permanent departure of the majority of the bees within a colony.
- B. “Bee” means any stage of the common domestic honey bee, *Apis Mellifera* species.
- C. “Beekeeper” means a person who keeps bees.
- D. “Beekeeping” means the maintenance of bee colonies in hives.
- E. “Brood” means immature bees, in various stages of development, before they emerge from their honeycomb cell.
- F. “Flyway barrier” means the barrier used adjacent to the hive opening that forces bees to fly upwards.
- G. “Hive” means a structure for the housing of a bee colony. Hives are typically a series of boxes stacked one on top of the other.
- H. “Requeen” means to replace the queen bee in a colony with a younger and more productive queen.
- I. “Robbing” means the taking of honey from a colony by other bees or insects.
- J. “Swarming” or “swarm” means the movement of at least several hundred bees in a group from a colony. (Ord. 2113 § 1, 2015)

18.103.030 Application—Required information and plans.

An application for a permit to keep bees shall be filed with the zoning administrator on a form prescribed by the city and shall include the following information and maps:

- A. Name and address of the applicant, who must be the proposed beekeeper;
- B. Statement of whether the applicant is the owner or a tenant of the property on which the beekeeping is proposed to be located; and if a tenant, the name and contact information for the property owner, landlord, or management company; as well as the signature of the property owner, landlord or management company consenting to the application;

- C. Address or description of the property on which the beekeeping is proposed to be located;
- D. Statement of whether any applicable covenants, conditions or restrictions applicable to the property allow beekeeping;
- E. Statement indicating the precise manner of compliance with each of the applicable provisions in Section 18.103.080, together with any other data pertinent to the granting of a permit;
- F. Description and drawings of the proposed: (1) hive; (2) water source for bees; (3) flyway barrier;
- G. An accurately scaled drawing of the parcel showing existing and proposed locations of streets, property lines, existing structures, landscaped areas, fences, walls, trees on-site and off-site that are located within close proximity of the proposed location of the hive, driveways, pedestrian walks, and the footprint drawing of the proposed location of the hive, water source, and flyway barrier;
- H. The zoning administrator may require additional information, plans and drawings if necessary to determine whether the proposed beekeeping will comply with all of the applicable provisions of this chapter. The zoning administrator may authorize omission of any of the plans and drawings required by this section if he or she determines the information is not necessary. (Ord. 2113 § 1, 2015)

18.103.040 Application—Fee.

The application shall be accompanied by a fee established by resolution of the city council to cover the cost of processing the application. (Ord. 2113 § 1, 2015)

18.103.050 Notice.

No less than seven days prior to the date on which the decision will be made on the application, the city shall give notice of the proposed beekeeping by mail to all tenants and owners shown on the last equalized assessment roll as owning real property within 100 feet of the exterior boundaries of the parcel where beekeeping is proposed. (Ord. 2113 § 1, 2015)

18.103.060 Public hearing.

After the notice period runs, and if no administrative public hearing is requested (as described below), the zoning administrator (or designee) shall review the application and issue a decision to approve, approve with conditions, or deny the application. If, however, an administrative hearing is requested by the applicant or any interested person, the zoning administrator shall hold an administrative hearing. Subsequent to the hearing, the zoning administrator shall render a decision to approve, approve with conditions, or deny the application. (Ord. 2113 § 1, 2015)

18.103.070 Action of zoning administrator.

Any action of the zoning administrator is subject to the appeal provisions in Chapter 18.144. An application, if approved, is applicable only to the named beekeeper and parcel and does not run with the land. (Ord. 2113 § 1, 2015)

18.103.080 Standards.

Beekeeping shall only be allowed when the following regulations are met:

- A. Hives shall only be allowed and maintained on land in the A zoning district, on properties with detached, single-family homes located in an R-1 zoning district and RM zoning district, and properties with detached, single-family homes located in the Downtown Specific Plan Area.
- B. In the R-1 zoning district, RM zoning district, or Downtown Specific Plan Area zoning district, the beekeeper shall reside at the property where the hive is located.
- C. In the R-1 zoning district, RM zoning district, or Downtown Specific Plan Area, hives shall be located at least five feet from the side and rear property lines. Hives are not allowed in the area between the front property line

and the single-family house. The location of hives on land in the A zoning district shall be subject to review on a case-by-case basis by the zoning administrator.

- D. No more than two hives shall be allowed on detached, single-family properties located in the R-1 zoning district, RM zoning district, and Downtown Specific Plan Area; and no more than 10 hives shall be maintained within the A zoning district.
- E. All bee colonies shall:
 1. Be kept in inspectable hives, as determined by the city's code enforcement officer, animal services officer, and/or designee;
 2. Have a convenient water source for the bees located on the subject site that is within at least 10 feet of the hive. Dripping faucets shall not be allowed; and
 3. Have a flyway barrier at the opening of the hive that forces the bees to cross the property line at a minimum height of six feet. The top of the flyway barrier shall not be greater than seven feet tall and shall extend beyond either side of the beehive. The flyway barrier can be solid or vegetative, or use an alternative composition, as determined by the zoning administrator, with the dimensions and setbacks determined by the zoning administrator.
- F. All hives shall:
 1. Be kept in a usable condition at all times, as determined by the city's code enforcement officer, animal services officer, or designee;
 2. Have removable frames/combs;
 3. Be kept off the ground to prevent wood rot; and
 4. Be inspected by the beekeeper no less than three times between March 1st and October 1st of each year to ensure that the conditions of the hive(s) are maintained and to prevent natural requeening that can lead to swarming.
- G. Hive materials and/or equipment shall be stored in a sealed container or placed within a bee-proof enclosure. Beekeepers shall ensure that no burr comb, honey or related materials are dropped and/or left on the subject site such that it would attract pests.
- H. Hive entrances shall face away from or be parallel to the nearest property line(s).
- I. The maximum height of a hive, including the stand, shall not exceed four feet.
- J. To prevent swarming, the beekeeper shall continuously manage the hive and requeen each hive at least once every two years.
- K. No beekeeping permit shall be granted if the beekeeping will be detrimental to public health, safety, and welfare.
- L. Notwithstanding the standards set forth above, the zoning administrator (or designee) has discretion to approve additional hives and/or hives in excess of four feet in height if the size, topography, or other physical conditions of the lot can accommodate such hives.
- M. Upon securing a beekeeping permit, an inspection of the site and hives by the city's code enforcement officer, animal services officer, or their designee (collectively the inspector), is required at least one week, but no later than three weeks, after bringing the bees on-site. For such inspections, beekeeper shall be at the site to meet inspector. (Ord. 2113 § 1, 2015)

18.103.090 Nuisance and enforcement.

Bees or hives shall be considered a public nuisance when the beekeeper's bees swarm, the bees abscond, or the beekeeping does not conform to this code, or hives are abandoned by the beekeeper.

Where there is reasonable cause to believe that there exists a violation of this chapter which may cause health or safety hazards to residents and/or visitors, the city's code enforcement officer, or animal services officer, or their designee, is authorized to enter upon the property to inspect or to perform duties authorized by this chapter.

Any person who violates any provision of this chapter shall be subject to administrative fines and/or penalties pursuant to Chapter 18.140.

In addition, when there is reasonable cause to believe that there exists a violation of this chapter, or, if application is approved subject to conditions, upon failure to comply with conditions, an approved application shall be subject to suspension, modification or revocation. The zoning administrator shall hold a public hearing to consider any suspension, modification or revocation of an approved application. (Ord. 2113 § 1, 2015)

18.103.100 Additional procedures.

The regulations concerning effective date of the beekeeping permit, review or appeal, suspension and revocation, and new applications shall be those contained in this chapter.

Modifications requested by the beekeeper for a previously approved application shall be handled by the zoning administrator pursuant to the procedures set forth in this chapter for new applications. (Ord. 2113 § 1, 2015)

Chapter 18.104

HOME OCCUPATIONS

Sections:

- 18.104.010 Purpose.**
- 18.104.020 Exempt occupations.**
- 18.104.030 Required conditions.**
- 18.104.040 Prohibited home occupations.**
- 18.104.050 Zoning certificate required.**
- 18.104.060 Planning commission review.**
- 18.104.070 Modification of required conditions.**
- 18.104.080 Suspension and revocation.**

18.104.010 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 18.104.030 of this chapter can be met. However, the planning commission, on appeal, can modify the 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. (Prior code § 2-10.15)

18.104.020 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 macramé, painting, 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 incidental 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. (Prior code § 2-10.16)

18.104.030 Required conditions.

Except as stipulated in Section 18.104.070 of this chapter, home occupations in A and R districts shall comply with the following regulations:

18.124.060 Action of 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; regulation 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 Chapter 18.132 of this title. (Prior code § 2-11.07)

18.124.070 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. (Prior code § 2-11.08)

18.124.080 Effective date of use permit.

Within 10 days following the date of a decision of the 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 it is granted by the council. (Prior code § 2-11.09)

18.124.090 Review or appeal.

The city council may elect to review a decision of the planning commission as prescribed in Section 18.144.010 of this title, 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 18.144.020 of this title. An appeal shall be heard and acted upon as prescribed in Sections 18.144.030 and 18.144.040 of this title. (Prior code § 2-11.10)

18.124.100 Lapse of use permit.

A. 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 or her successor has filed a request for extension with the zoning administrator pursuant to the provisions of Section 18.12.030.

B. A use permit shall lapse and become void if the use is abandoned or discontinued for a continuous period of one year or more. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the

use. Indicia of abandonment or discontinuance may include, but not be limited to, lack of business license, no utility service, etc. (Ord. 2120 § 1, 2015; prior code § 2-11.11)

18.124.110 Preexisting conditional uses.

- A. A conditional use legally established prior to the effective date of the ordinance codified in this chapter, 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 preexisting conditional use shall be permitted only upon the granting of a use permit as prescribed in this chapter, provided that alterations not exceeding \$1,500.00 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 preexisting 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 community development director.
- D. Preexisting conditional uses described in this section are subject to the lapse provisions in Section 18.124.100.B. (Ord. 2120 § 1, 2015; Ord. 2000 § 1, 2009; prior code § 2-11.12)

18.124.120 Modification of conditional use.

- A. Sections 18.124.020 through 18.124.090 of this chapter 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 or she determines that the changes would not affect the findings prescribed in Section 18.124.070 related to findings. If requested by the applicant, the zoning administrator shall modify all existing conditional use permits for bars which are: (1) in the downtown hospitality central core area and downtown hospitality transition area; and (2) which are proposed to be consistent with the downtown hospitality guidelines, as determined by the zoning administrator.
- B. For a bar or special downtown accessory entertainment use in the downtown hospitality central core and downtown hospitality transition area, if requested by the applicant, the zoning administrator shall modify all applicable sections of an existing conditional use permit related to subsequent planning commission review to include and be consistent with the following: notification of conditional use permit and noise standard violations verified by city enforcement staff shall be provided to the planning commission by city staff; the planning commission may schedule a public hearing to re-review the conditional use permit; and at the public hearing the planning commission may revoke or may modify a business' conditional use permit to require additional measures such as noise monitoring by the business owner if there was a noise violation.
- C. If the zoning administrator approves a modification of a conditional use permit for a bar in the downtown hospitality central core area or downtown hospitality transition area, he or she shall notify the planning commission and city council of the modification within 10 days of the approval. (Ord. 2055 § 2, 2012; prior code § 2-11.13)

18.124.130 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 subject to suspension or revocation. The planning commission shall hold a public hearing within a reasonable time to consider such suspension or revocation in accord with the procedure prescribed in Section 18.124.040, and if not satisfied that the regulation, general provision or condition is being complied with, may suspend or revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition. Within 10 days following the date of a decision of the commission suspending or 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 suspended or 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 Section 18.124.090 shall apply. (Ord. 2065 § 1, 2013; prior code § 2-11.14)

Title 19

SUBDIVISIONS

Chapters:

- 19.04 General Provisions**
- 19.08 Definitions**
- 19.12 Administrative Provisions**
- 19.16 Minor Subdivisions**
- 19.20 Tentative Map**
- 19.22 Vesting Tentative Maps**
- 19.24 Final Map**
- 19.28 Lot Line Adjustments and Mergers**
- 19.32 Surveys to be Filed**
- 19.36 Design Standards**
- 19.40 Improvements**
- 19.48 Modifications**
- 19.52 Enforcement and Penalties**
- 19.56 Appeal**

Chapter 19.48**MODIFICATIONS****Sections:**

- 19.48.010 Permitted when.**
- 19.48.020 Referral of proposed modification.**
- 19.48.030 Written report.**

19.48.010 Permitted when.

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 19.36.220 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. (Prior code § 2-4.34)

19.48.020 Referral of proposed modification.

Each proposed modification shall be referred to the appropriate officer who shall transmit to the commission his or her written recommendation, which shall be reviewed, prior to the granting of any modification. (Prior code § 2-4.35)

19.48.030 Written report.

In the event any modification is made, a written statement of the modification shall be transmitted to the council at the time of approval of the subdivision map. (Prior code § 2-4.36)

at the time of construction, alteration or conversion.

203A.2 Illegal buildings, structures or installations.

A. Every building or structure or portion thereof, and every electrical, plumbing or mechanical installation or portion thereof, erected, installed, constructed, enlarged, altered, repaired, moved, converted, or improved without a permit and which was subject to the requirements for permits by the California Building Code as adopted by the City of Pleasanton is declared to be an illegal building, structure or installation. All illegal buildings, structures or installations shall be made to conform to the provisions of this chapter or shall be demolished and removed as may be required by the Building and Safety Official.

B. Whenever necessary to assure compliance with the foregoing provisions, the owner of any illegal building, structure or installation shall uncover any concealed portions of such building, structure, electrical, plumbing, or mechanical installation for inspection and shall perform such tests as may be required by the Building and Safety Official.

C. It is unlawful to use or maintain any illegal buildings, structure or installation or portion thereof which was erected, installed, constructed, enlarged, altered, repaired, moved, converted, or improved without a permit.

D. All illegal buildings, structures or installations or portions thereof may be abated by being made to conform to the provisions of this chapter or by demolition and remove in accordance with the provisions specified by any remedy available at law.

203A.3 Emergency Measures

A. Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or

those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice prohibiting occupancy. It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

B. Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

C. Closing streets. When necessary for public safety, the code official shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

D. Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

E. Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

F. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 204A—BOARD OF APPEALS

204A.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building and Safety Official relative to the application and interpretations of the technical code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and building and/or property service equipment and who are not employees of the jurisdiction. The Building and Safety Official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the City Council and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building and Safety Official.

Alternatively, the City may use five (5) Building Official members of the East Bay Chapter of the International Code Council, chosen on a case-by-case basis, to serve as the Board of Appeals for the City of Pleasanton. The ICC East Bay Chapter, an organization of Building Officials, Building Inspectors, and Construction Industry personnel, was formed in 1947 to help maintain consistent and uniform code enforcement and code interpretation for our region. Building Officials from jurisdictions within Alameda, Contra Costa counties and neighboring counties are also members. Building Official members of the ICC East Bay Chapter are well versed in the technical and administrative provisions of construction codes.

204A.2 Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code or the administrative provisions of the technical codes nor shall the board be empowered to waive requirements of either this code or the technical codes.

SECTION 205A—VIOLATIONS

It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair,

move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building and/or property service equipment, or cause or permit the same to be done in violation of this code and the technical codes. Penalties for violations will be as provided in Section 1.12.020 of the Pleasanton Municipal Code.

Chapter 3A

PERMITS AND INSPECTIONS

SECTION 301A—PERMITS

301A.1 Permits Required. Except as specified in Section 301A.2, any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building and Safety Official and obtain the required permit.

301A.2 Work Exempt from Permit. A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.

301A.2.1 Building Permits. A building permit shall not be required for the following:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
2. Fences not over 7 feet (2,134 mm) high.
3. Oil derricks.
4. Retaining walls which are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless sup-

thereof is in violation of any ordinance or regulation or any of the provisions of this code.

(Ord. 2120 § 1, 2015; Ord. 2015 § 2, 2011)

Chapter 20.08**BUILDING CODE****Sections:**

- 20.08.010 California Building Code adopted.**
20.08.020 CBC Chapter 1 Division II deleted.
**20.08.030 CBC Section 310.8 added—
Installation of spark arrestors.**
**20.08.040 CBC Section 903 amended—
Automatic sprinkler systems.**
**20.08.050 CBC Section 904 amended—
Alternative automatic fire-
extinguishing systems.**
**20.08.060 CBC Section 907.2.11.2 Item 5
added—Groups R-2, R-2.1, R-3,
R-3.1, R-4.**
**20.08.070 CBC Section 1505.1 amended—
Fire classification.**
**20.08.080 CBC Section 1613.8 amended—
Earthquake loads.**
**20.08.090 CBC Section 1705.3 amended—
Concrete construction.**
**20.08.100 CBC Section 1809.8 amended—
Plain concrete footings.**
**20.08.110 CBC Section 1905.1.8 amended—
ACI 318 Section 22.10.1.**
**20.08.120 CBC Section 1907.1 amended—
Minimum slab provisions.**
**20.08.130 Table 2306.3.(3) amended—
Allowable shear for wind or
seismic forces for shear walls of
lath and plaster or gypsum board
wood framed wall assemblies.**
**20.08.140 CBC Section 2308.12.4 amended—
Braced wall line sheathing.**
**20.08.150 CBC Section 2308.12.5 amended—
Attachment of sheathing.**
**20.08.160 CBC Chapter 24 amended—Glass
and glazing.**
**20.08.170 CBC Chapter 31B adopted and
amended—Public swimming pools.**

20.08.010 California Building Code adopted.

A. The International Building Code, 2012 Edition, as amended and set forth in the California Building Code, Title 24, Part 2 of the California Code of Regulations, published by the International Code Council is hereby adopted, together with Appendices H and J, except as set forth in this chapter.

B. The International Building Code (IBC) adopted in this chapter by reference is amended by the following additions, deletions and amendments thereto as set forth in this chapter. Reference numbers herein are taken from the 2013 California Building Code.

C. These regulations shall be known as the Pleasanton Building Code, hereinafter referred to as “this code.”

D. Where there is a reference in the code to the “building official” or “authority having jurisdiction” it shall mean the “building and safety official” or in the absence of the building and safety official, the interim, temporary, or acting building and safety official. (Ord. 2083 § 1, 2013)

20.08.020 CBC Chapter 1 Division II deleted.

Chapter 1 Division II is deleted in its entirety. (Ord. 2083 § 1, 2013)

**20.08.030 CBC Section 310.8 added—
Installation of spark arrestors.**

Section 310 is amended by adding Section 310.8 to read as follows:

310.8 Installation of Spark Arrestors. Existing dwelling units shall be retrofitted with a spark arrestor upon the occurrence of any of the following events:

1. Upon notice from the City;
2. Re-roofing;
3. Resale of the dwelling unit;
4. Issuance of a building permit for alterations, repairs or additions in excess of \$1,000.00.

In the event of a resale of a dwelling unit, the seller shall be responsible to comply with this ordinance. Any real property professional representing the seller shall be required to notify the seller of seller’s obligation to comply with this ordinance.

The spark arrestor shall conform to the requirements specified in the CBC Section 2113.9.2.

(Ord. 2083 § 1, 2013)

**20.08.040 CBC Section 903 amended—
Automatic sprinkler systems.**

Section 903 of the California Building Code 2013 Edition, (24 C.C.R. Part 2), and including by reference the International Building Code, 2012 Edition is amended to read as shown in Section 903 of the Pleasanton Fire Code (PMC Chapter 20.24). (Ord. 2083 § 1, 2013)

Statutory References for California Cities

These references direct the code user to those portions of the state statutes relevant to California cities. This reference list is current through April 2015, and will be periodically updated by Quality Code Publishing as statutes are revised.

Contents:

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General Provisions

Administrative fines and penalties
Gov. Code § 53069.4

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

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

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

Classifications of cities
Gov. Code §§ 34100—34102

Code adoption
Gov. Code §§ 50022.1—50022.10

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

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

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

False petitions
Gov. Code § 34093

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

Imprisonment
Gov. Code §§ 36901, 36903—36904

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

* Applicable solely to chartered cities.
 ** May not be applicable to chartered cities.

STATUTORY REFERENCES

Judicial review of city decisions
Code of Civil Procedure § 1094.6

Ordinances
Gov. Code § 36900 et seq.

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

Police power
Cal. Const. Art. XI § 7

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

Administration and Personnel

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

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

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

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

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

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

City records
Gov. Code §§ 34090—34090.7

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

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

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

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

Fire department
Gov. Code § 38611

Legislative body
Gov. Code § 36801 et seq.

Local emergencies
Gov. Code §§ 8630—8634

Local planning agencies
Gov. Code § 65100 et seq.

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

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

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

Personnel system
Gov. Code § 45000 et seq.

Retirement systems
Gov. Code § 45300 et seq.

Revenue and Finance

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

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

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

Development fees
Gov. Code § 66000 et seq.

Financial powers
Gov. Code § 37200 et seq.

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

* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

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

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

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

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

Bradley-Burns Uniform Local Sales and Use Tax Law
Rev. and Tax. Code § 7200 et seq.
Gov. Code § 37101

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

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

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

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

Unclaimed property
Civil Code § 2080 et seq.

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

Business Licenses, Taxes and Regulations

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

Automatic checkout systems
Civil Code § 7100 et seq.

Bingo
Penal Code § 326.5

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

Commercial filming
Gov. Code § 65850.1

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

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

Massage parlors
Gov. Code § 51030 et seq.

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

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

Animals

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

Cruelty to animals
Penal Code § 597 et seq.

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

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

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

Health and Safety

Delinquent garbage fees
Gov. Code § 38790.1

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

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

* Applicable solely to chartered cities.
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STATUTORY REFERENCES

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

Graffiti abatement
Gov. Code §§ 38772 and 53069.3

Hospitals
Gov. Code § 37600 et seq.

Littering
Penal Code § 374

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

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

Weed control
Gov. Code §§ 39501—39502

Public Peace, Morals and Welfare

Crimes against property
Penal Code § 450 et seq.

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

Crimes against public justice
Penal Code § 92 et seq.

Crimes against the person
Penal Code § 187 et seq.

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

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

Minors
Penal Code § 858(b) 858

Weapons
*Penal Code §§ 12001 et seq., 17500 et seq.,
and 19910 et seq.*

Vehicles and Traffic

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

Curb markings
Vehicle Code § 21458

Establishments of crosswalks
Vehicle Code § 21106

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

One-way street designations
Vehicle Code § 21657

Pedestrian rights and duties
Vehicle Code § 21949 et seq.

Penalties
Vehicle Code § 40000.1 et seq.

Speed limits
Vehicle Code § 22348 et seq.

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

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

Traffic control devices
Vehicle Code § 21350 et seq.

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

Turning movements
Vehicle Code § 22100 et seq.

Vehicle weight limits
Vehicle Code § 35700 et seq.

* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

Streets, Sidewalks and Public Places

- Advertising displays
Bus. and Prof. Code §§ 5230, 5231 and 5440 et seq.
- Constructions of sidewalks and curbs
Str. and Hwys. Code § 5870 et seq.
- Improvement Act of 1911
Str. and Hwys. Code § 5000 et seq.
- Landscaping and Lighting Act of 1972
Str. and Hwys. Code § 22500 et seq.
- Municipal parks
Public Resources Code § 5181 et seq.
- Obstructions and encroachments of public ways
Gov. Code § 38775
- Tree Planting Act of 1931
Str. and Hwys. Code § 22000 et seq.
- Underground utility districts
Str. and Hwys. Code § 5896.1 et seq.
Gov. Code § 38793

Public Services

- Connection fees
Gov. Code § 66013
- Municipal sewers
Gov. Code § 38900 et seq.
Health and Saf. Code § 5470 et seq.
- Municipal water systems
Gov. Code § 38730 et seq.
- Water wells
Water Code § 13700 et seq.

Buildings and Construction

- Adoption of construction codes
Health and Saf. Code §§ 17922, 17958 and 17958.5
- Authority to regulate buildings and construction
Gov. Code §§ 38601(b) and 38660
- Inspection warrants
Code of Civil Procedure § 1822.50 et seq.
- Mobilehomes
Health and Saf. Code § 18200 et seq.
- Signs
Gov. Code §§ 38774 and 65850(b)
Bus. and Prof. Code § 5229 et seq.
- State Housing Law
Health and Saf. Code § 17910 et seq.

Subdivisions

- Subdivision Map Act
Gov. Code § 66410 et seq.

Zoning

- Family day care homes
Health and Saf. Code § 1597.30 et seq.
- Local authority to regulate land use
Gov. Code § 65850
- Local planning generally (“Planning and Zoning Law”)
Gov. Code § 65000 et seq.
- Local zoning administration
Gov. Code § 65900 et seq.
- Open-space zoning
Gov. Code § 65910 et seq.
- Zoning fees and charges
Gov. Code § 66014

* Applicable solely to chartered cities.
** May not be applicable to chartered cities.

STATUTORY REFERENCES

Environmental Protection

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

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

* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

(Pleasanton Supp. No. 14, 7-15)

PRIOR CODE CROSS-REFERENCE TABLE

Prior Code Section	Ordinance History	Herein
2-3.04	Based on Ord. 358, amended by Ords. 377 and 587	19.16.040
2-3.05	Based on Ord. 358, amended by Ords. 474, 556 and 587	19.16.050
2-3.05.1		19.16.060
2-3.05.3		19.16.070
2-3.06	Based on Ord. 358	19.16.080
2-3.07	Based on Ord. 358, amended by Ords. 377 and 587	19.16.090
2-3.08	Based on Ord. 358, amended by Ords. 337 and 587	19.16.100
2-3.09	Based on Ord. 712	19.16.110
2-3.10(part)		19.28.010
2-3.10(a)		19.28.020
2-3.10(b)		19.28.030
2-3.10(c)		19.28.040
2-3.10(d)		19.28.050
2-3.10(e)		19.28.060
2-3.11(a)		19.28.070
2-3.11(b)		19.28.080
2-3.12	Based on Sec. 6.01, Ord. 358 and Ord. 620	19.24.010
2-3.13	Based on Sec. 6.02, Ord. 358	Repealed by 1074
2-3.14	Based on Sec. 6.03, Ord. 358, as amended by Sec. 4, Ord. 377	19.24.020
2-3.15	Based on Sec. 6.04, Ord. 358	19.24.030
2-3.16	Based on Sec. 6.05, Ord. 358	19.24.040
2-3.17	Based on Sec. 6.06, Ord. 358, as amended by Sec. 5, Ord. 377	19.24.050
2-3.18	Based on Sec. 6.07, Ord. 358	19.24.060
2-3.19	Based on Sec. 6.08, Ord. 358	19.24.070
2-3.20	Based on Sec. 6.09, Ord. 358	19.24.080
2-3.21	Based on Sec. 6.10, Ord. 358	19.24.090
2-3.22	Based on Sec. 6.11, Ord. 358	19.24.100
2-3.23	Based on Sec. 6.12, Ord. 358	19.24.110
2-3.24	Based on Sec. 6.13, Ord. 358, as amended by Sec. 6, Ord. 377	19.24.120
2-3.25	Based on Sec. 6.14, Ord. 358	19.24.130
2-3.26	Based on Sec. 6.15, Ord. 358	19.24.140
2-3.27	Based on Sec. 6.17, Ord. 358	19.24.150
2-3.28	Based on Sec. 6.18, Ord. 358	19.24.160
2-3.29	Based on Sec. 6.19, Ord. 358	19.24.170
2-3.30	Based on Sec. 6.20, Ord. 358	19.24.180
2-3.31	Based on Sec. 6.21, Ord. 358	19.24.190
2-3.32	Based on Sec. 6.22, Ord. 358, as amended by Sec. 1, Ord. 369	19.24.200
2-3.33	Based on Sec. 6.23, Ord. 358	19.24.210
2-3.34	Based on Sec. 6.24, Ord. 358	19.24.220
2-3.38	Based on Ord. 931	19.36.010
2-3.39	Based on Sec. 7.02, Ord. 358	19.36.020
2-3.40	Based on Sec. 7.03, Ord. 358	19.36.030
2-3.41	Based on Sec. 7.04, Ord. 358, as amended by Sec. 2, Ord. 369	19.36.040
2-3.42	Based on Sec. 7.05, Ord. 358	19.36.050
2-3.43	Based on Sec. 7.06, Ord. 358	19.36.060
2-3.44	Based on Sec. 7.07, Ord. 358	19.36.070
2-3.45	Based on Sec. 7.08, Ord. 358	19.36.080
2-3.46	Based on Sec. 7.09, Ord. 358	19.36.090
2-3.47	Based on Sec. 7.10, Ord. 358	19.36.100

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Prior Code Section	Ordinance History	Herein
2-3.49	Based on Sec. 7.11, Ord. 358	19.36.110
2-3.50	Based on Sec. 7.12, Ord. 358	19.36.120
2-4.00	Based on Sec. 7.13, Ord. 358	19.36.130
2-4.01	Based on Sec. 7.14, Ord. 358	19.36.140
2-4.02	Based on Sec. 7.15, Ord. 358, as amended by Sec. 1, Ord. 423	Repealed by 1222
2-4.03	Based on Sec. 7.16, Ord. 358, as amended by Sec. 3, Ord. 369	19.36.150
2-4.04	Based on Sec. 7.17, Ord. 358	19.36.160
2-4.05	Based on Sec. 7.18, Ord. 358	19.36.170
2-4.06	Based on Sec. 7.19, Ord. 358	19.36.180
2-4.07	Based on Sec. 7.20, Ord. 358	19.36.190
2-4.08	Based on Sec. 7.21, Ord. 358	19.36.200
2-4.09	Based on Sec. 7.22, Ord. 358	19.36.210
2-4.10	Based on Sec. 7.23, Ord. 358	19.36.220
2-4.14	Based on Sec. 8.01, Ord. 358, as amended by Sec. 1, Ord. 475	19.40.010
2-4.15	Based on Sec. 8.02, Ord. 358	19.40.020
2-4.16	Based on Sec. 8.03, Ord. 358	19.40.030
2-4.17	Based on Sec. 8.04, Ord. 358	19.40.040
2-4.21	Based on Sec. 1, Ord. 251	19.32.010
2-4.22	Based on Sec. 2, Ord. 251	19.32.020
2-4.26	Based on Sec. 2, Ord. 439	Ch. 17.46
2-4.27	Based on Sec. 3, Ord. 439	Ch. 17.46
2-4.28	Based on Sec. 4, Ord. 439, amended by Secs. 1 and 11, Ord. 556, and by Ords. 680 and 787	Ch. 17.46
2-4.29	Based on Ord. 439	Ch. 17.46
2-4.30	Based on Ord. 439	Ch. 17.46
2-4.31	Based on Ord. 680	Ch. 17.46
2-4.34	Based on Sec. 9.01, Ord. 358	19.48.010
2-4.35	Based on Sec. 9.02, Ord. 358	19.48.020
2-4.36	Based on Sec. 9.03, Ord. 358	19.48.030
2-4.37	Based on Sec. 9.04, Ord. 358	19.56.020
2-4.38	Ord. 742, amended by Ord. 768	Repealed by 1222
2-4.41	Based on Sec. 10.1, Ord. 358	19.52.010
2-5.01	Based on Sec. 1.101, Ord. 520	18.04.010
2-5.02	Based on Sec. 1.102, Ord. 520	18.04.020
2-5.03	Based on Sec. 1.103, Ord. 520	18.04.030
2-5.04	Based on 1.104, Ord. 520, amended by Ord. 814	18.04.040
2-5.05	Based on Ord. 520, amended by Ord. 763	18.24.010
2-5.06	Based on Ord. 520	18.24.020
2-5.07	Based on Sec. 1.108, Ord. 520	18.24.030
2-5.07.01	Based on Ord. 621	Repealed by 1919
2-5.08	Based on Sec. 1.109, Ord. 520	18.12.040
2-5.09	Based on Sec. 1.110, Ord. 520	18.144.010
2-5.10	Based on Sec. 1.111, Ord. 520	18.144.020
2-5.11	Based on Sec. 1.112, Ord. 520	18.144.030
2-5.12	Based on Sec. 1.113, Ord. 520	18.144.040
2-5.16(a)	Based on Sec. 1.105.1, Ord. 520	18.08.010
2-5.17(a)	Based on Sec. 1.105.2, Ord. 520	18.08.015
2-5.17(b)	Based on Sec. 1.105.2, Ord. 520	18.08.020
2-5.17(c)	Based on Sec. 1.105.2, Ord. 520	18.08.025

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1695	Amends § 19.44.090; credit for private open space (19.44)
1696	Adds § 2.04.030; city council vacancies (2.04)
1697	Amends §§ 6.36.030, 11.36.200; repeals § 11.36.160; sidewalk and street vending (6.36, 11.36)
1698	(Not sent)
1699	(Not sent)
1700	(Not sent)
1700-A	Adds §§ 2.04.015C, D; terms of office (2.04)
1701	Amends §§ 6.60.010, 6.60.020, 6.60.030, 6.60.040, 6.60.050, 6.60.060, 6.60.065, 6.60.070, 6.60.080, 6.60.115, 6.60.120, 6.60.135, 6.60.180; mobilehome space rents (Repealed by 1829)
1702	(Not sent)
1703	Amends §§ 14.04.075, 15.20.090; security deposits (14.04, 15.20)
1704	(Not sent)
1705	(Not sent)
1706	Amends §§ 1.10.020, 1.10.040; conflict of interest (Repealed by 1986)
1707	(Not sent)
1708	Repeals and replaces Ch. 17.24; transportation systems management (17.24)
1709	(Not sent)
1710	(Not sent)
1711	Amends §§ 17.36.080, 17.36.082, 17.36.085; growth management program (Repealed by 1729)
1712	Amends § 15.20.180; bimonthly user charges (15.20)
1713	Adds Ch. 9.34; graffiti abatement (9.34)
1714	(Not sent)
1715	(Not sent)
1716	(Not sent)
1717	(Not sent)
1718	Repeals Ch. 18.72, C-O district (18.72)
1719	Adds Ch. 6.64; amends § 20.36.030; firearm sales, supplemental regulations (6.64, 20.36)
1720	(Not sent)
1721	(Not sent)
1722	Amends § 11.36.210; authority to establish zones (11.36)
1723	(Not sent)
1724	(Not sent)
1725	Amends the table at § 18.44.090; permitted and conditional uses (18.44)
1726	Amends §§ 18.40.030, 18.40.040, 18.44.090, 18.88.030; zoning (18.40, 18.44, 18.88)
1727	Repeals and replaces Ch. 6.24; regulation of massage services and establishments (6.24)
1728	(Not sent)
1729	Repeals and replaces Ch. 17.36; growth management program (Repealed by 2054)
1730	Amends §§ 11.52.060, 11.54.010, 11.54.020, 11.54.030, 11.54.040; restrictions on skateboards, in-line skates (11.52, 11.54)
1731	(Not sent)
1732	(Not sent)
1733	(Not sent)
1734	Adds § 20.24.120, article 89 added; repeals and replaces Ch. 9.16; repeals Ch. 9.18; hazardous materials storage, hazardous materials release response plans (9.16, 9.18)
1735	(Not sent)
1736	(Not sent)
1737	Repeals and replaces Ch. 17.16; tree preservation (17.16)
1738	Amends §§ 6.04.040, 18.08.175—18.08.460, 18.20.010, 18.28.040, 18.32.050, 18.36.050, 18.40.050—18.40.100, 18.44.090, 18.48.140, 18.48.150, 18.48.180, 18.48.190, 18.48.200, 18.52.040,

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	18.56.060—18.56.110, 18.104.030— 18.104.080, 20.40.020; firearms sales (6.04, 18.08, 18.20, 18.28, 18.32, 18.36, 18.40, 18.44, 18.48, 18.52, 18.56, 18.104)
1739	(Not sent)
1740	(Not sent)
1741	Amends § 1.10.040; conflict of interest (Repealed by 1986)
1742	(Not sent)
1743	Adds Ch. 18.110; amends §§ 6.04.040, 18.08.030—18.08.620, 18.20.010, 18.20.040, 18.28.040, 18.32.040, 18.36.030, 18.36.040, 18.40.030, 18.40.040, 18.44.090, 18.48.180, 18.48.190, 18.56.040, 18.84.150, 20.40.020; personal wireless service facilities (6.04, 18.08, 18.20, 18.28, 18.32, 18.36, 18.40, 18.44, 18.48, 18.56, 18.84, 18.110)
1744	Repeals and replaces Ch. 6.40; taxicabs (6.40)
1745	(Not sent)
1746	(Not sent)
1747	(Not sent)
1748	(Not sent)
1749	(Not sent)
1750	(Not sent)
1751	(Not sent)
1752	(Not sent)
1753	(Not sent)
1754	(Not sent)
1755	Adds §§ 10.08.020, 10.08.030, 10.08.040, 10.08.070; amends § 10.08.010; renumbers §§ 10.08.020, 10.08.030; curfew violations (Repealed by 1878)
1756	(Not sent)
1757	(Not sent)
1758	(Not sent)
1759	(Not sent)
1760	(Not sent)
1761	(Not sent)
1762	(Not sent)
1763	(Not sent)
1764	Adds Ch. 3.22; repeals Ch. 3.24; public facilities fee, construction tax (3.22, 3.24)
1765	Adds Ch. 3.26; traffic development fee (3.26)
1766	(Not sent)
1767	Amends § 18.88.030; off street parking (18.88)
1768	Amends §§ 2.28.030, 2.36.030, 2.38.010; commissions (2.28, 2.36, 2.38)
1769	(Not sent)
1770	Adds Ch. 6.68; extrasensory consulting (Repealed by 2120)
1771	(Not sent)
1772	Adds Ch. 3.40; north Sycamore area development impact fee (3.40)
1773	Amends §§ 5.04.010, 5.08.020, 5.12.030, 5.20.020, 5.24.010, 5.24.030; business licenses and taxation (5.04, 5.08, 5.12, 5.20, 5.24)
1774	(Not sent)
1775	(Not sent)
1776	(Not sent)
1777	(Not sent)
1778	Adds §§ 20.08.034, 20.08.038, 20.08.039, 20.08.042, 20.08.043, 20.08.044, 20.08.046, 20.08.049, 20.08.054, 20.08.056, 20.08.058, 20.08.062, 20.08.064, 20.08.065, 20.08.066, 20.08.068, 20.08.072, 20.08.074, 20.12.017, 20.12.035, 20.20.016, 20.24.130, 20.24.140, 20.24.150, 20.24.160, 20.24.170, 20.24.180, 20.24.190, 20.24.200, 20.24.210, 20.24.220, Ch. 20.58; amends §§ 1.12.020, 20.04.010,

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2014	Approves application for PUD (Special)
2015	Adds Ch. 20.10; amends § 20.36.050; repeals Chs. 20.34, 20.40, 20.48, 20.52, 20.58 and 20.60; repeals and replaces Chs. 20.04, 20.08, 20.12, 20.16, 20.20, 20.24, 20.32, 20.55 and 20.65, buildings and construction (20.04, 20.32, 20.36)
2016	Rezone (Special)
2017	Adds § 18.08.057; amends §§ 18.08.055, 18.08.060, 18.44.090 and 18.88.030(C), zoning (18.08, 18.44, 18.88)
2018	Approves amendment to PUD (Special)
2019	Adds §§ 1.04.100, 9.14.125 and 9.20.085; amends Ch. 11.64, §§ 1.04.090, 2.24.010, 2.24.020, 9.08.120, 9.14.030—9.14.060, 9.14.080—9.14.100, 9.20.010, 14.04.120, 14.04.130, 17.16.006, 17.16.010, 17.16.040, 17.16.046, 17.16.080, 18.20.040, 19.12.020 and 19.12.070; deletes Traffic Appendix from Title 11, updates to multiple provisions of the Municipal Code (1.04, 2.24, 9.08, 9.14, 9.20, 11.64, 14.04, 17.16, 18.20, 19.12)
2020	Rezone (Special)
2021	Rezone (Special)
2022	Adds § 1.04.110; amends § 1.16.010, attorney fees and injunctive relief (1.04, 1.16)
2023	Approves application for PUD (Special)
2024	Approves application for PUD (Special)
2025	Approves modification to an approved PUD (Special)
2026	Rezone (Special)
2027	Rezone (Special)
2028	Rezone (Special)
2029	Rezone (Special)
2030	Rezone (Special)
2031	Rezone (Special)
2032	Rezone (Special)
2033	Rezone (Special)
2034	Rezone (Special)
2035	Approves application for PUD (Special)
2036	Approves application for PUD (Special)
2037	Approves amendment to a development agreement (Special)
2038	Adds §§ 9.04.078 and 9.20.045; amends §§ 2.32.070, 5.04.010, 5.12.030, 9.24.020(D), 9.24.070(C), 9.28.020(G), 15.44.040, 15.44.070, 18.08.420, 18.84.100, 18.84.140, 18.84.160(H), 18.110.050(B) and (C), 19.24.020, 19.24.030, 19.24.050, 19.24.060 and 19.24.140; repeals Ch. 6.16, various updates to the code (2.32, 5.04, 5.12, 9.04, 9.20, 9.24, 9.28, 15.44, 18.08, 18.84, 18.110, 19.24)
2039	Amends § 18.44.090, commercial districts (18.44)
2040	Amends contract with the Public Employees' Retirement System (Special)
2041	Approves application for PUD (Special)
2042	Approves application for PUD (Special)
2043	Approves application for PUD (Special)
2044	Approves amendment to PUD (Special)
2045	Approves amendment to PUD (Special)
2046	Approves amendment to PUD (Special)
2047	Approves amendment to PUD (Special)
2048	Approves amendment to PUD (Special)
2049	Approves amendment to PUD (Special)
2050	Approves amendment to PUD (Special)
2051	Approves application for PUD (Special)
2052	Approves amendment to PUD (Special)
2053	Amends contract with the California Public Employees' Retirement System (Special)

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2054	Repeals and replaces Ch. 17.36, growth management program (Repealed by 2112)
2055	Adds §§ 9.04.043, 18.08.523 and 18.116.060; amends §§ 9.04.035, 9.04.040, 18.08.055, 18.44.080(B), 18.44.090, 18.74.010, 18.74.020 and 18.124.120, noise and zoning (9.04, 18.08, 18.44, 18.74, 18.116, 18.124)
2056	Adds § 18.08.117 and Ch. 18.105, cottage food operations (18.08, 18.105)
2057	Approves application for PUD (Special)
2058	Approves application for PUD (Special)
2059	Amends §§ 2.28.030, 2.28.040, 2.28.080(D), 2.32.030, 2.32.040, 2.32.080(D), 2.34.030, 2.34.040, 2.34.080(D), 2.39.030, 2.39.040 and 2.39.080(D), commissions (2.28, 2.32, 2.34, 2.39)
2060	Adds Ch. 18.86, reasonable accommodation (18.86)
2061	Adds §§ 18.08.237, 18.08.552, 18.08.568, Chs. 18.82 and 18.107; amends §§ 18.08.100, 18.28.030, 18.32.030, 18.36.030, 18.44.070, 18.76.020 and 18.88.030(D), zoning (18.08, 18.28, 18.32, 18.36, 18.44, 18.76, 18.82, 18.88, 18.107)
2062	Adds §§ 18.08.017 and 18.08.166; amends §§ 18.08.155, 18.08.167, 18.28.030, 18.28.040, 18.32.030, 18.32.040, 18.36.030 and 18.76.020, zoning (18.08, 18.28, 18.32, 18.36, 18.76)
2063	Amends § 11.20.010, speed limits in certain zones (11.20)
2064	Adds Ch. 9.10, disposable food service ware (9.10)
2065	Adds § 19.40.060; amends §§ 1.12.020, 1.20.030, 2.29.030, 2.29.080, 5.08.040, 5.08.110, 13.08.020, 13.08.090, 13.08.150, 18.116.040, 18.124.130 and 18.124.170, clarification of violations and penalties (1.12, 1.20, 2.29, 5.08, 13.08, 18.116, 18.124, 19.40)
2066	(Failed)
2067	Approves application for PUD (Special)
2068	Approves development agreement (Special)
2069	Approves application for PUD (Special)
2070	Adds §§ 7.36.060—7.36.080, animals (7.36)
2071	Approves application for PUD (Special)
2072	Approves application for PUD (Special)
2073	Approves development agreement (Special)
2074	Approves development agreement (Special)
2075	Approves application for PUD (Special)
2076	Approves development agreement (Special)
2077	Rezone and approves application for PUD (Special)
2078	Approves application for PUD (Special)
2079	Approves development agreement (Special)
2080	Amends § 18.84.150 and Ch. 18.106, zoning (18.84, 18.106)
2081	Approves application for PUD (Special)
2082	Adds Ch. 17.38, density bonus (17.38)
2083	Adds Ch. 20.26; amends § 20.04.010; repeals and replaces Chs. 20.08—20.24, 20.55, 20.65, building and construction (20.04, 20.08, 20.10, 20.12, 20.16, 20.20, 20.24, 20.26, 20.55, 20.65)
2084	Approves development agreement (Special)
2085	Amends § 5.24.020, delinquent taxes—penalties (5.24)
2086	Amends §§ 18.28.040, 18.32.040, 18.36.030, 18.36.040, 18.40.030, 18.40.040, 18.44.090, 18.56.040 and Ch. 18.110, zoning (18.28, 18.32, 18.36, 18.40, 18.44, 18.56, 18.110)
2087	Amends § 11.20.010, speed limits in certain zones (11.20)
2088	Adds § 9.28.025; amends §§ 9.28.030, 9.28.040 and 18.20.040(E), property maintenance (9.28, 18.20)
2089	Amends §§ 18.88.010, 18.88.020 and 18.88.120, off-street parking facilities (18.88)
2090	Approves application for PUD (Special)
2091	Approves development agreement (Special)
2092	Urgency ordinance amending Ch. 9.30, water conservation plan (9.30)

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- 2093 Amends §§ 2.29.030, 2.38.080, 2.48.050, 5.08.020, 9.24.020, 13.08.090, 14.04.060, 14.04.130, 15.12.080, 18.20.010 and 18.48.180, various updates to the code (2.29, 2.38, 2.48, 5.08, 9.24, 13.08, 14.04, 15.12, 18.20, 18.48)
- 2094 Adds Ch. 17.26 and §§ 18.36.095 and 18.88.035, transit incentive (17.26, 18.36, 18.88)
- 2095 Amends §§ 19.08.040 and 19.36.060, street design improvements (19.08, 19.36)
- 2096 Approves application for PUD (Special)
- 2097 Amends §§ 9.30.110 and 14.04.060, water conservation (9.30, 14.04)
- 2098 Approves application for PUD (Special)
- 2099 Approves application for PUD (Special)
- 2100 Approves application for PUD (Special)
- 2101 Approves development agreement (Special)
- 2102 Approves application for PUD (Special)
- 2103 Approves application for PUD (Special)
- 2104 Amends Ch. 9.30, water conservation plan (9.30)
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- 2108 Approves application for PUD (Special)
- 2109 Approves application for PUD (Special)
- 2110 Approves application for PUD (Special)
- 2111 Rezone (Special)
- 2112 Repeals and replaces Ch. 17.36, growth management program (17.36)
- 2113 Adds Ch. 18.103; amends §§ 18.28.030, 18.28.040, 18.32.030, 18.36.030, 18.40.030 and 18.44.090; repeals Ord. 145, beekeeping (18.28, 18.32, 18.36, 18.40, 18.44, 18.103)
- 2114 Approves application for PUD (Special)
- 2115 Adds Ch. 14.06, regulation of recycled water use (14.06)
- 2116 Adds Ch. 14.20, recycled water use for landscape irrigation (14.20)
- 2117 Amends contract with the Public Employees' Retirement System (Special)
- 2118 Amends Ch. 9.30 and § 14.04.060(G), water conservation (9.30, 14.04)
- 2119 Amends Ch. 5.36, tourism business improvement district (5.36)
- 2120 Adds §§ 7.36.075, 11.04.055, 11.04.057 and 11.36.230; amends §§ 1.20.020, 2.29.030, 3.32.010, 6.40.020(A), 9.08.170, 9.21.010—9.21.070, 9.32.010—9.32.050, 13.08.040, 13.08.110, 13.08.140, 17.16.003, 17.16.006, 17.16.110, 17.46.020, 17.46.050, 17.46.070, 17.46.100, 17.46.110, 17.46.130, 18.08.172, 18.100.100, 18.124.100, 18.124.110 and 20.04.015; moves Ch. 19.44 to Ch. 17.46; repeals Ch. 6.68, omnibus ordinance to clarify provisions (1.20, 2.29, 3.32, 6.40, 7.36, 9.08, 9.21, 9.32, 11.04, 11.36, 13.08, 17.16, 17.46, 18.08, 18.100, 18.124, 20.04)

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NORTH SYCAMORE AREA DEVELOPMENT IMPACT FEE

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YOUTH COMMISSION

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