

SUPPLEMENT NO. 22

INSERTION GUIDE

PLEASANTON MUNICIPAL CODE

July 2019

(Covering Ordinances through 2192)

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

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PREFACE

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

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

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

The code is current through Supplement Number 22, July 2019, and includes Ordinance 2192, passed May 21, 2019.

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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 1.22

**VOLUNTARY CAMPAIGN EXPENDITURE
LIMITATION**

Sections:

- 1.22.010 Findings and purpose.**
- 1.22.020 Definitions.**
- 1.22.030 Voluntary campaign expenditure limitation.**
- 1.22.040 Verification of compliance.**
- 1.22.050 Violation.**

1.22.010 Findings and purpose.

By meeting residents, business owners and community members in person, candidates will not need to rely as heavily on mass media communication, and therefore campaign expenditures can be voluntarily reduced. (Ord. 1968 § 1, 2008)

1.22.020 Definitions.

For the purposes of this chapter, definitions set forth in the Political Reform Act, Government Code Sections 82000 et seq., shall apply with the addition of the following:

A. "Election" means any municipal election, whether general or special, at which the offices of mayor and/or council member are to be filled.

B. "Election period" means that period of time:

1. For general elections, from January 1st of the calendar year of the general election, until December 31st of the calendar year of the general election.

2. For special elections, from the date that the city council calls for the special election, until 60 days after the special election.

C. "Organization or committee" includes an independent expenditure committee. (Ord. 1969 § 2, 2008; Ord. 1968 § 1, 2008)

1.22.030 Voluntary campaign expenditure limitation.

A. The voluntary expenditure limit for candidates for the office of council member or mayor in a general election, cumulated with the expenditures of such candidates' controlled committees, shall be one dollar for each registered voter within the city, subject to adjustment as provided in subsection C, based on the number of registered voters in the city last reported by the county elections official to the Secretary of State on or about 150 days prior to the general election, for the election period.

B. The voluntary expenditure limit for candidates for the office of council member or mayor in a special election, cumulated with the expenditures of such candidates' controlled committees, shall be one dollar for each registered voter within the city, subject to adjustment as provided in subsection C, based on the number of registered voters in the city last reported by the county elections official to the Secretary of State on or about the date when the special election is called by the city council, for the election period.

C. In addition to the voluntary expenditure limit changing based upon the variation in the number of registered voters in the city, the one dollar voluntary expenditure limit shall also be cumulatively adjusted based upon the Consumer Price Index.

D. Each candidate for the office of council member or mayor may voluntarily pledge to adhere to the expenditure limitation set forth in this section by signing and submitting an original voluntary pledge, on the form provided by the city clerk, simultaneously with the candidate filing nomination papers for office. (Ord. 1968 § 1, 2008)

1.22.040 Verification of compliance.

Each candidate and candidate's controlled committee which has taken the voluntary expenditure limitation pledge set forth in Section 1.22.030 shall execute a verification, in a form provided by the city clerk, stating that such candidate or candidate's committee did not make any cumulative expenditure in excess of the amount established by Section 1.22.030. Such verification shall be filed with the city clerk along with each campaign statement required by Section 1.20.030 of this code. (Ord. 1968 § 1, 2008)

1.22.050 Violation.

Any violation of this chapter shall not be subject to penalty or citation. (Ord. 1968 § 1, 2008)

Chapter 1.24

ADMINISTRATIVE CITATIONS

Sections:

1.24.010	Applicability.
1.24.020	Enforcement officer—Defined.
1.24.030	Administrative citation.
1.24.040	Amount of fines.
1.24.050	Payment of the fine.
1.24.060	Hearing request.
1.24.070	Advance deposit hardship waiver.
1.24.075	Dismissal of citation.
1.24.080	Hearing officer.
1.24.090	Hearing procedure.
1.24.100	Hearing officer’s decision.
1.24.110	Late payment charges.
1.24.120	Recovery of administrative citation fines and costs.
1.24.125	Right to judicial review.
1.24.130	Notices.

1.24.010 Applicability.

A. This chapter provides for administrative citations which are in addition to all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this code. The code includes the Pleasanton Pioneer Cemetery Rules and Regulations, as amended, and adopted pursuant to Section 2.08.190.

B. The administrative citations process set forth in this chapter does not apply to continuing violations of this code that pertain to building, plumbing, electrical, or other similar structural or zoning issues.

C. Use of this chapter shall be at the sole discretion of the city, subject to subsection B of this section. (Ord. 2192 § 2, 2019; Ord. 1687 § 2, 1996)

1.24.020 Enforcement officer—Defined.

For the purposes of this chapter, “enforcement officer” shall mean any city employee or agent of the city with the authority to enforce any provision of this code. (Ord. 1687 § 2, 1996)

1.24.030 Administrative citation.

A. Whenever an enforcement officer charged with the enforcement of any provision of this code determines that a violation of that provision has occurred, the enforcement officer shall have the authority to issue an administrative citation to any person responsible for the violation.

B. Each administrative citation shall contain the following information:

1. The date of the violation;
2. The address or a definite description of the location where the violation occurred;
3. The section of this code violated and a description of the violation;
4. The amount of the fine for the code violation;
5. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
6. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;
7. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and
8. The name and signature of the citing enforcement officer. (Ord. 1687 § 2, 1996)

1.24.040 Amount of fines.

A. The amounts of the fines for code violations imposed pursuant to this chapter shall be set forth in the master fee schedule (on file in the office of the city clerk) established by resolution of the city council.

B. The schedule shall specify any increased fines for repeat violations of the same code provision by the same person within 36 months from the date of an administrative citation.

C. The schedule shall specify the amount of any late payment charges imposed for the payment of a fine after its due date. (Ord. 1687 § 2, 1996)

1.24.050 Payment of the fine.

A. The fine shall be paid to the city within 30 days from the date of the administrative citation.

B. Any administrative citation fine paid pursuant to subsection A of this section shall be refunded in accordance with Section 1.24.100 of this chapter if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

C. Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation. (Ord. 1687 § 2, 1996)

1.24.060

1.24.060 Hearing request.

A. Any recipient of an administrative citation may contest that there was a violation of this code or that he or she is the responsible party by completing a

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 September of each year. The term of service for these offices shall be one year, from September to May. 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 Commissioner’s

Handbook 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. 2192 § 2, 2019; 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 2.38

HOUSING COMMISSION*

Sections:

- 2.38.010 Commission created.**
- 2.38.020 Duties.**
- 2.38.030 Membership; appointments; voting.**
- 2.38.040 Term of membership.**
- 2.38.050 Maintenance of membership.**
- 2.38.060 Commissioner vacancies.**
- 2.38.070 Organization.**
- 2.38.080 Meetings.**

* **Prior ordinance history:** Ords. 1674, 1768.

2.38.010 Commission created.

There is created a housing commission (commission). (Ord. 1819 § 1, 2001)

2.38.020 Duties.

A. The commission shall be responsible for advising the city council on both the affordable housing needs of the community and the methods for meeting these needs.

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

1. Initiate and pursue opportunities for developing affordable housing within the city.
2. Cooperate with the private housing industry, city commissions and regional agencies to produce new affordable housing and/or to maintain existing affordable housing.
3. Make recommendations to the city council and/or establish policies regarding affordable housing projects affiliated with the city and the housing authority including preference and eligibility criteria for city assisted housing, informational documents, available grant applications, and new affordable housing programs.
4. In cooperation with the human services commission, review and make recommendations to the city council regarding community development block grant applications for capital improvement and rehabilitation projects.
5. Review and make recommendations to the city council regarding the annual operating budget for the city's lower income housing fund.
6. Appoint the resident representatives to the housing authority commission and commission liaisons to affordable housing projects. (Ord. 2192 § 2, 2019; Ord. 1819 § 1, 2001)

2.38.030 Membership; appointments; voting.

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

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

C. Commissioners are eligible to participate in all discussions of the commission except that the alternate commissioner shall vote only if one of the regular commissioners is absent or has a financial conflict of interest.

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

E. Commissioners shall be compensated as established by city council resolution. (Ord. 1901 § 2, 2004; Ord. 1887 § 7, 2003; Ord. 1819 § 1, 2001)

2.38.040 Term of membership.

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

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

C. The term of a commissioner shall be consistent with and subject to city council resolution concerning limiting service on boards and commissions. (Ord. 1901, 2004; Ord. 1819 § 1, 2001)

2.38.050 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 with the city in a capacity related to the duties of the commission.

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

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

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

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

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

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

2.38.060 Commissioner vacancies.

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

2.38.070 Organization.

A. Commissioners shall meet in regular session and elect a chairperson and vice chairperson. The election shall be by a majority vote of the commission, to be held in December of each year. The term of service for these offices shall be one year, beginning in January of each year. No commissioner shall serve more than two consecutive full terms as chairperson 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 § 8, 2003; Ord. 1819 § 1, 2001)

2.38.080 Meetings.

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

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

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

D. Three commissioners need to be present to constitute a quorum and a vote to approve or deny shall only occur upon a majority vote of the commissioners present. (Ord. 2093 § 1, 2014; Ord. 1819 § 1, 2001)

Title 3

REVENUE AND FINANCE

Chapters:

- 3.04 Fiscal Year**
- 3.08 Sales and Use Tax**
- 3.12 Property Tax**
- 3.16 Documentary Stamp Tax**
- 3.20 Uniform Transient Occupancy Tax**
- 3.22 Capital Facilities Fee**
- 3.26 Transportation Development Fee**
- 3.28 Purchasing and Disposition of Property**
- 3.30 Criminal Justice Administration Fee**
- 3.32 Alternative Bidding Procedures Under the
Uniform Public Construction Cost Accounting Act**
- 3.44 Johnson Drive Economic Development Zone
Transportation Fee**

Chapter 3.22

CAPITAL FACILITIES FEE

Sections:

3.22.010	Purpose.
3.22.020	Terms and definitions.
3.22.030	Applicability.
3.22.040	Amount of fee.
3.22.050	Payment of fee.
3.22.060	Credits.
3.22.070	Exemptions.
3.22.080	Use of funds.
3.22.090	Refunds.
3.22.100	Appeals.
3.22.110	Expiration of fee.
3.22.120	Supplementary provisions.
3.22.130	Severability.

3.22.010 Purpose.

The city council finds that the cumulative impact of all new development under the general plan will result in unacceptable decreases in public services. To prevent these undesirable consequences, public facilities must be provided at a rate which will accommodate the expected growth in the city. The city council acknowledges that the demand for public facilities is shared by new development as well as by existing development. The proposed capital facilities fee (formerly known as the public facilities fee) apportions the cost of the necessary public improvements among the different categories of new and existing users according to the reasonably estimated demand that each group of users places upon public facilities. (Ord. 2192 § 2, 2019; Ord. 1764 § 2, 1998)

3.22.020 Terms and definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated in this section:

“Developer” means an individual or entity submitting an application for a building permit or other entitlement for development.

“Development” means:

1. New residential unit, including conversion of existing unit to greater than one unit.
2. New commercial, office, and industrial development.
3. Additions to existing commercial, office and industrial development greater than 200 gross square feet.

“Future growth” means the total amount of potential new development in the city permitted under the

general plan. Future growth is expressed in terms of gross square footage for industrial and commercial development, and in terms of the number of dwelling units for residential development.

“Gross floor area” has the same meaning as set forth in Section 18.08.195 of this code.

“Public facilities” means those improvements necessary to provide public safety, community facilities, park improvements and general municipal facilities identified in the Pleasanton Development Impact Fee Nexus Study dated September 2018, and other improvements in connection therewith, as may be determined by the city council from time to time, which are not otherwise provided by, or required of, development within the city pursuant to Titles 18, 19, and 20 of this code. Public facilities shall also include architectural, administrative, engineering, legal, planning, environmental and other services required in connection with the implementation of this chapter and the construction of the foregoing improvements. (Ord. 2192 § 2, 2019; Ord. 1764 § 2, 1998)

3.22.030 Applicability.

Except as otherwise expressly provided in this chapter, the capital facilities fee required under this chapter is payable with respect to each development within the city for which a building permit or other entitlement for development is issued on or after the effective date of the fee as adopted in the master fee schedule (on file in the office of the city clerk). (Ord. 2192 § 2, 2019; Ord. 1764 § 2, 1998)

3.22.040 Amount of fee.

A. The amount of the fee shall be determined by the building division prior to issuance of the building permit, based upon the master fee schedule (on file in the office of the city clerk).

B. In the event a developer is not satisfied with the calculation of the fee by the building division, he or she may request that the type of land use and the amount of the capital facilities fee required of the development be determined by the community development director.

C. The developer shall be notified in writing of the community development director’s determination about the type of land use and the capital facilities fee applicable to the development. Such determination shall be made within 30 days of the community development director’s receipt of the report and any other additional materials reasonably requested to assist in making the determination. The developer may appeal the determination of the community development director to the city

council in accordance with the provisions of Section 3.22.100 of this chapter.

D. The amount of the fee shall be subject to an annual inflation adjustment on January 1st of each year based upon the Engineering News Record Construction Cost Index for the San Francisco—Bay Area.

E. The amount of the fee shall be reviewed at least every four years. (Ord. 2192 § 2, 2019; Ord. 2000 § 1, 2009; Ord. 1764 § 2, 1998)

3.22.050 Payment of fee.

A. The full amount of the fee shall be paid at the time of issuance of the building permit.

B. No city official may issue a building permit, certificate of occupancy, or certify a final inspection, as the case may be, for a development until the capital facilities fee, with respect to such development required by this chapter, is paid in accordance with this section.

C. The city shall not accept prepayments of the capital facilities fee, unless prepayment is authorized in a development or other agreement. (Ord. 2192 § 2, 2019; Ord. 1764 § 2, 1998)

3.22.060 Credits.

If the developer desires to construct a public facility, the developer and the city may enter into an agreement regarding a credit against capital facilities fees due. (Ord. 2192 § 2, 2019; Ord. 1764 § 2, 1998)

3.22.070 Exemptions.

Unless a development or other agreement provides otherwise, the following projects shall be exempt, in whole or in part, from the capital facilities fee otherwise required by this chapter:

A. Residential development consisting of the repair or replacement, on a one-to-one basis.

B. Commercial or industrial development consisting of the repair or replacement of structures, provided, that such repair or replacement does not result in any conversion or change in land use, or any enlargement of gross floor area beyond that of the previous structure. (Ord. 2192 § 2, 2019; Ord. 1764 § 2, 1998)

3.22.080 Use of funds.

The fees paid pursuant to this chapter shall, except for temporary investments, be placed in a separate fund in a manner to avoid commingling of the fees with other revenues or funds of the city, and shall be used solely for the purpose of acquiring and constructing the public facilities identified by the city council in the capital facilities master plan or facilities included in the city's capital improvement program. Any interest income

earned on the fund shall also be deposited therein and shall only be expended for the purposes set forth in this section. (Ord. 2192 § 2, 2019; Ord. 1764 § 2, 1998)

3.22.090 Refunds.

Refunds may be made where:

A. Development has ceased, the building permit has expired and no extensions have been granted, or if granted, the extension(s) has expired; as to a development for which the fee required under this chapter has been collected; provided that the claim for such a refund is filed no later than six months after the expiration date of the building permit, or any extension thereof as may have been approved by the city, as the case may be; or

B. A refund is specifically authorized by resolution of the city council adopted pursuant to Government Code Section 66001(d). Such amounts shall be refunded by the city to the then-current record owners of the development on a prorated basis. The city may effect such refunding by direct payment, or by providing credit towards future capital facilities fees, or by any other means consistent with the intent of Government Code Section 66001. (Ord. 2192 § 2, 2019; Ord. 1764 § 2, 1998)

3.22.100 Appeals.

A developer may appeal to the city council any determination made pursuant to this chapter. All appeals shall be in a form prescribed by the community development director and shall be filed within 15 days of the date of mailing to the developer any written notice of the applicable determination. Any appeal not filed within such period shall be deemed waived. The city council shall set the matter for hearing within 45 days of the date of receipt by the city clerk of the notice of the appeal. (Ord. 2192 § 2, 2019; Ord. 2000 § 1, 2009; Ord. 1764 § 2, 1998)

3.22.110 Expiration of fee.

The fees required by this chapter shall expire when the public facilities are completed and all debt service related to such public improvements are paid and satisfied. (Ord. 2192 § 2, 2019; Ord. 1764 § 2, 1998)

3.22.120 Supplementary provisions.

It is the intent of the city council that the fees required by this chapter shall be supplementary to the fees, dedications or conditions imposed upon development pursuant to the provisions of the Subdivision Map Act, California Environmental Quality Act, and other state laws and city ordinances, policies or conditions which may authorize the imposition of fees, dedications or

conditions thereon. (Ord. 2192 § 2, 2019; Ord. 1764 § 2, 1998)

3.22.130 Severability.

The provisions of this chapter shall not apply to any person, association, corporation or to any property as to whom or which it is beyond the power of the city to impose the fee provided in this chapter. If any sentence, clause, section or part of this chapter, or any fee imposed upon any person or entity is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall affect only such sentence, clause, section or part of this chapter, and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter, or its effect on other persons or entities. It is declared to be the intention of the city council that this chapter would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part of this chapter had not been included herein; or had such person or entity been expressly exempted from the application of this chapter. To this end, the provisions of this chapter are severable. (Ord. 2192 § 2, 2019; Ord. 1764 § 2, 1998)

Chapter 3.26

TRANSPORTATION DEVELOPMENT FEE

Sections:

- 3.26.010 Purpose.**
- 3.26.020 Terms and definitions.**
- 3.26.030 Applicability.**
- 3.26.040 Rate of fee.**
- 3.26.050 Amount of fee.**
- 3.26.060 Payment of fee.**
- 3.26.070 Credits.**
- 3.26.080 Reimbursements.**
- 3.26.090 Exemptions.**
- 3.26.100 Use of funds.**
- 3.26.110 Refunds.**
- 3.26.120 Appeals.**
- 3.26.130 Expiration of fee.**
- 3.26.140 Supplementary provisions.**
- 3.26.150 Severability.**

3.26.010 Purpose.

The city council finds that the cumulative impact of all new development under the general plan will result in adverse impacts to traffic circulation. To prevent these undesirable consequences, transportation improvements must be provided at a rate which will accommodate the expected growth in the city. The city council acknowledges that the demand for transportation improvements is shared by existing as well as new development. The proposed transportation development fee (formerly the traffic development fee) apportions the cost of the necessary transportation improvements and reconstruction among the different categories of new and existing users according to the reasonably estimated peak hour trip demand that each group of users places upon transportation improvements. (Ord. 2192 § 2, 2019; Ord. 1765 § 2, 1998)

3.26.020 Terms and definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated in this section:

“Average trip cost” means the cost per peak hour trip as determined in accordance with Section 3.26.040(A) of this chapter.

“Circulation element” means the text and maps in the circulation element of the city’s general plan, as amended.

“Developer” means an individual or entity submitting an application for a building permit or other entitlement for development.

“Development” means:

1. New residential unit, including conversion of existing unit to greater than one unit.
2. New commercial, office, and industrial development.
3. Additions to existing commercial, office, and industrial development greater than 200 gross square feet.
4. Conversion or change in use of an existing structure which individually or cumulatively increases the peak hour trip rate by 10 or more trips.

“Future growth” means the total amount of potential new development in the city permitted under the general plan. Future growth is expressed in terms of gross square footage for commercial, office, and industrial development, and in terms of the number of dwelling units for residential development.

“Gross floor area” has the same meaning as set forth in Section 18.08.195 of this code.

“Land use category” means any of the following specified land uses:

1. Residential:
 - a. Single-family detached;
 - b. Single-family attached (no more than two units);
 - c. Multi-family (three or more units);
 - d. Accessory dwelling or junior dwelling unit.
2. Office.
3. Commercial/retail.
4. Industrial/warehouse.

“Net transportation improvement costs” means costs determined in accordance with Section 3.26.040(A)(1) of this chapter.

“Peak hour trip” means a one-way vehicle trip measured during the hour of peak traffic volume occurring between 4:00 p.m. and 6:00 p.m.

“Peak hour trip rate” means the average number of peak hour trips generated by a land use category per unit or per square foot of development, as established by the city’s traffic manager in accordance with Section 3.26.040(A) of this chapter.

“Transportation improvements” means those improvements necessary to complete the major street and interchange improvements and renovations identified in the circulation element, the Pleasanton Development Fee Nexus Study dated September 2018, and capital improvement program (CIP), as may be amended from time to time by the city council, including paving, curbs, gutters, sidewalks, medians, landscaping, drainage facilities, traffic signals, street lighting, rights-of-way, bicycle paths, bridges, grade separation, and other improvements in connection therewith, which are not otherwise provided by, or required of, direct development

requirements pursuant to Titles 18, 19, and 20 of this code. Transportation improvements shall also include architectural, administrative, engineering, legal, planning, environmental and other services required in connection with the implementation of this chapter and the construction of the foregoing improvements. (Ord. 2192 § 2, 2019; Ord. 2161 § 1, 2017; Ord. 1765 § 2, 1998)

3.26.030 Applicability.

Except as otherwise expressly provided in this chapter, this chapter applies to, and the transportation development fee required under this chapter is payable with respect to, each development within the city for which a building permit or other entitlement for development is issued on or after the effective date of the fee as adopted in the master fee schedule (on file in the office of the city clerk). (Ord. 2192 § 2, 2019; Ord. 1765 § 2, 1998)

3.26.040 Rate of fee.

The rate of the transportation development fee shall be calculated in accordance with the procedure set forth in this section and shall be established and adjusted by resolution of the city council and set forth in the master fee schedule (on file in the office of the city clerk) as follows:

A. Establishment of the Rate. The city council shall establish the rate of the transportation development fee by dividing the net transportation improvement costs attributable to new growth by the total additional peak hour trips generated by future growth. The city council may review and make adjustments to the net transportation improvement costs and peak hour trips as necessary. The net transportation improvements and total peak hour trips shall be determined as follows:

1. Net Transportation Improvement Costs.

a. The city council shall determine the transportation improvements which are necessary to implement the circulation element of the general plan and reduce the adverse impacts caused by the increased traffic volume generated by future growth. For purposes of determining the amount of the net transportation improvement costs, the city council shall not include the cost of transportation improvements required directly of development pursuant to Titles 18, 19, and 20 of this code. Such direct development requirements, improvements, and dedications in addition to or in lieu thereof, shall continue to be imposed in accordance with Titles 18, 19 and 20 of this code, as appropriate, in addition to the transportation development fees imposed pursuant to this chapter. In addition, the city council shall take into account the similarly situated transportation improve-

ments provided and funded by the North Pleasanton Improvement District #3 (“NPID-3”) in determining the net transportation improvements requiring funding, and the rate of the fee for properties within the NPID-3.

b. The city council shall make a reasonable estimate of the total costs necessary to construct, renovate, or provide the transportation improvements.

c. The city council shall estimate the current and anticipated funding available to satisfy the costs of constructing and implementing the transportation improvements. In determining the amount of funding available, the city council shall include funding from other governmental entities to the extent the receipt by the city of such funding is reasonable, and city revenues appropriated for construction or implementation or transportation improvements, if any.

d. The city council shall attribute the need for the transportation improvements between new development and existing development.

e. The city council shall determine the difference, if any, between the estimated costs of the construction and implementation of the transportation improvements and the estimated funding available therefor. The extent to which the cost of such construction and implementation exceeds the funds available, or expected to be available, therefor shall be the “net transportation improvement costs.”

2. Total Peak Hour Trips.

a. The total gross square footage or dwelling unit count, as the case may be, of potential new development within each land use category as projected to occur during the period of build-out under the general plan shall be multiplied by the peak hour rate for each land use category established pursuant to Section 3.26.020 of this chapter.

b. The peak hour trips generated by potential new development within each land use category as determined pursuant to subsection (A)(2)(a) of this section shall be added together to determine the total additional peak hour trips created by new development which the city’s transportation system must accommodate upon build-out under the general plan.

B. Annual Adjustment of the Rate. The transportation development fee rate shall be subject to an annual inflation adjustment on January 1st of each year based upon the Engineering News Record Construction Cost Index for the San Francisco—Bay Area. (Ord. 2192 § 2, 2019; Ord. 1765 § 2, 1998)

3.26.050 Amount of fee.

A. The amount of the fee shall be determined by the building division prior to issuance of the building

permit, based upon the type and number of residential units, or upon the amount of gross square footage for commercial, office/retail, and industrial/warehouse development, and the corresponding rate set forth in the master fee schedule (on file in the office of the city clerk).

1. If a developer is not satisfied with the calculation of the fee by the building division, he or she may request that the traffic engineer review the peak hour trips generated and/or community development director review the gross square footage and land use category to determine the fee in accordance with this chapter. The traffic engineer and/or community development director shall calculate the fee within 30 days of the submission of a written request for review, and receipt of all materials necessary to determine the amount of the fee.

2. Because the fee for commercial uses has been established based upon an average for several types of commercial uses, the developer may only petition for a review of the commercial transportation development fee to be charged to its development based upon a peak hour trip rate which is substantially different from that established by the city's traffic engineer pursuant to Section 3.26.020 of this chapter. Such application shall include a traffic study contracted for by the city, and paid for by the developer, or such other reports and analyses in lieu thereof as the city traffic engineer determines are sufficient to establish the peak hour trip rate applicable to the development. The developer may also submit additional information which the city traffic engineer shall consider insofar as he or she determines it to be relevant in establishing the peak hour trip rate applicable to the development, including, but not limited to, information contained in the trip generation manual adopted by the Institute of Transportation Engineers. The city traffic engineer, based upon his or her review and consideration of the information provided in the foregoing studies, reports, or analyses, and such other information as he or she may deem relevant, may approve a peak hour trip rate for the development which is different than that set forth in Section 3.26.020 of this chapter.

B. For development consisting of an addition, extension, or enlargement of an existing structure, the transportation development fee shall be paid only on any additional dwelling units or additional gross floor area resulting from such addition, extension, or enlargement.

C. For development consisting of a conversion or change in use of an existing structure which increases the peak hour trip rate otherwise applicable to such existing structure, the transportation development fee shall equal the fee applicable to the entire new structure minus the fee otherwise applicable to the existing structure.

D. The amount of the transportation development fee determined in accordance with subsection A of this section, shall be reduced by the amount of any credits authorized by Section 3.26.070 of this chapter.

E. The amount of the fee shall be reviewed at least every four years. (Ord. 2192 § 2, 2019; Ord. 2000 § 1, 2009; Ord. 1765 § 2, 1998)

3.26.060 Payment of fee.

A. The full amount of the fee shall be paid at the time of issuance of the building permit. For those instances where a developer receives an entitlement for development, but is not required to seek a building permit from the city, the transportation development fee shall be payable within 30 days of final action on the development entitlement.

B. If the developer has appealed the determination of the fee, and such appeal is pending at the time he or she applies for a building permit, the developer must pay the transportation development fee to receive a building permit, but may do so under protest. If the developer's appeal is successful, and the fee is subsequently reduced, the developer shall be refunded the difference within 30 days.

C. The city shall not accept prepayments of the transportation development fee, unless prepayment is authorized in a development or other agreement. (Ord. 2192 § 2, 2019; Ord. 1765 § 2, 1998)

3.26.070 Credits.

When a developer constructs a transportation improvement not otherwise required by Titles 18, 19, and 20 of this code, the developer's transportation development fee shall be reduced as provided in this section.

A. Eligibility.

1. To be eligible for credit, each of the following must be satisfied:

a. The construction for which credit is given must be a transportation improvement which would otherwise be constructed by the city using transportation development fee funds.

b. The transportation improvement must appear on the city council approved list of transportation development fee improvements, as said list may be amended from time to time.

c. The land on which the work is done must be owned by the city, or offered for dedication to the city through a recorded document.

d. The developer shall have improvement plans for the work approved by the city and shall have provided the required security before beginning construction.

e. The developer and the city must enter into a written subdivision or other agreement.

2. The agreement shall include the amount of the credit which will be given (or for unusual projects, the exact method of calculating the credit), when the credit will be given, and to which lots it will apply.

B. Calculation of Credit.

1. General.

a. The community development director, or designee, (“director”) shall calculate the amount of credit to be given based upon the approved improvement plans and using cost estimates (which are based on recent city project bids for similar work). The cost of right-of-way to be purchased shall be based upon an appraisal done by a licensed appraiser at city expense.

b. For nonstandard improvements, the credit shall be calculated based on information provided by the developer (such as bids or other documents verifying costs) for the community development director’s review and approval.

c. The calculation of costs shall be based only on work which is eligible for credit under subsection A of this section. No credit shall be given for the cost of constructing improvements otherwise required by direct development pursuant to Titles 18, 19, and 20 of this code. The amount of credit includes construction costs and the cost of engineering.

2. Assessment Districts, Benefit Area and Community Facilities Districts. If development occurs within an assessment district, fee benefit area, community facilities district, or otherwise is subject to an assessment, fee or special tax collected specifically to defray the costs of providing or constructing transportation circulation improvements, the amount of credit is equal to that portion of the estimated construction cost of the transportation circulation improvements included in the assessments, fees or special taxes which will be contributed by the development.

C. Reimbursement When Credit Exceeds Fee. When the amount of credit exceeds the amount of the developer’s transportation development fee, the developer may be eligible for reimbursement of costs under Section 3.26.080 of this chapter.

D. How and When Credit is Given.

1. If a developer is eligible for credit, the community development director shall calculate the credit pursuant to subsection B of this section, and determine the number of residential units, or office, commercial/retail, or industrial/warehouse square footage for which developer shall receive a credit. Developer shall draw down this credit as he or she receives building

permits. No interest shall accrue on the amount of the credit.

2. For a residential subdivision, the lots or units to which the credit will apply shall be precisely identified; and the entitlement to the credit recorded in the office of the county recorder if the developer desires to sell, transfer, or assign the lots prior to obtaining a building permit.

E. Appeal. Any determination of the community development director under this section is subject to appeal by the developer to the city council pursuant to Section 3.26.120 of this chapter. (Ord. 2192 § 2, 2019; Ord. 2000 § 1, 2009; Ord. 1765 § 2, 1998)

3.26.080 Reimbursements.

A. General.

1. If the credit for improvements due under Section 3.26.070 of this chapter exceeds the required transportation development fee for development, the developer is eligible for reimbursement from the transportation development fee fund.

2. To be eligible for reimbursement, the following must be satisfied:

a. The developer is eligible for credit under Section 3.26.070 of this chapter; and

b. The credit due exceeds the required transportation development fee.

B. Development or Other Agreement. The terms of a written development or other agreement regarding reimbursement for transportation improvements shall supersede the terms of this section.

C. Time and Manner of Reimbursement.

1. The community development director shall determine the exact amount of reimbursement at the time the improvements are accepted by the city.

2. Until repaid, the reimbursement amount shall accrue simple interest commencing upon acceptance of the improvements by the city. Simple interest shall accrue each year on January 1st in an amount equal to the percentage change to the Engineering News Record Construction Cost Index for the San Francisco—Bay Area. Reimbursement payments will be applied first to interest and then to principal.

3. The total amount of reimbursement, net of credits, shall be set one time upon acceptance of the transportation improvements. The annual percentage amount of reimbursement shall be set one time, upon acceptance of the transportation improvements, by establishing a percentage equal to: the percentage value of the reimbursement amount compared to the value of all transportation improvements; such set percentage shall then be multiplied by the total of all transportation de-

velopment fees collected in the preceding year to produce a pro rata payment for each year.

Example: The total transportation improvements to be funded by the transportation development fee in year one cost \$50,000,000.00; developer builds an improvement valued at \$10,000,000.00 and is entitled to a \$5,000,000.00 reimbursement. Developer's reimbursement amount is 10 percent of the cost of all improvements, so developer is entitled to 10 percent of the transportation development fees collected each year, irrespective of whether the value of the total transportation improvements increases or decreases in subsequent years (e.g., if \$5,000,000.00 in transportation fees are collected in year two, the developer is entitled to 10 percent or \$500,000.00, and interest accrues on the remaining \$4,500,000.00). Developer should receive full reimbursement, with interest, upon build-out, subject to adjustments as provided in subsection (C)(4) of this section.

4. In the event that the amount to be reimbursed to developers pursuant to this section, or pursuant to a development or other agreement, exceeds the amount of transportation development fees received by the city in the preceding calendar year, the city council shall take action to apportion the available fee revenue to developers entitled to reimbursement pursuant to this section in a manner which the council determines is reasonable for that calendar year.

5. The city council may elect, in its absolute discretion, to provide reimbursement at a faster rate than provided in this section, based upon fees collected and available.

6. The reimbursement shall be paid one time each calendar year.

7. The right to reimbursement shall not run with the land, but shall be personal to the developer. The developer may assign his or her right to reimbursement to another by filing a written notarized assignment with the city clerk. It is the developer's or assignee's responsibility to keep the city clerk advised of a current address. If the city cannot locate a developer or assignee to send a reimbursement payment after reasonable diligence, the amount of the reimbursement for that year is forfeited, and the unclaimed funds shall be returned to the transportation development fee fund. (Ord. 2192 § 2, 2019; Ord. 2000 § 1, 2009; Ord. 1765 § 2, 1998)

3.26.090 Exemptions.

Unless a development or other agreement provides otherwise, the following projects shall be exempt, in whole or in part, from the transportation development fee otherwise required by this chapter:

A. Residential development consisting of the repair or replacement, on a one-to-one basis, of dwelling units.

B. Commercial or industrial/warehouse development consisting of the repair or replacement of structures, provided, that such repair or replacement does not result in any conversion or change in land use which increases the peak hour trip rate applicable to the previous structure, or any enlargement of gross floor area beyond that of the previous structure.

C. Additions, extensions or enlargements of an existing commercial, office/retail, or light industrial/warehouse structure which, in any calendar year, do not increase the gross floor area of the structure by 200 square feet or more. (Ord. 2192 § 2, 2019; Ord. 1765 § 2, 1998)

3.26.100 Use of funds.

The fees paid pursuant to the provisions of this chapter shall, except for temporary investments, be placed in a separate fund in a manner to avoid commingling of the fees with other revenues or funds of the city, and shall be used solely for the purpose of acquiring and constructing the transportation improvements identified by the city council. Any interest income earned on the fund shall also be deposited therein and shall only be expended for the purposes set forth in this section. (Ord. 2192 § 2, 2019; Ord. 1765 § 2, 1998)

3.26.110 Refunds.

Refunds may be made where:

A. Development has ceased, the building permit has expired and no extensions have been granted, or if granted, the extensions have expired; as to a development for which the fee required under this chapter has been collected; provided that the claim for such a refund is filed no later than six months after the expiration date of the building permit, or any extension thereof as may have been approved by the city; or

B. A refund is specifically authorized by resolution of the city council adopted pursuant to Government Code Section 66001(d). Such amounts shall be refunded by the city to the then-current record owners of the development on a prorated basis. The city may effect such refunding by direct payment, or by providing credit towards future transportation improvements fees, or by any other means consistent with the intent of Government Code Section 66001. (Ord. 2192 § 2, 2019; Ord. 1765 § 2, 1998)

3.26.120 Appeals.

A developer may appeal to the city council any final administrative determination made pursuant to this chapter, after exhausting all other appeals provided in this chapter, and payment of the fee for a planning appeal as set forth in the master fee schedule (on file in the office of the city clerk). All appeals to the city council shall be in a form prescribed by the city clerk and shall be filed within 15 days of the date of mailing to the developer any written notice of the applicable final administrative determination. Any appeal not filed within such period shall be deemed waived. The city clerk shall set the matter for hearing before the city council within 45 days of the date of receipt by the city clerk of the notice of the appeal. In making its determination on the appeal, the city council shall follow the standards set forth in this chapter. (Ord. 2192 § 2, 2019; Ord. 1765 § 2, 1998)

tity been expressly exempted from the application of this chapter. To this end, the provisions of this chapter are severable. (Ord. 2192 § 2, 2019; Ord. 1765 § 2, 1998)

3.26.130 Expiration of fee.

The fees required by this chapter shall expire when the transportation improvements are completed and all debt service and reimbursements related to such transportation improvements are paid and satisfied. (Ord. 2192 § 2, 2019; Ord. 1765 § 2, 1998)

3.26.140 Supplementary provisions.

It is the intent of the city council that the fees required by this chapter shall be supplementary to the fees, dedications or conditions imposed upon development pursuant to the provisions of the Subdivision Map Act, California Environmental Quality Act, and other state laws and city ordinances or policies which may authorize the imposition of fees, dedications or conditions thereon. (Ord. 2192 § 2, 2019; Ord. 1765 § 2, 1998)

3.26.150 Severability.

The provisions of this chapter shall not apply to any person, association, corporation or to any property as to whom or which it is beyond the power of the city to impose the fee provided in this chapter. If any sentence, clause, section or part of this chapter, or any fee imposed upon any person or entity is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall affect only such sentence, clause, section or part of this chapter, and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter, or its effect on other persons or entities. It is declared to be the intention of the city council that this chapter would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part of this chapter had not been included herein; or had such person or en-

Chapter 3.28

PURCHASING AND DISPOSITION OF PROPERTY

Sections:

- 3.28.010 Purchasing agent responsibilities.**
- 3.28.020 Purchasing procedure.**
- 3.28.030 Care, restitution, sale or destruction of unclaimed property.**

3.28.010 Purchasing agent responsibilities.

As provided in Section 2.08.160 of this code, the city manager shall be responsible for all purchasing not reserved by the city council. He or she shall have authority to:

- A. Purchase or contract for supplies and equipment required by any using agency in accordance with purchasing procedures prescribed in this chapter and such administrative regulations as he or she may prescribe.
- B. Negotiate and recommend execution of contracts for the purchase of supplies and equipment.
- C. Act to procure for the city the needed quality in supplies and equipment at least expense to the city.
- D. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.
- E. Prepare and recommend to the city council amendments to ordinances governing the purchase of supplies and equipment of the city.
- F. Keep informed of current development in the field of purchasing, prices, market conditions and new products.
- G. Prescribe and maintain such forms as are reasonably necessary to the operation of this chapter and other rules and regulations.
- H. Supervise the inspection of all supplies and equipment purchased to ensure conformance with specifications.
- I. Transfer surplus or unused supplies and equipment between departments as needed, and sell or dispose of surplus or unused supplies and equipment which have become unsuitable for city use.
- J. Maintain a bidders list, vendors' catalog file and records needed for the efficient operation of the purchasing program. (Ord. 1365 § 1, 1988; prior code § 1-2.37)

3.28.020 Purchasing procedure.

- A. Requisitions. Using agencies shall submit

requests for supplies and equipment on standard requisition forms.

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

C. Open Market Procedure. Purchase of supplies and equipment may be made in the open market in accordance with the procedure adopted under Section 3.28.01(A) of this chapter.

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

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

3. Written Proposals. Written proposals shall be submitted and a record shall be kept of all open market orders and proposals for a period of one year after the submission of proposals or the placing of orders. This record, while so kept, shall be open to public inspection. (Prior code § 1-2.38)

3.28.030 Care, restitution, sale or destruction of unclaimed property.

A. Unclaimed property as defined in Penal Code Section 1411 and held by the police department for a period of at least three months shall be sold at a public auction to the highest bidder. At least five days prior to the date of the auction, a notice of the auction shall be published in a newspaper of general circulation.

B. If the city's purchasing agent determines that any such unclaimed property held by the city for sale is needed for a public use, such property may be retained by the city and need not be sold. Property retained by the city shall thereafter not be redeemed by the owner or by any other person entitled to possession.

C. Notwithstanding subsections A and B of this section and notwithstanding the provisions of Administrative Directive No. 28-307, as amended (the Guidelines for Disposition of Unclaimed Property), any bicycles or toys or both, in the possession of the police department, which have been unclaimed for a period of at least 90 days, may be turned over to the Alameda County Probation officer, to the Welfare Department of Alameda County or to any charitable or nonprofit organization which is authorized under its articles of incorporation to participate in a program or activity designed to prevent juvenile delinquency. (Ord. 1571 § 2, 1992)

Chapter 5.28

BI DOWNTOWN PLEASANTON BUSINESS IMPROVEMENT DISTRICT

Sections:

- 5.28.010** **Established.**
- 5.28.020** **Resolution of intention.**
- 5.28.030** **Hearing.**
- 5.28.040** **Boundaries.**
- 5.28.050** **Subject to state law.**
- 5.28.060** **Findings.**
- 5.28.070** **Purpose.**
- 5.28.080** **System of assessments.**
- 5.28.090** **Voluntary contribution.**
- 5.28.110** **Power to contract.**
- 5.28.120** **Collection of charges.**

5.28.010 **Established.**

There is currently existing in the city the “Downtown Pleasanton Business Improvement District,” pursuant to the provisions of the Parking and Business Improvement Area Law of 1989, as set forth in the California Streets and Highways Code (Section 36500 et seq.). (Ord. 2192 § 2, 2019; Ord. 1211 § 1, 1985)

5.28.020 **Resolution of intention.**

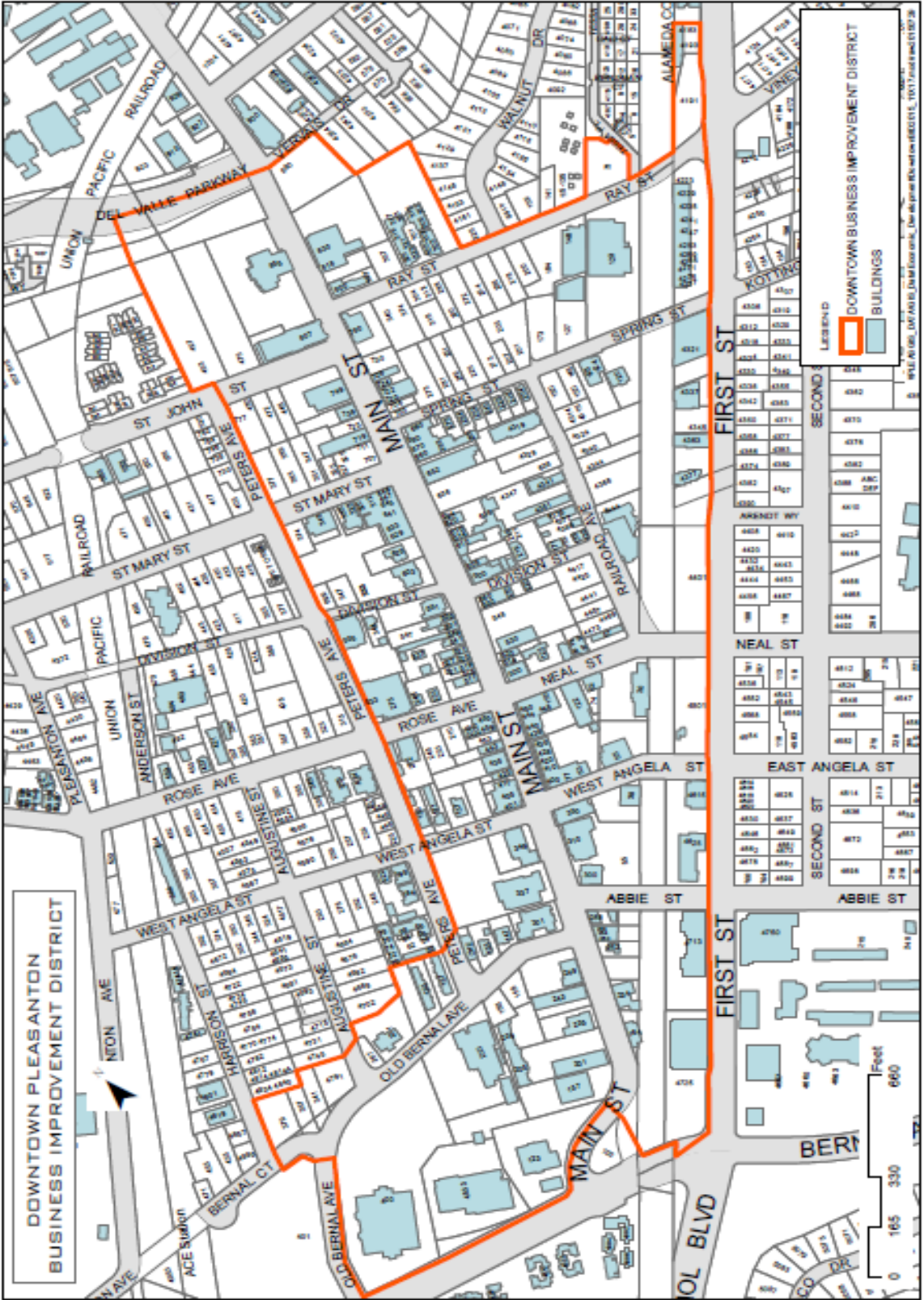
The city council, on August 20, 1985, adopted Resolution 85-397, entitled “Resolution of Intention to Modify the Downtown Pleasanton Business Improvement District.” (Ord. 1211 § 2, 1985)

5.28.030 **Hearing.**

A hearing was held at the city council chambers in the city on September 3, 1985, to consider the establishment of the downtown Pleasanton business improvement district and to hear any protests or concerns relating to that action. (Ord. 1211 § 3, 1985)

5.28.040 **Boundaries.**

The boundaries of the district shall be as shown on the map in Figure 5.28.040 of this chapter.



(Ord. 2131 § 2, 2015; Ord. 1211 § 4, 1985)

Title 6

SPECIFIC BUSINESS REGULATIONS

Chapters:

- 6.04 Amusement Devices**
- 6.08 Bingo Games**
- 6.18 Marijuana and Hemp**
- 6.20 Horseracing License Fee**
- 6.24 Massage**
- 6.28 Newsracks**
- 6.30 Shopping Cart Regulations**
- 6.32 Display of Sexually Explicit Reading Material**
- 6.36 Solicitors and Certain Businesses**
- 6.38 Sidewalk Vending**
- 6.40 Taxicabs**
- 6.44 Teenage Dances**
- 6.48 Kennels and Pet Shops**
- 6.52 Cable System Regulatory Ordinance**
- 6.54 State Video Franchises**
- 6.56 Alarms**
- 6.60 Mobilehome Space Rents**
- 6.64 Firearm Sales**

Chapter 6.32

DISPLAY OF SEXUALLY EXPLICIT READING MATERIAL

Sections:

- 6.32.010 Findings and declarations.**
- 6.32.020 Definitions.**
- 6.32.030 Unlawful display.**
- 6.32.040 Adults only areas.**
- 6.32.050 Opaque displays.**
- 6.32.060 Enforcement.**

6.32.010 Findings and declarations.

The city council finds and declares that there exists in the city a tendency toward a display of adult magazines and books in liquor stores, grocery markets, drugstores and other retail outlets in such a manner that children, often of tender years, are exposed to book and magazine covers depicting explicit sexual activity and showing human genitals and pubic regions in a sexually explicit manner. The city council finds that such exposure establishes a tone in the community inconsistent with morality and good order. The council, therefore, finds that it is in the best interest of public health, safety and welfare to restrict the display of reading material with sexually explicit covers and to adopt the following regulations so that the adverse impacts of such material on children and the community as a whole will be kept to a minimum. (Prior code § 4-8.15)

6.32.020 Definitions.

The following words and phrases used in this chapter shall be defined as follows:

A. “Commercial establishment” means any place of business in which minors are permitted in the city.

B. “Explicit sexual depictions” means any picture, photograph, drawing, decoration or other illustration depicting:

1. Human genitals in a state of sexual arousal, stimulation, or otherwise emphasizing the genitals;
2. Acts of human masturbation, sexual intercourse, sodomy, bestiality, buggery, cunnilingus, fellatio, pederasty, homosexuality, sadomasochism or similar acts;
3. Fondling or other erotic touching of human genitals, pubic regions or female breasts.

C. “Person” means any individual, partnership, firm, association, corporation or other legal entity.

D. “Reading material” means any book, magazine, pamphlet or newspaper offered for sale in a commercial establishment. (Prior code § 4-8.16)

6.32.030 Unlawful display.

No person shall display reading material having covers with explicit sexual depictions in any commercial establishment in the city except as provided in this chapter. (Prior code § 4-8.17)

6.32.040 Adults only areas.

Reading material having covers with explicit sexual depictions may be displayed in a commercial establishment in an area set aside and clearly posted for adults only. “Adults only” areas shall be visible from the cash register or sales center of the store. No items frequently purchased by children shall be located in the vicinity of the adults only area and the material with sexually explicit covers shall be displayed in such a manner that sexually explicit depictions are not readily visible to patrons in other areas of the store. Minors shall not be permitted to enter an adults-only area. (Prior code § 4-8.18)

6.32.050 Opaque displays.

Reading materials having covers with explicit sexual depictions may be displayed in an area open to the general public in a commercial establishment only if the cover depictions are not visible. Opaque display units showing only the top two inches of magazine covers shall be deemed to comply with this section. (Prior code § 4-8.19)

6.32.060 Enforcement.

Notwithstanding any other section of this code, no criminal penalty is provided for the violation of this chapter. Violation of any section or sections of this chapter is declared to be a public nuisance and may be abated by the city. (Prior code § 4-8.20)

Chapter 6.36

SOLICITORS AND CERTAIN BUSINESSES

Sections:

6.36.010	Purpose and applicability.
6.36.020	Definitions.
6.36.030	Permit—Required.
6.36.040	Permit—Application.
6.36.050	Permit—Investigation— Determination.
6.36.060	Permit—Duration.
6.36.070	Permit—Hours of day.
6.36.080	Permit—Revocation.
6.36.090	Solicitation for charity—Permit— Required.
6.36.100	Solicitation for charity—Permit— Application.
6.36.110	Solicitation for charity—Permit— Investigation.
6.36.120	Solicitation for charity—Permit— Revocation.
6.36.130	Appeal.
6.36.140	Alternate appeal procedure.
6.36.150	Suspension of solicitor’s permits during parades.

6.36.010 Purpose and applicability.

A. The city council declares that this chapter is adopted to achieve the primary purpose of regulating the activities of peddlers, solicitors, hawkers, itinerant merchants, and certain businesses of the order, to promote the health, safety and welfare of the inhabitants of the city and not for the purpose of raising revenue. The city council, therefore, declares that the provisions of this chapter be interpreted in order to accomplish the above enumerated purposes.

B. This chapter shall not apply to sidewalk vendors as defined in Section 6.38.010 of this code. (Ord. 2191 § 2, 2019; prior code § 4-1.22)

6.36.020 Definitions.

As used in this chapter, the words and phrases contained in this section shall have the following definitions:

“Charity” means any nonprofit community organization, fraternal, benevolent, educational, philanthropic or service organization, governmental employee organization, any person who solicits or obtains contributions solicited from the public for charitable purposes, and any person who holds any assets for charitable pur-

poses. Nonprofit community organization shall include political organizations.

“Peddlers” means and includes any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, food products, meats, fish, vegetables, fruits, garden truck, farm products, or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance. Any person who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. The word “peddler” shall include the words “hawker” and “huckster.”

“Solicitor” means any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance from place to place, from house to house, or from street to street, taking, or attempting to take, orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, or whose activities may, in any way, result in such sale or the furnishing of such services, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sale or not, and such definition shall include any person who, for him or herself or for another firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, hotel room, lodginghouse, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

“Transient merchant” means any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise in the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public rooms in hotels, lodginghouses, apartments, shops, or any street, alley or other place within the city for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction; provided, however, that such definition shall not be construed to include any person who, while occupying such tempo-

rary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer. (Prior code § 4-1.35)

6.36.030 Permit—Required.

A. It is unlawful for any solicitor, peddler, hawker, itinerant vendor, or any other person to go upon the premises of any private residence within the city, without an invitation by the person in possession of said premises, for the purpose of soliciting orders for the sale of goods, newspapers, books, pictures, periodicals, magazines, insurance and building and loan stock or accounts, or any other personal property, or for the purpose of demonstrating or disposing of the same, unless such person first applies for and obtains a permit from the chief of police.

B. It is unlawful for any solicitor, peddler, hawker, itinerant vendor or any other person to sell on a public sidewalk, or other city-owned or controlled public property, goods or merchandise, other than newspapers, books, magazines and similar material. As to public property not owned or controlled by the city, no violation of this subsection will exist if the person has written permission from the public entity owning or controlling the property to conduct thereon the activity.

C. Notwithstanding subsections A and B of this section, during a Pleasanton Downtown Association special sponsored event, it is unlawful for any solicitor, peddler, hawker, itinerant vendor, or any other person to sell or give away goods or merchandise, other than newspapers, books, magazines or similar material, on any unenclosed property within the Pleasanton downtown business improvement district without a permit to do so from the Pleasanton Downtown Association. For purposes of this subsection, a Pleasanton Downtown Association special sponsored event shall include, but not be limited to, antique fairs, Heritage Days Fair, Cruise Night, Taste of Downtown, and the Catwalk. (Ord. 1697 § 1, 1996; prior code § 4-1.23)

6.36.040 Permit—Application.

A. An application for a permit required by Section 6.36.030 of this chapter shall contain the following information and comply with the following requirements:

1. The name of the applicant;

2. The permanent home address, full local address, driver's license number and social security number of applicant and employee;

3. A brief description of the nature of the business, the goods to be sold, and organizational documents as appropriate;

4. If employed, the name and address of the employer;

5. If a vehicle is to be used, a description of the same, together with the license number or other means of identification;

6. If any food product or substance for human consumption which is not prepackaged is involved, a statement by a licensed physician dated not more than 10 days prior to the filing of the application, certifying that the applicant is free of contagious, infectious or communicable disease;

7. The applicant shall be fingerprinted and photographed; provided, however, that an applicant or a person or persons on behalf of whom an applicant is filing who are under the age of 18 shall be exempt from the fingerprinting and photographing requirements of this subsection;

8. A statement as to whether or not the applicant has been convicted of a felony, or of a misdemeanor involving the violation of any municipal or county ordinance regulating or taxing any business, or of a misdemeanor involving moral turpitude;

9. In the event that a person, association, partnership, corporation or other legal entity applies for a permit herein on behalf of another person or persons, the application shall contain, with respect to such other person or persons, the information required by subsections 1, 2, 3, 4, 5 and 8 and comply with the requirements of subsection 6 and 7 of this subsection.

B. Upon the filing of the application, the applicant shall pay a fee of \$25.00 to aid in defraying the cost of regulation. A fee of \$18.50 shall be paid for each employee for whom photographing and fingerprinting is required. (Ord. 1222 § 13, 1985; prior code § 4-1.25)

6.36.050 Permit—Investigation—Determination.

Upon receipt of an application pursuant to Section 6.36.040 of this chapter, the chief of police shall initiate an investigation of the moral character and financial responsibility of the applicant and those on whose behalf he or she may have filed. In determining financial responsibility and moral character, the chief of police shall consider any criminal record and the reputation of the applicant as determined by a check with the Better Business Bureau, or any other reputable information-

dispensing agency. Within three days of the initiation of his or her investigation, and as a result of said investigation, the chief of police shall make one or another of the following determinations, and shall notify the applicant thereof immediately:

A. To deny to applicant a permit if he or she finds that the moral character and financial responsibility of the applicant is unsatisfactory in that the applicant has been convicted of a felony or of a misdemeanor involving the violation of a city or county ordinance regulating any business, or of a misdemeanor involving moral turpitude, or if the moral character and/or financial responsibility of the applicant is otherwise unsatisfactory as determined from the reputation of the applicant; provided, however, that if one or more, but not all, of the persons on whose behalf an application is filed are determined to be of unsatisfactory moral character or financial responsibility, only their names shall be stricken from the permit;

B. To grant to the applicant a permit if the moral character and financial responsibility of the applicant is not determined to be unsatisfactory as provided in subsection A of this section. If a permit is granted the applicant, he, she and those persons on whose behalf he or she filed an application shall be furnished appropriate evidence of such permit, which evidence he, she and/or they shall be required to display upon request. (Prior code § 4-1.26)

6.36.060 Permit—Duration.

A permit granted pursuant to this chapter shall be valid for one year from the date of issuance. No fee, nor any new fingerprints or photograph shall be required for the renewal of a permit required by this chapter so long as renewal follows within 10 days of the expiration date of the permit. (Prior code § 4-1.27)

6.36.070 Permit—Hours of day.

Except as provided for in this chapter, a permit issued pursuant to this chapter shall not be valid on Sunday or before 9:00 a.m. or after 8:00 p.m., Monday through Saturday. Permits issued to ice cream vendors using the public right-of-way shall be valid Monday through Saturday, 9:00 a.m. to 8:00 p.m., and Sunday, 1:00 p.m. to 6:00 p.m. (Prior code § 4-1.29)

6.36.080 Permit—Revocation.

Any permit issued pursuant to Section 6.36.050 may be revoked by the chief of police for any of the following reasons:

A. Fraud, misrepresentation or false statement contained in the application for a permit;

B. Fraud, misrepresentation or false statement made in the course of carrying on the activity authorized by the permit;

C. Violation of any provision of this chapter;

D. Conducting the activity authorized in the permit in an unlawful manner or in such a manner as to cause a breach of the peace or as to constitute a menace to the health, safety or general welfare of the public;

E. Conviction of any felony or of a misdemeanor involving the violation of a city or county ordinance regulating any business, or of a misdemeanor involving moral turpitude, or if the moral character and/or financial responsibility of the applicant is otherwise unsatisfactory as determined from the reputation of the applicant. (Prior code § 4-1.29)

6.36.090 Solicitation for charity—Permit—Required.

It is unlawful for any person to go upon the premises of any private residence in the city, without an invitation by the person in possession of the premises, for the purpose of soliciting contributions or soliciting sales for any charity without having first applied for and obtained a permit to do so from the police department. (Prior code § 4-1.30)

6.36.100 Solicitation for charity—Permit—Application.

A. An application for a permit to engage in the activities referred to in Section 6.36.090 shall provide the following information:

1. The name of any organization on whose behalf contributions are to be solicited, its address, the names of its principal officers and appropriate organization documents;

2. The name, driver's license number and social security number of each applicant who will solicit;

3. The permanent home address and the business address of the applicant;

4. If a vehicle is to be used, a description of the same, together with the license number;

5. A statement as to whether or not the applicant has been convicted of a felony or a misdemeanor involving crimes against persons or property;

6. The information required by California Business and Professions Code Section 17510.3 with the required card or brochure attached.

B. All information shall be submitted under penalty of perjury. (Prior code § 4-1.31)

6.36.110 Solicitation for charity—Permit—Investigation.

The police department shall review the application and approve it unless it finds that:

A. The applicant has been convicted of a felony or a misdemeanor involving crimes against persons or property;

B. Has not provided the information required by Business and Professions Code Section 17510.3 in the required form. (Prior code § 4-1.32)

6.36.120 Solicitation for charity—Permit—Revocation.

Any permit to engage in the activities referred to in Section 6.36.090 of this chapter may be revoked at any time by the police department for the following reasons:

A. Misrepresentation of a fact material to the granting or denying of the permit;

B. Failure to comply with the Business and Professions Code Section 17510.3 during the solicitations. (Prior code § 4-1.33)

6.36.130 Appeal.

Any person aggrieved by any action of the police department or chief of police taken pursuant to this chapter shall have the right of appeal to the city council. Such appeal shall be taken by filing with the city clerk, within fourteen days after notice of the action complained of has been received by such person a statement setting forth fully the grounds of such appeal. The council shall set a time and place for a hearing on such appeal and the city clerk shall promptly give notice of such hearing to the appellant in writing and mailed, postage prepaid, to the appellant at his or her last known address at least five days prior to the date set for such hearing. The decision and order of the council on such appeal shall be final and conclusive. (Prior code § 4-1.34)

6.36.140 Alternate appeal procedure.

Any person aggrieved by the action of the police department or the chief of police with regard to the granting, denying or revoking of a permit, may at the aggrieved's discretion, appeal to the city manager, or his or her designate, in writing. Such appeal shall be considered within three working days of the notification of appeal and decided within two working days thereafter. The decision shall be conclusive and not appealable. (Prior code § 4-1.34(1))

6.36.150 Suspension of solicitor's permits during parades.

No solicitation or vending shall be permitted on the public right-of-way along any parade route during any parade subject to city parade ordinance unless a special vending permit has been issued by the chief of police or by the parade sponsor with the approval of the chief of police. This special permit shall be consistent with Section 11.64.100 of this code. (Prior code § 4-1.36)

Chapter 6.38

SIDEWALK VENDING

Sections:

- 6.38.010** **Definitions.**
- 6.38.020** **Sidewalk vending permits.**
- 6.38.030** **General regulations.**
- 6.38.040** **Specific regulations.**
- 6.38.050** **Violation—Penalty.**
- 6.38.060** **Ability-to-pay determination.**

6.38.010 **Definitions.**

As used in this chapter the following meanings shall apply:

“Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

“Sidewalk vendor” means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path.

“Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location. (Ord. 2191 § 1, 2019)

6.38.020 **Sidewalk vending permits.**

A. Only sidewalk vendors with valid sidewalk vending permits issued by the police chief may vend upon the city’s public right-of-way.

B. To apply for a sidewalk vending permit, the applicant must pay a nonrefundable processing fee in an amount established by resolution of the city council and provide:

1. A completed application form containing:
 - a. Their name and mailing address;
 - b. Description of the merchandise offered for sale or exchange;
 - c. If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal and any owners of the company, partnership, or corporation;
 - d. An agreement by the sidewalk vendor, in a form approved by the city attorney, to indemnify and hold harmless the city, its officers and employees, for any damage or injury arising from the sidewalk vending activities; and
 - e. Certification that the information is true to his or her knowledge and belief.
2. A copy of a California’s driver’s license or identification number, an individual taxpayer identifica-

tion number, or a social security number. Such information is not a public record and will remain confidential as required by Government Code Section 51038(c)(4).

3. A copy of a valid California Department of Tax and Fee Administration seller’s permit, as required.

4. A copy of a valid mobile food facility permit issued by the Alameda County department of environmental health, as required.

5. Proof of a policy or policies of comprehensive general liability insurance, in an amount as approved by the city attorney, against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the permittee, with an endorsement naming the city as an additional insured. In addition, the permittee is required to carry workers’ compensation and automobile coverage sufficient to meet the requirements of the state of California.

C. All sidewalk vendors are required to have a business license pursuant to Title 5 (Business Licensing and Taxation) of this code.

D. Sidewalk vending permits are valid for a period of two years unless rescinded pursuant to Section 6.38.050. (Ord. 2191 § 1, 2019)

6.38.030 **General regulations.**

A. To maintain accessibility standards for the city’s disabled residents, every sidewalk vendor operating on any sidewalk or public right-of-way must ensure that no obstruction is placed in the sidewalk or public right-of-way that would reduce the width of the sidewalk to less than 48 inches, exclusive of the top of the curb. No obstruction shall be located in a sidewalk or public right-of-way less than six feet in width when the sidewalk is adjacent to the curb.

B. To prevent food-borne illness and protect the health and safety of the city’s residents, every sidewalk vendor selling any food or beverage is required to wear a hairnet and food service gloves.

C. To prevent dangerous distractions and promote the general welfare of the city’s residents, sidewalk vendors emitting any loud, unnecessary and unusual noises must comply with Chapter 9.04 (Noise Regulations) of this code.

D. A sidewalk vending permit does not provide an exclusive right to operate within any specific portion of the public right-of-way.

E. No equipment or objects used for sidewalk vending purposes may be left or maintained in public spaces or in any portion of the public right-of-way from 10:00 p.m. to 8:00 a.m. Any equipment or objects left overnight in public spaces or in any portion of the public

right-of-way will be considered discarded and may be seized or disposed of by the city.

F. To facilitate the enforcement of this chapter, every sidewalk vendor must display their city-issued sidewalk vending permit on the street-side portion of their pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance when operating in the public right-of-way.

G. To prevent unintended rolling or slipping, a sidewalk vendor is prohibited from operating a pushcart, pedal-driven cart, wagon, or other non-motorized conveyance on a public-right-of-way with a slope greater than five percent.

H. Sidewalk vendors that sell food shall maintain a trash container in or on their pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, and shall not empty their trash into public trashcans. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation. (Ord. 2191 § 1, 2019)

6.38.040 Specific regulations.

A. Sidewalk vending hours' limitations in areas zoned for nonresidential use will be as restrictive as any limitations on hours of operation imposed on other businesses or uses on the same street, excluding those permitted to operate 24 hours.

B. Sidewalk vending is limited to the hours of 9:00 a.m. through 5:00 p.m. for areas that are exclusively residential.

C. Stationary sidewalk vendors are prohibited from operating in areas that are exclusively residential.

D. A stationary sidewalk vendor is prohibited from operating in a city park if the city has entered into exclusive agreements for the sale of food or merchandise by one or more concessionaires for that city park.

E. A sidewalk vendor is prohibited from operating within 500 feet of: (1) a school; (2) a permitted certified farmers' market; (3) a permitted swap meet; or (4) any area subject to a parade permit or special event street closure permit issued pursuant to Chapter 11.64 (Parades) of this code or a temporary use permit issued pursuant to Section 18.124.170 of this code. (Ord. 2191 § 1, 2019)

6.38.050 Violation—Penalty.

A. Every person vending without a sidewalk vending permit, or violating any other provision of this chapter, is subject to an administrative citation pursuant to Chapter 1.24 (Administrative Citations) of this code.

B. The chief of police may rescind a sidewalk vendor permit for the remaining term of the permit upon a fourth or subsequent violation of this chapter. (Ord. 2191 § 1, 2019)

6.38.060 Ability-to-pay determination.

A. Any administrative citation issued under Section 6.38.050 will be accompanied with a notice of and instruction regarding the right to request an ability-to-pay determination.

B. If the requestor is receiving public benefits under Government Code Section 68632, subdivision (a), or has a monthly income which is 125 percent or less than the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services, the police chief will limit the total amount of the requestor's administrative citation to 20 percent of the total and may:

1. Allow the person to complete community service in lieu of paying the total administrative fine; or
2. Waive the administrative citation; or
3. Offer an alternative disposition. (Ord. 2191 § 1, 2019)

Chapter 6.40**TAXICABS*****Sections:**

- 6.40.010 Definitions.**
- 6.40.020 Certificate of public convenience or necessity required.**
- 6.40.030 Procedure on application and hearing.**
- 6.40.040 Certificate appeal.**
- 6.40.050 Liability insurance required.**
- 6.40.065 Location within the city required.**
- 6.40.070 License fees.**
- 6.40.080 Certificate—Transfer.**
- 6.40.090 Certificate and permit—Duration.**
- 6.40.100 Certificate—Suspension or revocation.**
- 6.40.105 Mandatory controlled substance/alcohol testing program.**
- 6.40.110 Suspension or revocation hearing.**
- 6.40.120 Certificate—Surrender.**
- 6.40.130 Driver’s permit required.**
- 6.40.140 Driver’s permit—Requirements.**
- 6.40.150 Driver’s permit—Issuance.**
- 6.40.160 Driver’s permit—Display.**
- 6.40.170 Driver’s permit—Temporary.**
- 6.40.175 Change of employment.**
- 6.40.180 Change of address.**
- 6.40.190 Driver’s permit—Suspension and revocation.**
- 6.40.200 Operating requirements.**
- 6.40.210 Operating regulations.**
- 6.40.220 Maintenance requirements.**
- 6.40.230 Manifests.**
- 6.40.240 Taxicabs from other municipalities.**
- 6.40.250 Complaint procedure by passengers.**
- 6.40.260 Acceptance and understanding of chapter.**

* Prior ordinance history: Ords. 1584, 1634.

6.40.010 Definitions.

“Certificate” means a certificate of public convenience and necessity issued by the chief of police, authorizing the holder thereof to conduct a taxicab business in the city, and shall be synonymous with the term “owner’s permit.”

“Chief of police” means the chief of police of the city, or his or her designated representative.

“City” means the city of Pleasanton.

“Driver” means every person in charge of or operating any passenger-carrying, motor-propelled vehicle as defined in this section, either as an owner or employee or under the direction of owners or employees.

“Driver’s permit” means a permit to drive and operate a taxicab for hire in the city.

“Manifest” means a daily record prepared by a taxicab driver of all trips made by said driver showing the time and place of origin, destination, route taken, any stops or long delays made during the trip, number of passengers and the amount of fare of each trip.

“Owner” means any person, firm or corporation who in any manner has the proprietary use, ownership or control of any passenger-carrying motor-propelled vehicle.

“Rate card” means a card issued by the finance director for display in each taxicab which contains the maximum rates of fare then in force.

“Street” means any place commonly used for the purpose of public travel.

“Taxicab” means a motor-propelled passenger-carrying vehicle of a distinctive color or colors (other than ambulances and cars operated by funeral directors), and which is of such public appearance as is customary for taxicabs in common usage in this county, and which is operated at rates per mile or upon a waiting time basis or both, and which is equipped with a taximeter and which motor-propelled vehicle is used for the transportation of passengers for a fee over and along the public streets, not over a defined route, but as to route and destination, in accordance with and under direction of the person hiring such vehicle.

“Taximeter” means any instrument, appliance, device or machine by which the charge for hire of a passenger-carrying vehicle is calculated, either for distance traveled or waiting time, or both, and upon said instrument, appliance, device or machine, such charge is numerically and visibly indicated.

“Waiting time” means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger or passengers, or the presence of traffic congestion or blockage of a railroad crossing not reasonably foreseen by the driver. (Ord. 1744 § 1, 1998)

6.40.020 Certificate of public convenience or necessity required.

It is unlawful for any person to engage in the business of operating any taxicab in the city without obtaining a valid certificate of public convenience and neces-

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.**
- 11.36.120 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 Minimum distance to move vehicle after parking in one space for 72 hours.**
- 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 any day 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, and such restrictions shall apply unless specific days/times are noted on an adjacent sign.

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 unless specific days/times are noted on an adjacent sign.

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. 2165 § 1, 2017; 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, private 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;

B. On the frontage road side of any divisional island when indicated by appropriate signs or markings;

C. Upon, along or across any railway track in such manner as to hinder, delay, or obstruct the movement of any car traveling upon such track;

D. On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair, or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided, that signs giving notice of such no parking are erected or placed at least 24 hours prior to the effective time of such no parking;

E. In any area where the city traffic engineer determines that the parking of a vehicle would constitute a traffic hazard or would endanger life or property, when such area is indicated by appropriate signs or markings;

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

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

H. Within any bicycle lane in such a manner that the parked vehicle will impede or obstruct the ability for bicyclists to safely use the bicycle lane. Parking a vehicle such that four feet or less of the bicycle lane is available for bicycle use shall constitute impeding and blocking the bicycle lane;

I. Within 15 feet of a fire hydrant, except that the city traffic engineer may permit a shorter distance provided that if the no parking zone is less than 10 feet in length when measured along the curb or edge of the street, the curb shall be painted red or a sign or other markings shall indicate the shortened distance; or

J. On a street or public or private property, when parking in that location has been designated by the city traffic engineer for emergency vehicles and a sign is posted restricting parking to such vehicles. As used in this subsection, emergency vehicles mean police and fire vehicles and other city vehicles when responding to an emergency. (Ord. 2192 § 2, 2019; Ord. 1844 § 2, 2001; Ord. 1670 § 1, 1996; prior code § 5-3.35)

11.36.120 Repairing or greasing vehicles.

No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased, dismantle or cause to be dismantled any vehicle or any part thereof upon any public street in the city. Temporary emergency repairs may be made upon a public street. (Prior code § 5-3.41)

11.36.130 Washing or polishing vehicles.

No person shall wash or cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any public street in the city, when a charge is made for such service. (Prior code § 5-3.42)

11.36.140 Parking parallel on one-way streets.

Subject to other and more restrictive limitations, a vehicle may be stopped or parked within 18 inches of the left hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or parking. This shall not apply to a street which includes two or more separate roadways and traffic is restricted to one direction upon any such roadway. (Prior code § 5-3.43)

11.36.150 Parking on grades.

No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding three percent without blocking the wheels of the vehicle by turning them against the curb or by other means. (Prior code § 5-3.44)

11.36.160 Minimum distance to move vehicle after parking in one space for 72 hours.

After any vehicle has been parked or left standing in one space on a street for 72 or more consecutive hours, such vehicle must be moved at least one block or 250 lineal feet, whichever is more, to avoid a violation of California Vehicle Code Section 22651(k) or this section. (Ord. 2192 § 2, 2019)

11.36.170 Emergency parking or street closure signs.

A. Whenever the city traffic engineer or chief of police or designate shall determine that unusual traffic congestion is likely to result or has occurred due to the holding of public or private assemblages, gatherings, events or functions, or for other reasons, the city traffic engineer or the chief of police or designate shall have power and authority to order temporary signs to be erected, placed or posted indicating that the operation, movement or parking of vehicles is prohibited on such streets and alleys as the city traffic engineer or the chief of police or designate shall direct during the time such condition exists. Such signs shall remain in place only during the existence of the condition and the city traffic engineer or the chief of police or his or her designate shall cause such signs to be removed promptly thereafter.

B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate or park any vehicle contrary to the directions and provisions of such signs. (Ord. 1210 § 1, 1985; prior code § 5-3.46)

11.36.180 Parking vehicles in excess of 20 feet in length restricted.

When authorized signs are in place giving notice thereof, no person shall park any vehicle in excess of 20 feet in length on any street or portion thereof designated by resolution of the city council. (Prior code § 5-3.47)

11.36.190 Parking on city property.

A. Whenever the city traffic engineer shall determine that the orderly, efficient conduct of the city's business requires that parking of vehicles on city streets or on property owned or controlled by the city be prohibited, limited or restricted, the city traffic engineer shall have the power and authority to order signs to be erected or posted or curb markings to be placed indicating that the parking of vehicles is thus prohibited, limited or restricted.

B. When signs or curb markings authorized by the provisions of this section are in place giving notice thereof, no person shall park any vehicle contrary to the directions or provisions of such signs or curb markings. (Prior code § 5-3.48)

11.36.200 Vehicles, including vehicles dispensing food, not to obstruct streets; vehicles dispensing food in park facilities prohibited.

A. No person shall operate or park any vehicle on any street or in any parking lot owned or controlled by the city in such a manner as to obstruct or to interfere with the free use of such street or parking lot.

B. No person shall operate or park any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street in such a manner as to obstruct the free use of such street or to create in any manner a traffic hazard.

C. Notwithstanding subsection A of this section, no person shall stop or park any vehicle from which goods, wares, merchandise, fruits, vegetables or other foodstuffs are sold, displayed, solicited or offered for sale within any city park facility, such as sports park, without a permit to do so from the director of parks and community services. (Ord. 1697 § 3, 1996; prior code § 5-3.49)

11.36.205 Parking vehicles in excess of five feet in height.

A. Whenever the city traffic engineer determines that parking a vehicle in excess of five feet in height would constitute a traffic hazard by obstructing view of oncoming traffic or pedestrian movements, the city traffic engineer shall have the power and authority to order signs to be erected or posted indicating that the parking of vehicles in excess of five feet in height is prohibited.

B. When signs or curb markings authorized by the provisions of this section are in place giving notice thereof, no person shall park any vehicle contrary to the directions or provisions of such signs or curb markings. (Ord. 1229 § 1, 1985; prior code § 5-3.50)

11.36.210 Authority to establish limited time parking zones.

Whenever any resolution of the city designates any street or portion thereof as a limited time parking zone, the city traffic engineer shall erect appropriate signs, meters or markings. Such limited time parking zones shall not become effective until and unless signs, parking meters, or curb markings are in place indicating such time limits consistent with the following regulations:

A. **Twenty-minute Parking.** When authorized signs, parking meters or curb markings are in place giving notice thereof, no operator of any vehicle shall park the vehicle between the hours of 9:00 a.m. and 6:00 p.m. any day except Sundays and holidays for a period of time longer than 20 minutes.

B. **One-hour Parking.** When authorized signs, parking meters are in place giving notice thereof, no operator of any vehicle shall park the vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period of time longer than one hour.

C. **Two-hour Parking.** When authorized signs, parking meters are in place giving notice thereof, no operator of any vehicle shall park the vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period of time longer than two hours.

D. **Three-hour Parking.** When authorized signs or parking meters are in place giving notice thereof, no operator of any vehicle shall park the vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period of time longer than three hours.

E. **Four-hour Parking.** When authorized signs are in place giving notice thereof, no person shall park a

vehicle between the hours of 6:00 a.m. and 10:00 p.m. of any day for a period of time longer than four hours. (Ord. 1991 § 1, 2009; Ord. 1722 § 1, 1997; prior code § 5-3.51)

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:

“Director” means the director of finance.

“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.

“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.

“Residential parking permit” means a permit issued pursuant to this chapter.

“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.

“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 residential 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 11.60

ROBERT C. PHILCOX MEMORIAL HORSE TRAFFIC ORDINANCE

Sections:

- 11.60.010 Title.**
11.60.020 Intent.
11.60.030 Definitions.
11.60.040 Designation of equestrian trails.
11.60.050 Prohibited areas—Exception.

11.60.010 Title.

The city council on February 28, 1978, adopted Ordinance 846 relating to horse traffic in the city. Ordinance 846 was sponsored by then Mayor Robert C. Philcox. The adoption and enactment of Ordinance 846 could not have been accomplished without the determined perseverance of Robert C. Philcox, therefore this chapter shall be known as the “Robert C. Philcox Memorial Horse Traffic Ordinance.” (Ord. 907, 1979)

11.60.020 Intent.

It is the intent of the city council by adoption of the ordinance codified in this chapter to provide for the safety of pedestrians and vehicle drivers as well as horses and their riders on the streets and sidewalks of the city. The council finds and declares that there are certain areas in the city which due to pedestrian and vehicular traffic endanger horses, their riders and pedestrians and, therefore equestrian activities should be limited or prohibited in those areas. (Prior code § 5-1.60)

11.60.030 Definitions.

A. “Equestrian trail” means any trail designated by the city council as such.

B. “Horse” includes any mules, burro, pony, jack or jenny.

C. “Main Street” means Main Street in the city of Pleasanton running from its intersection with Bernal Avenue to its intersection with Stanley Boulevard.

D. “Shopping center” means any area in a C-N (neighborhood commercial), C-C (central commercial) or C-R (regional commercial) zoning district that has been developed with commercial uses. The term shall further include all buildings, parking lots, driveways, walkways and public sidewalks bordering the shopping center. (Ord. 1516 § 1, 1991; prior code § 5-1.61)

11.60.040 Designation of equestrian trails.

The planning commission shall advise the city council on any proposals for equestrian trail designa-

tions. The city council shall consider the designation of equestrian crossings as provided for in California Vehicle Code Section 21805 whenever any proposed equestrian trail would cross a highway. (Prior code § 5-1.62)

11.60.050 Prohibited areas—Exception.

A. Commercial Centers. Except as provided in this section, no horse shall be ridden, walked or tethered on the streets, sidewalks, walkways or parking lots of any shopping center of the city or along Main Street, First Street, Santa Rita Road, Hopyard Road, or Bernal Avenue between First Street and Interstate 680 in the city, except on approved equestrian trails or crossings.

B. Other Prohibited Areas. The city council may, from time to time, designate by resolution, any other areas of the city prohibited to horse traffic. The city shall post all such additional areas, but posting shall not be a prerequisite for citing violators.

C. Subject to the granting of a temporary conditional use permit in accordance with the provisions of Section 18.124.170 of the Pleasanton municipal code, certain equestrian events, as deemed appropriate by the zoning administrator, may take place on Main Street and within other commercial areas. Horse-drawn carriages may be considered appropriate for all commercial locations and pony rides, in conjunction with an approved special event, may be considered appropriate for shopping center type locations.

D. Nothing in this chapter shall prohibit the participation of mounted or equestrian units in parades authorized by the city council nor prohibit the walking of a horse to a licensed veterinarian. (Ord. 1516 § 2, 1991; prior code § 5-1.63)

Chapter 11.64

PARADES*

Sections:

- 11.64.010 Intent.**
- 11.64.020 Definitions.**
- 11.64.030 Permit required.**
- 11.64.040 Official parade routes.**
- 11.64.050 Application.**
- 11.64.060 Conditions and use.**
- 11.64.070 Issuance—Findings.**
- 11.64.080 Insurance requirements.**
- 11.64.090 Expenses—Reimbursement—Bond.**
- 11.64.100 Appeal procedure.**
- 11.64.110 Revocation of permit.**

* Prior history: Prior code §§ 4-2.1701—4-2.1710; Ord. 1222.

11.64.010 Intent.

The provisions of this chapter are intended to create a procedure by which the city may permit parades, motorcades, marches and processions on city streets and sidewalks. The purpose of this chapter is to provide a coordinated process for managing parades to ensure the health and safety of participants, residents, shopkeepers, workers, and other visitors, to prohibit illegal activities from occurring at parades, and to protect the rights of parade permit holders. It is also the intent of the city council to protect the rights of people to engage in expressive activities in the city’s streets and sidewalks, and to establish the least restrictive and reasonable time, place and manner regulation of these activities. It is further intended to create mechanisms for cost recovery and use charges, to the extent authorized by law, while not unduly impacting the viability of parades. (Ord. 2019 § 1, 2011)

11.64.020 Definitions.

“Central business district,” for the purpose of this chapter, includes the area bounded by Arroyo Del Valle on the north, Bernal Extension on the south, First Street on the east and Western Pacific Railroad right-of-way on the west.

“Chief” means the chief of police of the city or designated representative.

“City manager” means the city manager of the city or designated representative.

“Official parade routes” means those routes adopted by the city council by resolution. Staging and disbanding areas shall be established for each of several routes.

Parade. For the purpose of this chapter, “parade” means any march, procession, motorcade or combination of the above on the streets or sidewalks which does not comply with normal or usual traffic regulations. However, funeral processions are exempted from these regulations, as are assemblies reasonably and apparently likely to involve a total of no more than 100 or fewer pedestrians, as determined by the chief, as to which the sponsor has agreed to the following restrictions: (1) the participants will march only on sidewalks; and (2) will cross streets only at pedestrian crosswalks in accordance with traffic regulations and controls, in units of 15 or less, allowing vehicles to pass between each unit. (Ord. 2019 § 1, 2011)

11.64.030 Permit required.

No parade shall take place unless and until a parade permit has been issued by the city manager upon recommendation by the chief. No person shall knowingly sponsor, participate or cause others to participate in a parade for which no permit has been issued. No person shall participate or cause others to participate in any manner inconsistent with an issued permit. (Ord. 2019 § 1, 2011)

11.64.040 Official parade routes.

The city council may establish by resolution official parade routes for the central business district. (Ord. 2019 § 1, 2011)

11.64.050 Application.

Any person or group wishing to conduct a parade shall apply at least 30 days prior to the proposed date. Upon a showing of good cause, the chief shall consider an application which is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police services for the event. Good cause shall be deemed demonstrated if the applicant shows that: (1) the circumstance which gave rise to the permit application did not reasonably allow the participants to file an application within the time prescribed by this chapter; and (2) the event is for the purpose of expression protected by the First Amendment. The chief may refuse any application which does not contain the following information:

- A. Name, address and phone number of applicant, sponsoring group and/or event chairman;
- B. Purpose of proposed event;
- C. Date, time, choice of official routes, and approximate duration of parade;
- D. Number and type of floats (a complete list shall be submitted to the chief at least seven days prior

to the event indicating the size of the floats and the materials used for their decoration);

E. All other events planned in coordination with parade including dances, rallies, assemblies of parties;

F. Description of planned concession areas and proposed concessionaires, both moving and stationary;

G. Provisions for insurance to protect applicants and city from parade-related personal injuries or property damage;

H. An executed hold harmless agreement in a form approved by the city attorney agreeing to defend, indemnify, and hold harmless the city against losses and liabilities incurred from the conduct of the permittee or its officers, employees, and agents;

I. If a route outside the central business district is proposed, the route, staging area, and disbanding area shall be indicated. (Ord. 2019 § 1, 2011)

11.64.060 Conditions and use.

Upon recommendation of the chief, the city manager may impose conditions upon any parade, including, but not limited to, conditions relating to size, durations, policing, nature of floats, and number of stationary and moving vendors. With a parade permit or special event street closure permit, a permittee may exclude members of the public from the area covered by the permit, and may also establish the permittee's own reasonable rules of use during its event. (Ord. 2179 § 2, 2018; Ord. 2019 § 1, 2011)

11.64.070 Issuance—Findings.

A. Upon recommendation of the chief, the city manager shall issue a permit for a proposed parade consistent with official routes provided that:

1. The applicant agrees to all reasonable conditions required by the city manager;

2. The applicant agrees to hold harmless and defend the city in case of parade-related injury or property damage;

3. No other parade has already been approved for that date;

4. The applicant agrees to provide an insurance policy for an amount deemed sufficient by the city attorney;

5. The applicant has paid the application fee designated in the resolution establishing fees and charges for various municipal services, unless a hardship waiver is granted in accordance with city policy.

B. The city manager may approve a parade route outside the central business district if (in addition to the findings specified above) the council finds:

1. The route and time will not unreasonably disrupt traffic;

2. The proposed route will not unreasonably limit access to any area of the city.

C. Any permit request denied by the city manager shall be accompanied by findings of fact indicating which of the above findings could not be made and what facts lend to that decision.

D. In deciding whether to approve an application, no consideration may be given to the message of the event, the content of speech, the identity or associational relationships of the applicant, or to any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event. (Ord. 2019 § 1, 2011)

11.64.080 Insurance requirements.

A. Except as otherwise prohibited by law or an exemption is obtained as provided by this chapter and the implementing regulations, the permittee shall procure and maintain in full force and effect during the term of the permit a policy of insurance from a reliable insurance company authorized to do business in the state, which policy includes the city, its council, boards, officers, agents, employees, and volunteers as additional named insureds and which provides the coverage that the city attorney determines to be necessary and adequate under the circumstances. Proof of insurance shall be submitted to the city prior to issuance of the permit and maintenance of this insurance shall be a condition of the permit.

B. If the city attorney determines that a particular use, event, or activity which is for a permit period of no more than one day does not present a substantial or significant public liability or property damage exposure for the city or its council, boards, officers, agents, employees, or volunteers, the city manager may give a written waiver of the insurance requirements of this section. (Ord. 2019 § 1, 2011)

11.64.090 Expenses—Reimbursement—Bond.

No permit issued by the city council shall become effective until:

A. Upon recommendation of the city manager, the city council approves an adjustment to the city budget for all additional expenditures required by the parade; or

B. The applicant agrees to reimburse the city for the expenses. The city manager will require the applicant to post a bond approved by the city attorney to insure reimbursement unless determined inappropriate under the circumstances, e.g., if a hardship waiver is

granted in accordance with city policy. (Ord. 2019 § 1, 2011)

11.64.100 Appeal procedure.

The applicant shall have the right to appeal: (1) denial of a permit; (2) a permit condition; (3) a determination that good cause to consider a late application does not exist; and (4) a determination by the city that the applicant's insurance policy does not comply with the requirements specified in Section 11.64.080. A notice of appeal stating the grounds of appeal with specificity shall be filed with the city clerk within seven calendar days of the city manager's action. The city council may affirm, modify or reverse the action of the city manager, consistent with the provisions of this chapter. (Ord. 2019 § 1, 2011)

11.64.110 Revocation of permit.

Any permit for a parade issued pursuant to this chapter may be revoked by the chief when by reason of disaster, public calamity, riot or other emergency, the chief determines that the safety of the public requires such revocation. Whenever possible, notice of such action shall be delivered in writing to the permittee by personal service or by certified mail. The chief may revoke the permit for failure to abide by the conditions of the issued permit. (Ord. 2019 § 1, 2011)

Chapter 13.08

PARKS AND RECREATION FACILITIES

Sections:

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- 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, including prohibiting smoking in park and recreational 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. 2125 § 2, 2015; Ord. 1428 § 4, 1989)

13.08.020 Definitions.

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

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

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

“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.

“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.

“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 Goods or services—Exhibitions, private lessons and classes.

No person shall: (a) sell any goods or services; (b) conduct or maintain any show, performance, concert, place of amusement or exhibition; or (c) conduct private lessons or classes unless such person has received the prior written permission of the director. This section shall not apply to sidewalk vendors as defined in section 6.38.010 of this code. (Ord. 2191 § 4, 2019; 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 permis-

sion 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, microphones, 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.

A. No person shall smoke anywhere within any park or recreational facility, as defined in Section 13.08.020(C) and includes trails along the arroyos, except within the outdoor areas of the Callippe Preserve Golf Course. Public sidewalks adjacent to park and recreational facilities are not subject to this prohibition, but pathways through such park and recreational facilities as well as adjacent city-owned public parking lots are subject to this prohibition.

B. No person shall smoke in any enclosed building in a park and recreational facility except as provided in Chapter 9.24 of this code.

C. A renter of a park or recreation facility Downtown shall prohibit smoking during such rental. "No Smoking" signs shall generally be visible at entrances or reasonable intervals along the perimeter of such rental to advise guests, invitees and the public about such prohibition on smoking. Violators are subject to administrative citation as provided in Chapter 1.24.

D. "Smoking" is defined as set forth in Section 9.24.020(P).

E. "Downtown" is defined as the area within the Downtown Specific Plan. (Ord. 2165 § 1, 2017; Ord. 2136 § 1, 2016; Ord. 2125 § 2, 2015; 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

water on the consumer's premises, either as a result of a complaint or otherwise, will be made without charge. No agent or employee of the department or the city shall accept any personal compensation from a consumer or applicant for any services rendered.

B. Consumers making any material change in the size, character or extent of the utilizing equipment or operations for which the city is supplying water service shall immediately give the department written notice of the extent and nature of the change and, if necessary, amend their application.

C. When a consumer receiving service at the water system main or service connection must by means of a pump of any kind elevate or increase the pressure of the water received, the pump shall not be attached to any pipe directly connected to the main or service pipe. Such pumping or boosting of pressure shall be done from a sump, cistern, or storage tank which may be served by, but not directly connected with, the water system distribution facilities.

D. Quick closing or opening valves shall not be installed on any consumer's pipes which are directly attached to the water system mains or service pipes. A consumer whose operation requires the use of a quick opening or closing valve must operate such device from a tank, cistern, pump or other facility which may be served by but not directly connected with the water system distribution mains or service pipes.

E. The city will not be responsible for any loss or damage caused by any negligence or unlawful action of any consumer or any other person in installing, maintaining, supplying, or using any appliances, facilities or equipment for which water or water service is furnished by the city. Each consumer shall be held responsible for damage to the city's meters and other property comprising any part of the water system resulting from use or operation of appliances or facilities on such consumer's premises including, without limiting the generality of the foregoing, damage caused by steam, hot water or chemicals.

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.

7. Use of potable water for outdoor landscaping through a dedicated irrigation meter within the city's recycled water use area unless otherwise exempted by the director of operations and water utilities for existing water customers, or city engineer for new development. (Ord. 2176 § 2, 2018; 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 city-installed water meter to the premises and a charge based upon the amount of water flow through the city-installed 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. The city shall only read city-installed water meters, and not property-owner installed sub-meters. (Ord. 2171 § 2, 2017; 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.

1. In the event water usage is recorded on a meter for which no connection has been requested, the owner of the premises shall be responsible for all such water charges; unless it is demonstrated to the city's reasonable satisfaction that during the period of such water usage that the premises was occupied by person(s) or legal entity who had requested that service at the premises be terminated as provided in Section 14.04.120.

B. All water charges shall become due and payable at the operations services department on the date of payment specified thereon and shall become delinquent on the day following the current billing due date, 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 operation services 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 is delinquent if not paid on the day after the current billing due date. If delinquent, service may be discontinued and penalties assessed. A cash deposit and reconnection charge may be required to reestablish service. See Municipal Code §14.04.090.

(Ord. 2192 § 2, 2019; 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 committing such violation, specifying the violation and, if applicable, the time after which (upon the failure of such person to prevent or rectify the violation) the director will exercise his 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:

1. 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: (a) disconnect the premises from the water system for nonpayment of water bills; and (b) 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.

2. 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.

F. Notwithstanding the measures described above, the city manager, in consultation with the director of operation services, is authorized to administratively adopt, and amend as needed, a policy for discontinuance of residential water service for non-payment as required by California Health and Safety Code Section 116900 et seq. (the Water Shutoff Protection Act). The provisions of such administrative policy shall supercede any conflicting provisions of this chapter. (Ord. 2192 § 2, 2019; 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 or Leaks.

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 six 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 six 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. Leaks. The city manager may implement an administrative policy for utility bill adjustments after a consumer repairs a water leak which was not readily discernable and is beyond the control of the consumer.

5. 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. (Ord. 2167 § 2, 2017; 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 as approved in their site permit. Use of recycled water beyond the areas and uses in the approved permit requires a permit modification application to be submitted to the city, payment of applicable fee, and written city approval.

Title 17

PLANNING AND RELATED MATTERS

Chapters:

- 17.04 Condominium Conversions**
- 17.08 Flood Damage Prevention**
- 17.12 Geologic Hazards**
- 17.14 Water Efficient Landscaping**
- 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 Affordable Housing Fees**
- 17.44 Inclusionary Zoning**
- 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 17.14

WATER EFFICIENT LANDSCAPING

Sections:

17.14.002 Purpose and intent.

17.14.006 Administrative regulations for water efficient landscaping.

17.14.002 Purpose and intent.

Implement and apply the California Model Water Efficient Landscape Ordinance (WELO), as amended, and the Bay Friendly Basics Landscape Guidelines of the Alameda County Waste Management Authority (BFB), as amended, to applicable projects in the city for water conservation purposes. (Ord. 2192 § 2, 2019)

17.14.006 Administrative regulations for water efficient landscaping.

The city manager, in consultation with the city landscape architect, shall promulgate and implement administrative regulations for water efficient landscaping based on WELO, BFB and city policies for specified projects and development. (Ord. 2192 § 2, 2019)

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—Heritage tree board of appeals hearing.
17.16.030	Action by director—Findings.
17.16.040	Appeals not involving new development.
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 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. 2165 § 1, 2017; 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 in Section 17.16.080. Pruning which, in the reasonable 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. 2165 § 1, 2017; 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 may 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 (seasonal leaf drop and release of seed pods is not a 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 grant a permit for removal of heritage tree(s) if director determines the criteria of subsection B.1, 3, 4, 5 or 6, above, are satisfied. The director may refer any application to any city department or commission for review and recommendation. (Ord. 2192 § 2, 2019; Ord. 1737 § 1, 1998)

17.16.025 Significant impact—Heritage tree board of appeals hearing.

- A. Where the applicant applies to remove a heritage tree on grounds that it has a significant impact on the property as provided in Section 17.16.020.B.3, the heritage tree board of appeals 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 city clerk shall set a date for hearing and shall notify all interested parties and property owners within 300 feet of the property on which the tree(s) at issue are located. The director shall submit a report to the heritage tree board of appeals, along with any departmental recommendations.
- C. The heritage tree board of appeals shall conduct a hearing on the application. Following the hearing of any such application, the heritage tree board of appeals may approve the application, with or without conditions, or may deny the application. The action of the heritage tree board of appeals on any such application shall be final and conclusive. (Ord. 2192 § 2, 2019; 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 Appeals not involving new development.

- A. For decisions not involving new property development, 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. Appeals shall be heard by the heritage tree board of appeals.
- C. The city clerk shall set a date for hearing and shall notify all interested parties and property owners within 300 feet of the tree(s) at issue. The director shall submit a report to the heritage tree board of appeals, along with any departmental recommendations.
- D. The heritage tree board of appeals shall conduct a hearing on the appeal. Following the hearing of any such appeal, the heritage tree board of appeals 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 heritage tree board of appeals on any such appeal shall be final and conclusive. (Ord. 2165 § 1, 2017; 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 a decision at the hearing (unless the hearing is continued) upholding, reversing or modifying the director’s decision. The decision of the board shall be final. (Ord. 2179 § 2, 2018; 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. Depending on the scope of the development, the director may require the applicant to provide 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. Depending on the scope of the development, the director may require the applicant to provide a tree report by a certified consulting arborist. The tree 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;
 - a. The director may require that the tree report include an appraisal of the condition and replacement value of all trees affected by 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;
 - 3. The tree survey plan and tree report (if any) shall be forwarded to the director, who shall 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;

- a. If trees are approved for removal, mitigation may include, but is not limited to: (i) replacement planting with particular tree species, sizes and numbers; (ii) payment towards the city's urban forestry fund for the appraised value of all trees removed from the site less the cost of installed trees, as determined by the director;
 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.
- B. Depending on the scope of the development, the director may require that prior to acceptance of subdivision improvements or final inspection, the developer shall submit to the director a final tree report to be performed by a certified 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 were not previously approved for removal but were in fact removed during construction, the developer shall pay a fine in the amount equal to the appraised value of the subject 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 greater of either \$5,000.00 or the appraised value for each tree required to be preserved, up to a maximum of \$100,000. The cash, bond or other security shall be retained for a period of one year following acceptance of the public improvements for the development or final inspection, as applicable, and shall be forfeited in an amount equal to the greater of either \$5,000.00 per tree or the appraised value of the tree as a civil penalty in the event that a tree or trees required to be preserved are removed, destroyed or disfigured. The director may allow for an early release all or a portion of such cash, bond or other security in director's reasonable discretion.
 - 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 consulting arborist.
 - E. Any decision by a city reviewing body under this section may be appealed pursuant to Chapter 18.144. (Ord. 2192 § 2, 2019; Ord. 2165 § 1, 2017; 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.

17.16.070

- F. Retain the services of a certified consulting arborist for periodic monitoring of the project site and the health of those trees to be preserved. The certified consulting arborist shall be present whenever activities occur which

17.38.140 Conflict of interest.

The following individuals are ineligible to purchase or rent a target unit: (A) city employees and officials who have policy making authority or influence regarding city housing programs, and their immediate family members; (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. 2082 § 2, 2013)

Chapter 17.40

AFFORDABLE HOUSING FEES

Sections:

- 17.40.010 Purpose.**
- 17.40.020 Definitions.**
- 17.40.030 Affordable housing fee required.**
- 17.40.040 Exemptions.**
- 17.40.050 Reduction of fee—Commercial, office or industrial project.**
- 17.40.060 Commercial, office or industrial projects—Construction of lower-income housing.**
- 17.40.070 Annual adjustment of the fee.**
- 17.40.080 Establishment of affordable housing fund.**
- 17.40.090 Use of affordable housing fund.**
- 17.40.100 Time of payment.**

17.40.010 Purpose.

An affordable housing fee (previously known as the lower-income housing fee) is established as set forth in this chapter in order to assist in meeting the affordable and moderate-income housing goals as established in the general plan. (Ord. 2192 § 2, 2019; Ord. 1488 § 1, 1990)

17.40.020 Definitions.

As used in this chapter:

“Commercial office or industrial development project” means any construction of a new commercial, office or industrial structure, the addition to any existing commercial, office or industrial structure, or the conversion of an existing commercial, office or industrial structure to a use classification capable of employing additional employees.

“Household of moderate-income” means a household comprised of those individual or families with incomes greater than 80 percent, but less than 120 percent, of the median family income for the Standard Metropolitan Statistical Area, defined as Alameda and Contra Costa Counties for a family of four persons, adjusted up or down for larger or smaller household sizes (PMSA Median).

“House of lower-income” means a household composed of those individuals or families with incomes no greater than 80 percent of the median family income for the Standard Metropolitan Statistical Area, defined as Alameda and Contra Costa Counties for a family of four persons, adjusted up or down for larger or smaller household sizes (PMSA Median).

“Lower-income housing units” means new or rehabilitated units to be used by households of lower-income for at least 25 years and the total housing cost for each unit shall not exceed 30 percent of household income.

“Moderate-income housing units” means new or rehabilitated units to be used by households of moderate-income for at least 25 years and the total housing cost for each unit shall not exceed 30 percent of household income.

“Rehabilitated unit” means any housing unit not meeting Uniform Building Code requirements for occupancy which is improved so as to meet those requirements.

“Residential development project” means the construction of a new housing unit. (Ord. 2192 § 2, 2019; Ord. 1488 § 1, 1990)

17.40.030 Affordable housing fee required.

- A. All residential and commercial office or industrial development projects not otherwise exempt shall pay a affordable housing fee as established by separate city council resolution and which fee shall be set forth in the city’s fees and charges appendix.

If additional floor area is constructed for, or converted to, commercial, industrial or office use, the fee shall be applicable only to the square footage of the floor area added or to that portion of the square footage of the floor area converted for which the fee has not been paid.

- B. The city council may adjust the fee in consideration of on-site programs promoting lower-income housing such as the dedication of land suitable for lower-income housing. (Ord. 2192 § 2, 2019; Ord. 1488 § 1, 1990)

17.40.040 Exemptions.

- A. The following are exempt from the affordable housing fee:
1. All units within a residential development project when the project has a minimum of 15 percent lower-income housing units;
 2. Those lower-income housing units in a residential development project with less than 15 percent lower-income housing units;
 3. Moderate-income housing units in residential development projects;
 4. Second units and accessory dwelling units as those terms are used in Section 65852.2 of the Government Code;
 5. Reconstruction or other new development on a site when such reconstruction replaces an equal number of square feet of floor area, as defined in the Uniform Building Code, when the use is similar, and when such reconstruction occurs within two years from the time the previous structure on the site was demolished;
 6. Churches.
- B. The project developer shall enter into a regulatory agreement with the city in order for a project to qualify for an exemption by the inclusion of lower-income or moderate-income housing units. (Ord. 2192 § 2, 2019; Ord. 1488 § 1, 1990)

17.40.050 Reduction of fee—Commercial, office or industrial project.

- A. The city council may reduce the required fee for a commercial, office or industrial development project when the project developer can demonstrate: (1) that the proposed use will generate substantially fewer workers than the uses which have established the fee; and (2) that the building design is unable to house another use without substantial renovation. Examples of such uses are public utility facilities, exclusive storage buildings, etc.
- B. In the event such buildings are renovated to house another use, the fee then applicable shall be due at that time.

17.40.060 Commercial, office or industrial projects—Construction of lower-income housing.

Commercial, office or industrial development projects may construct lower-income housing to fulfill the requirements of this chapter in accordance with this section.

- A. Lower-income housing proposed to offset the requirements of this chapter must be proposed in conjunction with the commercial, office or industrial development project which would give rise to the fee and must be approved by the city council in offsetting otherwise required affordable housing fees.
- B. For lower-income housing constructed on lands designated for other than residential development in the general plan as of the effective date of the ordinance codified in this chapter, the project developer shall be given a credit, for purposes of offsetting the affordable housing fee otherwise required, in an amount established by separate city council resolution and which credit amount shall be set forth in the city's fees and charges appendix.
- C. For lower-income housing constructed on lands designated for residential development in the general plan as of the effective date of the ordinance codified in this chapter, for each lower-income housing unit constructed beyond 15 percent of the residential development project, the project developer shall be given a credit for purposes of off-setting the affordable housing fee otherwise required, in an amount established by separate city council resolution and which credit amount shall be set forth in the city's fees and charges appendix.

17.40.070

- D. In the event the lower-income housing constructed by the developer of a commercial, office or industrial development project creates an offset of the affordable housing fee greater than the total fee required by the development project, the developer may apply the difference to other sites then owned by the developer. This transfer shall be so noted in the regulatory agreement accompanying the project. (Ord. 2192 § 2, 2019; Ord. 1488 § 1, 1990)

17.40.070 Annual adjustment of the fee.

The affordable housing fee shall annually be revised effective January 1st of each year, commencing on January 1, 1992, by the percentage increase or decrease in the Consumer Price Index for San Francisco/Oakland region. (Ord. 2192 § 2, 2019; Ord. 1488 § 1, 1990)

17.40.080 Establishment of affordable housing fund.

- A. All fees generated pursuant to this chapter shall be deposited into the affordable housing fund, and any property interest or other value contributed, including interest earned by the fund, shall be segregated and used exclusively for the purposes provided for herein.
- B. The city manager shall make a written annual report to the city council regarding the administration of the affordable housing fund, and shall present such annual report at a regular meeting of the city council.
- C. Pursuant to Government Code Section 66000, et seq., the city shall make findings once each fiscal year with respect to any portion of the fees remaining unexpended or uncommitted in its account five or more years after the deposit of the fees to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. The findings required by this section need only be made for moneys in the possession of the city and need not be made with respect to letters of credit, bonds or other instruments taken to secure payment of the fee at a future date.
- D. Any refunds shall be made pursuant to Government Code Section 66001. (Ord. 2192 § 2, 2019; Ord. 1488 § 1, 1990)

17.40.090 Use of affordable housing fund.

- A. Any moneys generated by this chapter shall be used in accordance with and in support of activities to implement the city's adopted housing element. Activities may include, but are not limited to, land acquisition, construction, rehabilitation, subsidization, and counseling or assistance to other governmental entities, private organizations, or individuals to expand housing opportunities to lower-income households.
- B. Moneys in the affordable housing fund may be disbursed, hypothecated, collateralized, or otherwise employed for the purposes set forth herein. These purposes include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, development loan funds, participation leases, loans to develop affordable housing or other public/private partnership arrangements. The affordable housing fund may be used for the benefit of both rental or owner-occupied housing.
- C. When the city uses affordable housing fund moneys to construct or assist in the construction of lower-income units, the city may establish the rules which will apply to occupancy of said units. It is the intention of this chapter and the general plan that such units be made available on a priority basis to Pleasanton residents and workers.
- D. The city council may use affordable housing fund moneys for moderate-income housing as determined necessary and desirable to meet general plan goals and policies. (Ord. 2192 § 2, 2019; Ord. 1488 § 1, 1990)

17.40.100 Time of payment.

Affordable housing fees shall be paid at the time of issuance of a building permit for the residential unit and/or for the commercial, office or industrial development project giving rise to the fee, unless otherwise determined by the city. (Ord. 2192 § 2, 2019; Ord. 1488 § 1, 1990)

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 17.48

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-

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

18.84.140 Height limits—Measurement.

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

18.84.150 Height limits—Exceptions.

- A. In a C-C, I-G, or Q district, the planning commission may permit structures exceeding the heights prescribed in Table 18.84.010 of this chapter, after finding that the city will be reequipped to provide adequate fire protection and that adjoining properties will not be adversely affected. A decision by the planning commission may be appealed to the city council as prescribed in Section 18.144.020 of this title.
- B. Towers, spires, cupolas, chimneys, penthouses, water tanks, fire towers, flagpoles, monuments, scenery lofts, and similar structures; residential radio and television aerials and antennas; receive-only antennas; and necessary mechanical equipment appurtenances covering not more than 10 percent of the ground area covered by the structure may be erected to a height of not more than 65 feet or not more than 25 feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less, with design review approval specified under Chapter 18.20 of this title.
- C. The height and location of commercial radio and television aerials, antennas, and transmission towers shall be subject to design review approval specified under Chapter 18.20 of this title, and shall be based on a visual analysis demonstrating that views of the aerial/antenna/tower are minimized or are substantially screened from residential land uses, the I-580 and/or I-680 rights-of-way, or other sensitive land uses such as parks, schools, or major streets, and shall be based on an engineering analysis justifying the height of the proposed aerial/antenna/tower.
Any parabolic dish mounted on the aerial/antenna/tower shall be less than two feet in diameter. The base of the aerial/antenna/tower and any switching facility located at the base that is visible to the public shall be architecturally treated and/or screened from view utilizing on- and/or off-site vegetation or other approved screening mechanism.
- D. Wire-carrying power distribution poles and transmission towers and communication poles located in any zoning district shall not be subject to the height limits prescribed in the district regulations.
- E. In the R-1 district and the RM district, second units located above a garage may exceed the 15-foot height limit for accessory structures. Second units constructed above a detached garage in those districts may not exceed 25 feet in height as measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure. (Ord. 2080 § 2, 2013; Ord. 1821 § 1, 2001; Ord. 1743, 1998; Ord. 1600 § 2, 1993; prior code § 2-5.43(2))

18.84.160 Accessory structures—Location and yards.

- A. In an R district, Class I and Class II accessory structures may be located in a required rear yard or a required interior side yard within 35 feet of the rear lot line, provided that the distances to lot lines shall not be less than prescribed in Section 18.84.010 of this chapter, except that Class II accessory structures may be constructed to the property line, but not attached to the fence, and provided that in the aggregate no more than 500 square feet or 10 percent of the area of the required rear yard, whichever is greater, shall be covered by structures other than ga-

rages or carports in an RM-2,500, RM-2,000 or RM-1,500 district. Accessory structures located in required side or rear yards shall not be closer to a main structure or any other accessory structure than the distance prescribed in Section 18.84.100 of this chapter. The minimum distance between an accessory structure containing a habitable room and a side or rear lot line shall be the same as the minimum required side yard for a main structure on the same site.

- B. An accessory structure located not closer to a property line than the distance required for a main structure on the same site may adjoin or may be separated from a main structure, provided that if directly opposite walls in either structure have a main entrance to a dwelling unit or a window opening into a habitable room, the space between the structures shall be as prescribed in Section 18.84.100 of this chapter.
- C. No accessory structure shall be located either within a front yard or, unless adequately screened from view from the street as determined by the zoning administrator within the area between the front yard and the front of a structure in an R district.
- D. Swimming pools shall comply with the applicable Class II accessory structure regulations of this title and in addition shall be subject to the requirements of Chapter 20.55 of this code.
- E. Accessory dwelling units shall comply with the regulations in Chapter 18.106 of this title.
- F. Accessory structures exceeding 10 feet in height shall be subject to design review pursuant to Section 18.20.010 of this title.
- G. Location Standards for Pools and Spas.
 - 1. Pool water line shall not encroach into a required front yard or be placed closer than five feet to a rear or interior side property line or 10 feet to a street side property line, except that the pool water line for cord-connected, aboveground (portable) spas shall not encroach into a required front yard or be placed closer than three feet to a rear or interior side property line or 10 feet to a street side property line.
 - 2. Pool walls placed closer than five feet to a structure shall require investigation and written approval by a licensed civil engineer. A copy of this investigation and approval shall be furnished to the administrative authority prior to issuance of a pool permit.
 - 3. Pool equipment may be located within the boundaries of the site in which the pool is located without regard to setback except that equipment shall not be located within required front yards nor within the required side yard of the street side of a corner lot unless said equipment is located on the interior side of a fence as allowed in conformance with Title 18 of this code of the city. Where pool equipment is located within a required side yard adjacent to a main structure, a minimum three-foot clearance shall be maintained between said equipment installation and the corresponding side property line. (Ord. 2192 § 2, 2019; Ord. 2161 § 1, 2017; Ord. 2038 § 1, 2012; Ord. 1812, 2000; Ord. 1656 § 1, 1995; Ord. 1150 § 1, 1984; prior code § 2-5.44)

18.84.170 Usable open space.

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

for the district in which the facility is located, whichever is less. Amateur radio facilities on private property are subject to design review as provided in Section 18.20.040(B)(2) of this title.

2. Amateur (including ham and shortwave) radio facilities on public property provided:
 - a. The facilities do not exceed 65 feet in height or are not more than 25 feet above the height limit prescribed by the regulations for the district in which the facilities are located, whichever is less;
 - b. The facilities provide emergency communication backup services for the city;
 - c. The facilities are officially recognized and approved by the city's emergency preparedness officer, fire chief, or community development director and operations services director;
 - d. Amateur radio facilities are prohibited on public property in any zoning district unless the facility meets the requirements of this section.
 3. Personal wireless service facilities which are not licensed by the Federal Communications Commission and are determined by the zoning administrator to have little or no adverse visual impact.
 4. Direct-to-home satellite services.
 5. Personal wireless service facilities used only by the city, hospitals, and ambulance services in emergencies or for the protection and promotion of the public health, safety, and general welfare.
 6. Any personal wireless service facility located on land owned by one of the public entities listed below and operated for the public entity's public purpose only and not for commercial reasons:
 - a. The United States of America or any of its agencies;
 - b. The state or any of its agencies or political subdivisions not required by state law to comply with local zoning ordinances;
 - c. Any other city (other than the city of Pleasanton), county, or special district;
 - d. The Pleasanton unified school district.
- B. Special Provisions for Small Wireless Facilities. Notwithstanding any other provision of this chapter as provided herein, all small wireless facilities as defined by the FCC in 47 C.F.R. Section 1.6002(l), as may be amended or superseded, are subject to a permit as specified in city council policy, *Small Wireless Facilities*, which is adopted and may be amended by city council resolution. All small wireless facilities shall comply with the policy on small wireless facilities. In the event that the FCC Order adopting said regulations is invalidated by a court of competent jurisdiction or repealed and not replaced, the provisions in this chapter shall control over the policy on small wireless facilities. (Ord. 2188 § 3, 2019; (Ord. 2086 § 2, 2014; Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.020 Notice and approval process.

- A. All personal wireless service facilities shall be subject to design review approval by the zoning administrator as provided in Chapter 18.20 of this title. The zoning administrator, upon making a finding that the proposed personal wireless service facility meets all applicable provisions of this chapter, shall approve or conditionally approve the design review application for the personal wireless service facility. The zoning administrator may refer any personal wireless service application to the planning commission for review and action.
- B. All property owners within 300 feet of a property on which a personal wireless service facility is proposed shall be notified of the personal wireless service facility application by mail. Notice is not required where a facility will be concealed as described in Section 18.110.050. Public hearings can be requested as provided in Section 18.20.040(B)(2) of this title. (Ord. 2169 § 1, 2017; Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.030 Revocation of approval.

- A. If the zoning administrator finds that a use is not in compliance with this chapter, that conditions of approval have not been fulfilled, or that there is a compelling public necessity, the zoning administrator shall notify the personal wireless service facility provider of the same, in writing, and state the actions necessary to cure. After 30 days from the date of notification, if the use is not brought into compliance with this chapter, the conditions of ap-

proval have not been fulfilled, or there is still a compelling public necessity, the zoning administrator shall refer the use to the planning commission for review. Such reviews shall occur at a noticed public hearing where the personal wireless service provider may present relevant evidence. If, upon such review, the commission finds that any of the above has occurred, the commission may modify or revoke all approvals and/or permits.

- B. The terms of this section shall not apply to preexisting legal nonconforming personal wireless service facilities which are subject to Section 18.110.250 of this chapter. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.040 Submittals.

- A. For all proposed personal wireless service facilities, the personal wireless service provider shall provide the following to the zoning administrator:
1. A completed design review application which includes the signature of the personal wireless service provider and the property owner.
 2. All applicable fees including deposit fees for peer review. The zoning administrator is authorized at his or her discretion to employ on behalf of the city an independent technical expert to review any materials submitted by the applicant and to provide an analysis of issues including but not limited to, whether the wireless facility meets the emission standards set forth by the Federal Communications Commission, whether a significant gap in coverage exists, whether there are alternative sites and the feasibility of those sites, whether there are ways to mitigate aesthetic impacts. The applicant shall pay all costs of the peer review consultant and shall submit a deposit for peer and staff review.
 3. Site plan, landscape plan, and elevations drawn to scale. The elevation drawings shall include all buildings on which the personal wireless service facilities are proposed to be located.
 4. Cross-sections and floor plans, drawn to scale, if an antenna is proposed to be façade- or roof-mounted.
 5. Before and after photo-simulations and elevation drawings showing the height, design, color, and location of the proposed facility as viewed from public places and if requested by the zoning administrator, from private properties.
 6. Proposed means of establishing and maintaining maximum visual screening of facilities which includes submitting sample exterior materials and colors of towers, antennas, and accessory structures (such as equipment cabinets and structures), landscaping, and security fences.
 7. The number, type, and dimensions of antennas, equipment cabinets, and related facilities proposed for use by the personal wireless service provider. If an applicant is proposing an emergency standby generator, include the unit's dimensions and specifications including noise emission levels.
 8. A report from a structural engineer, licensed by the state, regarding the number and type of antennas that a proposed or existing structure is designed to support.
 9. Justification of why the proposed height and visual impact of the personal wireless service facility cannot be reduced on the proposed site.
 10. A letter, including service area maps and other information demonstrating that the proposed location is essential for the personal wireless service provider to fulfill a significant gap in coverage needs. A map based on drive tests (or similar engineering data) at the proposed site and its vicinity showing the estimated coverage area for the proposed personal wireless service facility. As used herein, drive tests are field tests to demonstrate the coverage of a proposed antenna in which one person holds a transmitter at the proposed site and another drives away from the site with a receiver to determine the outer perimeter of the radio signals that can be transmitted from the site.
 11. A letter explaining the site selection process including information about three other sites which could service the same or similar coverage area and the reasons for their rejection, provided that three such alternatives exist and are reasonably available for the provider's use in the coverage area.
 12. A letter demonstrating whether the facility could be co-located, where that co-located antennas and equipment could be placed, and how that future facility may look.

13. A letter which states the personal wireless service provider's commitment to allow other personal wireless service providers to co-locate antennas on their proposed facilities wherever structurally and technically feasible, and to provide at any time additional information, as requested by the zoning administrator, to aid in determining whether or not another personal wireless service provider could co-locate on/near their facilities if approved.
14. A letter certifying that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to radio frequency (RF) emissions as required by the FCC. The letter must include

18.124.040 Application—Hearing.

The planning commission shall hold at least one public hearing on each application for a use permit. The hearing shall be set and notice shall be given as prescribed in Section 18.12.040 of this title. At the public hearing the commission shall review the application and the drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 18.124.070 of this article. (Ord. 1812, 2000; prior code § 2-11.05)

18.124.050 Investigation and report.

The zoning administrator shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the city planning commission and made available to the applicant prior to the public hearing. (Prior code § 2-11.06)

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 the zoning ordinance 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. (Ord. 2165 § 1, 2017; 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.
 - 1. A property owner or tenant (the “applicant”) seeking to operate pursuant to a use permit that has lapsed for twenty-four months or less may make a written application to the zoning administrator for relief of this lapse provision by: paying the conditional use permit application fee; and demonstrating that:
 - a. The use will be operated in a substantially similar manner as provided in the use permit and historic operations;
 - b. There has been no change in circumstances under which the use would operate that would create new or increased impacts to nearby uses and persons;
 - c. The property owner or tenant have been taking reasonable efforts to reestablish the use but have been unable to do so due to circumstances beyond their control or other good cause; and
 - d. The operation of the use would qualify as a Class 1 Categorical Exemption under the California Environmental Quality Act pursuant to 14 CCR 15301 Existing Facilities, as amended.
 - 2. The zoning administrator may require that the applicant provide supplemental information.
 - 3. After receipt of a complete application, the zoning administrator will issue a written decision within 30 days. A summary of the decision will be mailed to the owners and tenants of property within 300 feet of the site.
 - 4. The decision of the zoning administrator shall not be effective for 15 days following the date of the decision, and during which time the decision is subject to appeal as provided in Chapter 18.144. (Ord. 2192 § 2, 2019; 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)

18.124.140 Denial—New application.

Following the denial of a use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the use permit. (Prior code § 2-11.15)

18.124.150 Use permit to run with land.

A use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application. (Prior code § 2-11.16)

18.124.160 Application with zoning reclassification.

Application for a use permit may be made at the same time as application for a change in district boundaries including the same property, in which case the planning commission shall hold the public hearing on the zoning reclassification and the use permit at the same meeting and may combine the two hearings. For the purposes of this section, the date of the commission decision on the use permit application shall be deemed to be the same as the date of enactment by the city council of an ordinance changing the district boundaries, provided that if the council modifies a recommendation of the commission on a zoning reclassification, the use permit application shall be reconsidered by the commission in the same manner as a new application. (Prior code § 2-11.17)

18.124.170 Temporary use permit.

Use permits for specified temporary conditional uses may be granted by the zoning administrator provided that the findings required by Section 18.124.070 shall be made. No public hearing shall be held unless the zoning administrator shall request a hearing. A permit for a temporary use shall authorize conduct of the use for a specified term as determined by the zoning administrator, provided that a permit for a subdivision sales office, reverse vending machines or other small recycling collection facilities, or a temporary construction yard or office may be for a period not to exceed one year. A decision of the zoning administrator on a temporary conditional use shall be subject to appeal as prescribed in Section 18.144.050 relating to administrative appeal procedure. (Ord. 2155 § 3, 2017; Ord. 2065 § 1, 2013; prior code § 2-11.18)

18.124.175 Temporary use permit for small recycling collection facilities.

- A. Reverse vending machines and other small recycling collection facilities may be allowed in the zoning districts shown in Table 9.22.030 (Permits Required for Recycling Facilities by Zoning District) of this code upon the granting of a conditional use permit pursuant to the following requirements:
1. Application to install a reverse vending machine(s) or a small collection facility shall be made with the zoning administrator, including any fee established heretofore, and shall include a site plan, elevations and such other information as established in Section 9.22.060 (Criteria And Design Standards) of this code and determined as necessary by the zoning administrator to enable the application to be reviewed.
 2. The zoning administrator will review the application for conformance with Section 9.22.060 of this code and may approve, conditionally approve or deny the application. No application shall be approved, as applied for or conditioned, unless the zoning administrator finds that:
 - a. The proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located;
 - b. 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; and
 - c. That the proposed conditional use will comply with each of the applicable provisions of this chapter.
 3. Temporary conditional use permits for reverse vending machines or other small recycling collection facilities are valid for a period of 12 months from the date of approval and may be renewed prior to expiration upon the submittal of a new application and fee to the zoning administrator, who will review the application for continuing compliance with the purposes of this chapter and of Chapter 9.22 (Recycling) of this code.
 4. Any action of the zoning administrator may be appealed to the planning commission by any affected party pursuant to the requirements of Chapter 18.144 (Appeals) of this title. (Ord. 2155 § 3, 2017; Ord. 1354 § 8, 1988)

18.124.180 Design review.

All conditional 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. (Prior code § 2-11.19)

Article II. Minor Conditional Use Permits

18.124.190 Purpose—Authorization.

In order to give each district the flexibility necessary to achieve the objectives of this chapter, in certain districts conditional uses are permitted, subject to the granting of a minor conditional use permit. These uses are less routine than permitted uses, and require special consideration so that they may be located properly with respect to the objectives of this title, and with respect to their effects on surrounding properties, but do not necessarily warrant review by the planning commission. In order to achieve these purposes, the zoning administrator is empowered to grant and to deny applications for minor conditional use permits for such conditional uses in such districts as are prescribed in the district regulations and to impose reasonable conditions upon the granting of minor use permits, subject to the right of appeal to the planning commission and/or city council, or to review by the planning commission and/or council. The zoning administrator may refer a minor conditional use permit to the planning commission for review and action if deemed to be controversial or complex in nature. (Ord. 2155 § 3, 2017)

18.124.200 Application—Required data and maps.

Application for a minor conditional use permit shall be filed with the zoning administrator on a form prescribed by the director of community development and shall include the following data and maps:

- A. Name and address of the applicant;
- B. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the use is proposed to be located;
- C. Address or description of the property;
- D. Statement indicating the precise manner of compliance with each of the applicable provisions of this chapter, together with any other data pertinent to the performance standards and findings prerequisite to the granting of a use permit, prescribed in Section 18.124.240 of this article;
- E. An accurate scale drawing of the site and the surrounding area showing existing streets and property lines for a distance from each boundary of the site determined by the zoning administrator to be necessary to illustrate the relationship to and impact on the surrounding area;
- F. An accurate scale drawing of the site showing the contours at intervals of not more than five feet and existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities, landscaped areas, trees, fences, and walls;
- G. The zoning administrator may require additional information, plans and drawings if they are necessary to determine whether the proposed use will comply with all of the applicable provisions of this chapter. The zoning administrator may authorize omission of any or all of the plans and drawings required by this section if they are not necessary. (Ord. 2155 § 3, 2017)

18.124.210 Application—Fee.

The application shall be accompanied by a fee established by resolution of the city council to cover the cost of handling the application as prescribed in this chapter. (Ord. 2155 § 3, 2017)

18.124.220 Notice.

No less than 10 days prior to the date on which the decision will be made on the application, the city shall give notice of the proposed minor conditional use permit to all property owners and occupants shown on the last equalized assessment roll as owning real property within 300 feet of the exterior boundaries of the property on which the minor conditional use permit is proposed. If within 10 days of mailing such notice, the zoning administrator receives a request for a hearing, the zoning administrator shall schedule an administrative hearing when practically feasible. Either administratively, if no hearing is requested, or after conducting the administrative hearing, the zoning administrator shall approve, conditionally approve, or disapprove the application. For a minor conditional use permit that is either appealed

by the applicant or by any other person as prescribed in Section 18.144.020 of this title, or elected for review by planning commission and/or city council as identified in Section 18.124.250 of this chapter, the city shall give notice of the proposed minor conditional use permit to all property owners and occupants shown on the last equalized assessment roll as owning real property within 1,000 feet of the exterior boundaries of the property on which the minor conditional use permit is proposed. (Ord. 2155 § 3, 2017)

18.124.230 Action of zoning administrator.

Any action of the zoning administrator is subject to the appeal provisions in Chapter 18.144. (Ord. 2155 § 3, 2017)

18.124.240 Performance standards and findings.

A use approved for a minor conditional use permit shall meet the following performance standards:

- A. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;
- B. Adequate parking is available for the use, and the proposal has an effective traffic circulation system including pick-up and drop-off for business patrons; and
- C. The use meets the requirements of the city's noise ordinance.

The zoning administrator may request a traffic study, noise study, or other professional study in order to determine whether the proposed use meets the above performance standards.

The zoning administrator shall make the following findings before granting a minor conditional use permit:

- A. That the proposed location of the minor conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located;
- B. That the proposed location of the minor 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 minor conditional use will comply with each of the applicable provisions of this chapter. (Ord. 2165 § 1, 2017; Ord. 2155 § 3, 2017)

18.124.250 Effective date of minor conditional use permit.

Within 10 days following the date of a decision of the zoning administrator on a minor conditional use permit application, the secretary shall transmit written notice of the decision to the planning commission, city council, and to the applicant. A minor conditional 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 submitted, or unless the planning commission and/or council has elected to review the decision of the zoning administrator. A minor conditional use permit shall become effective immediately after it is granted by the council. (Ord. 2155 § 3, 2017)

18.124.260 Review or appeal.

The planning commission or city council may elect to review a decision of the zoning administrator 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. (Ord. 2155 § 3, 2017)

18.124.270 Lapse of use permit.

- A. A minor conditional use permit shall lapse and shall become void one year following the date on which the minor conditional 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 minor conditional 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.
1. A property owner or tenant (the “applicant”) seeking to operate pursuant to a minor conditional use permit that has lapsed for twenty-four months or less may make a written application to the zoning administrator for relief of this lapse provision by: paying the minor conditional use permit application fee; and demonstrating that:
 - a. The use will be operated in a substantially similar manner as provided in the minor conditional use permit and historic operations;
 - b. There has been no change in circumstances under which the use would operate that would create new or increased impacts to nearby uses and persons;
 - c. The property owner or tenant have been taking reasonable efforts to reestablish the use but have been unable to do so due to circumstances beyond their control or other good cause; and
 - d. The operation of the use would qualify as a Class 1 Categorical Exemption under the California Environmental Quality Act pursuant to 14 CCR 15301 Existing Facilities, as amended.
 2. The zoning administrator may require that the applicant provide supplemental information.
 3. After receipt of a complete application, the zoning administrator will issue a written decision within 30 days. A summary of the decision will be mailed to the owners and tenants of property within 300 feet of the site.
 4. The decision of the zoning administrator shall not be effective for 15 days following the date of the decision, and during which time the decision is subject to appeal as provided in Chapter 18.144. (Ord. 2192 § 2, 2019; Ord. 2165 § 1, 2017; Ord. 2155 § 3, 2017)

18.124.280 Modification, suspension or revocation.

Upon violation of any applicable provision of this chapter, or, if granted subject to conditions, upon failure to comply with conditions, a minor conditional use permit shall be subject to modification, suspension, or revocation. The planning commission shall hold a public hearing within a reasonable time to consider such modification, 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 modify, 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 modifying, 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 minor conditional 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. 2155 § 3, 2017)

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 2019, and will be periodically updated by Quality Code Publishing as statutes are revised.

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STATUTORY REFERENCES

General Provisions

Administrative fines and penalties

Gov't Code § 53069.4

Alternative forms of government

*Gov't Code §§ 34851—34906***

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't Code §§ 34100—34102

Code adoption

Gov't Code §§ 50022.1—50022.10

Conflict of interest code

Gov't Code §§ 87100—87505

Elections

Elec. Code §§ 1301, 9200—9226 and 10100—10312

Gov't Code §§ 34050 and 36503

Expedited judicial review of First Amendment cases

Code of Civ. Proc. § 1094.8

False petitions

Gov't Code § 34093

General powers

Cal. Const. Art. XI § 7

Gov't Code § 37100 et seq.

Imprisonment

Gov't Code §§ 36901—36904

Initiative and referendum

Cal. Const. Art. XI § 7.5

Elections Code §§ 9200 et seq., and 9235 et seq.

Inspection of public records

Gov't Code § 6253

Judicial review of city decisions

Code of Civ. Proc. § 1094.6

Ordinances

Gov't Code §§ 36900—36937

Penalties for ordinance violations

Gov't Code §§ 36900 and 36901

Police power

Cal. Const. Art. XI § 7

Procedure for enactment or revision of city charters

*Gov't Code § 34450 et seq.**

Administration and Personnel

Chief of police

*Gov't Code § 41601 et seq.***

City assessor

*Gov't Code § 41201 et seq.***

City attorney

*Gov't Code § 41801 et seq.***

City clerk

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City manager

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City officers generally

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City records

Gov't Code §§ 34090—34090.7

City treasurer

*Gov't Code § 41001 et seq.***

Election of legislative body by districts

Gov't Code § 34870 et seq.

Elective mayor

*Gov't Code § 34900 et seq.***

The California Emergency Services Act

Gov't Code §§ 8550—8668

* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

Fire department
Gov't Code § 38611

Legislative body
Gov't Code § 36801 et seq.

Local emergencies
Gov't Code § 8630 et seq.

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Gov't Code § 65100 et seq.

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*Gov't Code §§ 36801—36803 and 40601 et seq.***

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Gov't Code § 54950 et seq.

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Penal Code §§ 13500—13553

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Gov't Code § 45000 et seq.

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Gov't Code §§ 45300—45345 and 53060.1

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Bradley-Burns Uniform Local Sales and Use Tax Law
Gov't Code § 37101
Rev. & Tax. Code § 7200 et seq.

Chartered city special assessment procedure
*Gov't Code § 43240**

Claims against public entities
Gov't Code §§ 900—935.9

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Pub. Cont. Code §§ 20100—20929

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Gov't Code § 66000 et seq.

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Gov't Code § 52200.6(c)

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*Gov't Code § 43120**

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Gov't Code § 43000 et seq.

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Rev. & Tax. Code §§ 11901—11935

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*Gov't Code §§ 51500 et seq., and 51540 et seq.**

Transient occupancy tax
Rev. & Tax. Code § 7280 et seq.

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Civil Code § 2081 et seq.

Uniform Public Construction Cost Accounting Act (Bidding on public contracts)
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Business Licenses, Taxes and Regulations

Alcoholic beverages – no limitation on local authority
Bus. & Prof. Code §§ 23399.5(c)(5) and 23790.5—23791

* Applicable solely to chartered cities.
 ** May not be applicable to chartered cities.

STATUTORY REFERENCES

Authority to license businesses

Bus. & Prof. Code § 16000 et seq.

Gov't Code § 37101

Automatic checkout systems

Civil Code § 7100 et seq.

Bingo

Penal Code § 326.5

Charitable solicitations

Bus. & Prof. Code § 17510 et seq.

Commercial filming

Gov't Code § 65850.1

Community antenna television systems

Gov't Code §§ 53066—53066.5

Gambling Control Act

Bus. & Prof. Code §§ 19800—19987

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Gov't Code § 51030 et seq.

Pet boarding facilities

Health & Safety Code § 122388

Private Investigator Act

Bus. & Prof. Code §§ 7512—7573.5

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Vehicle Code §§ 16500 et seq., 21100(b) and 21112

Gov't Code § 53075.5

Animals

Animals generally

Food & Agric. Code §§ 16301—16461

Cruelty to animals

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Food & Agric. Code §§ 31601—31683

Dogs and dog licenses

Food & Agric. Code § 30501 et seq.

Gov't Code § 38792

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Health and Safety

Delinquent garbage fees

Gov't Code § 38790.1

Fire prevention

Health & Safety Code § 13000 et seq.

Fireworks generally

Health & Safety Code § 12500 et seq.

Fireworks permits

Health & Safety Code § 12640 et seq.

Garbage and refuse collection and disposal

Gov't Code § 38790

Pub. Res. Code §§ 49123(b), 49300, and 49400

Graffiti abatement

Gov't Code §§ 38772 and 53069.3

Hospitals

Gov't Code §§ 37600—37660

Littering

Penal Code § 374

Noise control

Gov't Code § 65302(f)

Health & Safety Code §§ 46000—46080

Nuisance abatement

Gov't Code § 38771 et seq.

Penal Code §§ 370—372 and 373a

Weed control

Gov't Code §§ 39501—39502

Medical cannabis

Health & Safety Code § 11362.83

* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

Single user restrooms
Health & Safety Code § 118600

Public Peace, Morals and Welfare

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Penal Code §§ 450—593g

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Penal Code § 369(a) et seq.

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Penal Code §§ 92—186.36

Crimes against the person
Penal Code §§ 187—248

Crimes against the person involving sexual assault
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Penal Code §§ 261—368.7

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Penal Code § 403 et seq.

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Penal Code § 25140(f)

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Penal Code § 858(b)

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*Penal Code §§ 12001 et seq., 17500—19405,
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*Vehicle Code §§ 21100(h), 21206 and 39000
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Vehicle Code § 40000.1 et seq.

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Traffic signs, signals and markings
Vehicle Code §§ 21350—21468

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Vehicle Code § 22100 et seq.

Vehicle weight limits
Vehicle Code § 35700 et seq.

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*Bus. & Prof. Code §§ 5230, 5231 and 5440 et
seq.*

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Str. & Hwys. Code §§ 5870—5895.54

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Str. & Hwys. Code §§ 5000—6794

Landscaping and Lighting Act of 1972
Str. & Hwys. Code §§ 22500—22679

Municipal parks
Pub. Res. Code § 5181 et seq.

Obstructions and encroachments of public ways
Gov't Code § 38775

* Applicable solely to chartered cities.

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STATUTORY REFERENCES

Tree Planting Act of 1931

Str. & Hwys. Code §§ 22000—22202

Underground utility districts

Gov't Code § 38793

Str. & Hwys. Code § 5896.1 et seq.

Public Services

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Gov't Code § 66013

Municipal sewers

Gov't Code § 38900 et seq.

Health & Safety Code § 5470 et seq.

Municipal water systems

Gov't Code § 38730 et seq.

Water wells

Water Code §§ 13700—13808.8

Inventory of known lead user service line

Health & Safety Code § 116885

Buildings and Construction

Adoption of construction codes

Health & Safety Code §§ 17922, 17958 and 17958.5

Authority to regulate buildings and construction

Gov't Code §§ 38601(b) and 38660

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Code of Civ. Proc. § 1822.50 et seq.

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Health & Safety Code §§ 18200—18700

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Gov't Code §§ 38774 and 65850(b)

Bus. & Prof. Code § 5229 et seq.

State Housing Law

Health & Safety Code §§ 17910—17998.3

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Subdivision Map Act

Gov't Code §§ 66410—66499.38

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Health & Safety Code § 1597.30 et seq.

Local authority to regulate land use

Gov't Code § 65850

Local planning generally (“Planning and Zoning Law”)

Gov't Code §§ 65000—66499.58

Local zoning administration

Gov't Code § 65900 et seq.

Open-space zoning

Gov't Code § 65910 et seq.

Zoning fees and charges

Gov't Code § 66014

Environmental Protection

The California Environmental Quality Act

Pub. Res. Code §§ 21000—21189.57

The California Noise Control Act of 1973

Gov't Code § 65302(f)

Health & Safety Code §§ 46000—46080

Online resource center for stormwater permit compliance

Water Code § 13383.9

Ordinance regarding installation of drought tolerant landscaping

Gov't Code § 53087.7

Wildfire mitigation

Pub. Util. Code § 8387

* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

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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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	Repealed by 2192
2-4.27	Based on Sec. 3, Ord. 439	Repealed by 2192
2-4.28	Based on Sec. 4, Ord. 439, amended by Secs. 1 and 11, Ord. 556, and by Ords. 680 and 787	Repealed by 2192
2-4.29	Based on Ord. 439	Repealed by 2192
2-4.30	Based on Ord. 439	Repealed by 2192
2-4.31	Based on Ord. 680	Repealed by 2192
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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1338	(Not sent)
1339	(Not sent)
1340	Amends table 18.44.090, zoning (18.44)
1341	Adds § 9.04.035, noise (9.04)
1342	Adds Ch. 11.54, skateboards (11.54)
1343	(Not sent)
1344	(Not sent)
1345	(Not sent)
1346	Adds § 18.08.028; amends Table 18.44.090, zoning (18.08, 18.44)
1347	(Not sent)
1348	(Not sent)
1349	(Not sent)
1350	(Not sent)
1351	(Not sent)
1352	Repeals §§ 2.04.020 and 2.04.030 (Repealer)
1353	(Not sent)
1354	Adds Ch. 9.22, recycling, and §§ 18.08.326, 18.08.327, 18.08.328, 18.08.329, 18.20.060C and 18.124.175; Amends §§ 18.44.090, 18.48.180, 18.48.190 and 18.48.200, zoning (9.22, 18.08, 18.44, 18.124)
1355	(Not sent)
1356	Adds § 9.04.045, noise regulations (Repealed by 2177)
1357	Adds Ch. 2.34, library commission (2.34)
1358	(Not sent)
1359	(Not sent)
1360	(Not sent)
1361	(Not sent)
1362	Adds § 18.96.030(I), zoning, and amends § 13.04.020, encroachments (13.04, 18.96)
1363	(Not sent)
1364	Adds §§ 20.08.080 and 20.08.085, building code (Repealed by 1669)
1365	Amends § 3.28.010(I), purchasing (3.28)
1366	Adds § 17.36.170F, growth management program (Repealed by 1729)
1367	(Not sent)
1368	(Not sent)
1369	(Not sent)
1370	Amends Ch. 19.44, dedications (Repealed by 2192)
1371	Amends § 11.48.120, commercial vehicle regulations (11.48)
1372	(Not sent)
1373	(Not sent)
1374	Repeals and replaces Ch. 17.08, flood damage prevention (17.08)
1375	Amends § 11.20.010 and 11.20.020, speed limits (Repealed by 1875)
1376	Adds Ch. 11.38, residential permit parking (11.38)
1377	(Not sent)
1378	Adds § 17.36.170F and 17.36.185 and amends § 17.36.180A, growth management program (Repealed by 1729)
1379	Amends § 18.44.090, zoning (18.44)
1380	(Not sent)
1381	Amends § 11.20.010 and 11.20.020, speed limits (Repealed by 1875)
1382	(Not sent)
1383	(Not sent)
1384	Adds § 9.04.045C, noise regulations (Repealed by 2177)

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1385	Amends references to technical codes in Chs. 20.04, 20.08, 20.12, 20.16, 20.20, 20.24, 20.28 and 20.32, building construction (20.28)
1386	(Not sent)
1387	Repeals Ch. 6.12 and Ords. 554 and 953 (Repealer)
1388	(Not sent)
1389	(Not sent)
1390	Amends § 18.44.090, zoning (18.44)
1391	(Not sent)
1392	Amends § 11.20.010, speed limits (Repealed by 1875)
1393	Amends §§ 3.24.050, 20.16.030, 20.16.040, 20.16.050, 20.16.060, 20.16.070, 20.16.090, 20.20.030, 20.20.040, 20.20.050, 20.20.060, 20.20.070, 20.20.090, 20.36.040, 20.36.050 and 20.40.030, building inspection department (3.24, 20.36)
1394	Amends § 18.44.090, zoning (18.44)
1395	(Not sent)
1396	Amends §§ 18.74.100 and 18.74.130, zoning (18.74)
1397	Amends § 15.20.180B, sewerage rates, fees, charges (15.20)
1398	(Not sent)
1399	(Not sent)
1400	(Not sent)
1401	(Not sent)
1402	(Not sent)
1403	Amends § 17.36.160A, tree preservation (Repealed by 1729)
1404	(Not sent)
1405	(Not sent)
1406	(Not sent)
1407	(Not sent)
1408	(Not sent)
1409	(Not sent)
1410	Repeals and replaces Ch. 18.20, design review board (18.20)
1411	(Not sent)
1412	(Not sent)
1413	Amends § 17.36.160A, tree preservation (Repealed by 1729)
1414	Amends § 20.08.050, automatic fire extinguishing systems (Repealed by 1669)
1415	(Not sent)
1416	(Not sent)
1417	(Not sent)
1418	Amends §§ 2.28.020, 2.32.010, 2.32.020, 2.34.020 and 2.36.030F, administration and personnel (2.28, 2.32, 2.34, 2.36)
1419	(Not sent)
1420	(Not sent)
1421	(Not sent)
1422	Adds § 2.04.020 and renumbers § 2.04.040 to be § 2.04.030, city council (2.04)
1423	(Not sent)
1424	(Not sent)
1425	Amends §§ 18.12.020, 18.12.070 and 18.12.080, zoning (18.12)
1426	Amends § 15.20.180, sewerage rates, fees, charges (15.20)
1427	(Not sent)
1428	Amends §§ 7.16.010 and 7.36.030, animals, and repeals and replaces Ch. 13.08, parks and recreation facilities (7.16, 7.36, 13.08)
1429	Amends § 11.20.010, speed limits (Repealed by 1875)

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1524	Adds Ch. 2.48; professional services firms list (2.48)
1525	Amends § 11.20.010; speed limits (Repealed by 1875)
1526	Amends §§ 11.40.010, 11.40.100; abandoned vehicles (11.40)
1527	(Not sent)
1528	(Not sent)
1529	Adds Ch. 9.32; restrictions on accessibility to cigarettes and other tobacco products (9.32)
1530	(Not sent)
1531	(Not sent)
1532	(Not sent)
1533	(Not sent)
1534	(Not sent)
1535	Amends § 15.20.180; sewer rates and charges (15.20)
1536	Amends §§ 2.48.020, 2.48.030, 2.48.050, 2.48.060; professional services firms (2.48)
1537	Amends § 3.32.020; notification to local firms (3.32)
1538	Amends § 17.36.230; growth management approval (Repealed by 1729)
1539	(Not sent)
1540	(Not sent)
1541	(Not sent)
1542	Amends § 20.08.045; fire retardant roofing materials (Repealed by 1669)
1543	(Not sent)
1544	(Not sent)
1545	Amends § 17.36.230; growth management approval (Repealed by 1729)
1546	Amends §§ 11.20.010, 11.20.020; speed limits (Repealed by 1875)
1547	(Not sent)
1548	Amends § 9.24.060; optional smoking areas (9.24)
1549	(Not sent)
1550	Amends §§ 5.04.010, 5.08.020, 5.08.030, 5.08.040, 5.08.050, 5.08.080, 5.08.090, 5.08.100, 5.12.010, 5.12.030, 5.20.010, 5.20.020, 5.20.030, 5.24.010, 5.24.040; business licensing and taxation (5.04, 5.08, 5.12, 5.20, 5.24)
1551	(Not sent)
1552	Adds § 10.08.020; consumption of alcoholic beverages by minors on private property (Repealed by 1878)
1553	(Not sent)
1554	(Not sent)
1555	(Not sent)
1556	(Not sent)
1557	(Not sent)
1558	(Not sent)
1559	(Not sent)
1560	Amends § 9.30.070; voluntary reduction in water use (9.30)
1561	Adds §§ 20.08.035, 20.12.135, 20.16.110, 20.24.015, 20.24.035, 20.24.105, 20.24.110, 20.24.113, 20.24.115, 20.24.120, 20.24.125, 20.24.135, 20.24.140, 20.24.145, 20.24.150, Chs. 20.48, 20.55; amends §§ 20.04.010, 20.04.020, 20.08.010, 20.08.040, 20.08.070, 20.12.010, 20.16.010, 20.20.010, 20.20.020, 20.24.010, 20.24.020, 20.24.030, 20.24.050, 20.24.070, 20.24.080, 20.28.010, 20.32.010, 20.34.010; building and construction, amendments (20.28)
1562	Amends §§ 18.74.120, 18.74.130; downtown revitalization district signs (18.74)
1563	Adds Ch. 20.52; uniform code for building conservation (Repealed by 2015)
1564	(Not sent)
1565	(Not sent)
1566	(Not sent)

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1567	Amends § 17.36.160A; application procedure (Repealed by 1729)
1568	(Not sent)
1569	(Not sent)
1570	(Not sent)
1571	Adds § 3.28.030; care, restitution, sale or destruction of unclaimed property (3.28)
1572	Adds Ch. 9.14; repeals Ch. 9.12; storm water management and dumping of foreign materials in water-courses (9.12, 9.14)
1573	Adds Ch. 1.10; repeals § 2.04.030; conflict of interest code (2.04)
1574	Amends §§ 18.100.030, 18.100.040; religious holiday banners (18.100)
1575	Amends § 11.20.010, speed limits (Repealed by 1875)
1576	(Not sent)
1577	(Not sent)
1578	(Not sent)
1579	(Not sent)
1580	(Not sent)
1581	Amends § 17.24.060; adds subsections B, C, D, E and F, employers of at least fifty or more people (Repealed by 1708)
1582	(Not sent)
1583	(Not sent)
1584	Repeals and replaces Ch. 6.40 (Repealed by 1744)
1585	(Not sent)
1586	Adds § 18.08.407, unreinforced masonry building; amends §§ 18.08.407, 18.20.100, 18.20.140, 18.74.040, 18.74.080, 18.74.160, 18.74.170, 18.74.180, 18.74.190, 18.88.020, 18.144.010, unreinforced masonry buildings and off street parking facilities (18.08, 18.20, 18.74, 18.88, 18.144)
1587	Amends § 15.20.180, sewer rates and charges (15.20)
1588	Adds Ch. 6.60, mobilehome space rents (Repealed by 1829)
1589	(Not sent)
1590	(Not sent)
1591	Repeals Ch. 18.20, design review board; adds Ch. 18.20, design review (18.20)
1592	(Not sent)
1593	Adds § 18.74.250, signs on Main Street (18.74) (Temporary ord., not in code)
1594	Amends § 11.54.010, skateboards (11.54)
1595	Amends § 13.08.080, dogs in Augustin Bernal park; adds § 13.08.205, hang gliding in Augustin Bernal park (13.08)
1600	Amends §§ 18.20.010, 18.84.150, 18.112.020, height limits for telecommunications facilities and development standards for satellite earth stations (18.20, 18.84, 18.112)
1601	Amends § 11.20.010, speed limits (Repealed by 1875)
1602	Amends § 11.20.010, speed limits (Repealed by 1875)
1603	Amends §§ 10.16.015, 18.44.090; adds Ch. 18.114, adult entertainment establishments (10.16, 18.44, 18.114)
1604	Amends § 18.44.090, permitted and conditional uses in the C-N district (18.44)
1605	Amends §§ 19.44.040, 19.44.080, in lieu park dedication fees (Repealed by 2192)
1606	(Not sent)
1607	Amends §§ 13.04.010, 13.04.435, sidewalk dining and decorative displays in downtown area (13.04)
1608	Amends §§ 6.60.020, 6.60.100; adds §§ 6.60.075, 6.60.085, mobile home space rents (Repealed by 1829)
1609	Repeals and replaces Ch. 9.24, smoking in public and work places (9.24)
1610	(Not sent)
1611	(Not sent)
1612	Amends Ch. 18.20, design review (18.20)

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1613	(Not sent)
1614	Repeals and replaces Ch. 17.36, growth management program (Repealed by 1729)
1615	Amends §§ 9.24.020, 9.24.040, 9.24.050, 9.24.060, smoking in public and work places (9.24)
1616	Adds § 1.04.090, claims procedures (1.04)
1617	Adds Ch. 10.02, targeted residential picketing (10.02)
1618	Amends § 15.20.180, sewer rates and charges (15.20)
1619	Amends §§ 2.36.020, 2.36.030, 2.36.032, 2.36.035, 2.36.060, housing authority (2.36)
1620	Adds § 6.52.150, cable television regulations (Repealed by 1829)
1621	(Not sent)
1622	Adds Ch. 1.20, campaign reform (1.20)
1623	(Not sent)
1624	(Not sent)
1625	Repeals and replaces Ch. 17.24, transportation systems management (Repealed by 1708)
1626	Amends § 18.120.060, nonconforming uses (18.120)
1627	Amends § 11.20.010136, speed limits (Repealed by 1875)
1628	Adds § 18.96.160, temporary relaxation of sign regulations (18.96)
1629	(Not sent)
1630	(Not sent)
1631	Amends § 19.44.040B, formula for dedication of land (Repealed by 2192)
1632	(Not sent)
1633	Adds new Ch. 17.48, right to farm (17.48)
1634	Adds § 6.40.065; amends §§ 6.40.010, 6.40.020, 6.40.050; repeals § 6.40.240, taxicabs (Repealed. by 1744)
1635	Repeals § 11.36.110, parking for advertising for sale (11.36)
1636	Adds §§ 18.08.028, 18.08.029, 18.32.0400, 18.88.030A7, 18.96.040J, 18.96.060M, 18.124.260, 18.124.270; amends §§ 18.32.030A, 18.36.030A, 18.36.040P, bed and breakfast establishments (18.08, 18.32, 18.36, 18.88, 18.96, 18.124)
1637	(Not sent)
1638	(Not sent)
1639	(Not sent)
1640	(Not sent)
1641	(Not sent)
1642	Amends § 1.10.040, designated positions (Repealed by 1986)
1643	Amends §§ 11.44.020 and 11.44.030, removal of abandoned vehicles (11.44)
1644	(Not sent)
1645	Amends § 11.20.0100, speed limits (Repealed by 1875)
1646	(Not sent)
1647	Amends § 11.20.010W, speed limits (Repealed by 1875)
1648	(Not sent)
1649	(Not sent)
1650	(Not sent)
1651	Amends § 15.20.180, sewer rates and charges (15.20)
1652	Amends §§ 18.74.130C, 18.74.140, signs (18.74)
1653	Amends Ch. 17.16, tree preservation (17.16)
1654	Adds § 13.08.145; amends § 13.08.020; parks and recreation facilities (13.08)
1655	(Not sent)
1656	Amends §§ 18.28.080, 18.32.090, 18.36.110, 18.44.080, 18.52.140, 18.60.100, 18.74.030, 18.74.040, 18.74.050, 18.74.060, 18.74.070, 18.74.080, 18.74.160, 18.74.220, 18.74.230, 18.84.090, 18.84.160, 18.84.220, 18.84.260, 18.84.270, 18.88.030, 18.96.060, 18.96.090, 18.96.150, 18.144.020,

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	18.144.050; design review board (18.28, 18.32, 18.36, 18.44, 18.52, 18.60, 18.74, 18.84, 18.88, 18.96, 18.144)
1657	Amends § 18.96.090C; temporary subdivision signs (18.96)
1658	(Not sent)
1659	Amends §§ 13.08.130, 13.08.140; park and recreation facilities (13.08)
1660	(Not sent)
1661	(Not sent)
1662	(Not sent)
1663	(Not sent)
1664	Amends § 11.20.010A; speed limits (Repealed by 1875)
1665	Adds §§ 18.08.031, 18.08.032, 18.08.238, 18.44.090, 18.48.140, 18.48.160, 18.88.030; amends § 18.08.027; definitions and microbreweries (18.08, 18.44, 18.48, 18.88)
1666	(Not sent)
1667	(Not sent)
1668	Amends §§ 18.40.030, 18.40.040, 18.44.090; financial institutions (18.40, 18.44)
1669	Adds §§ 20.04.030, 20.08.012, 20.08.015, 20.08.048, 20.08.053, 20.08.055, 20.08.057, 20.08.059, 20.12.015, 20.12.140, 20.16.015, 20.20.015, 20.24.045, 20.24.055, 20.28.015, 20.32.015, 20.34.015; amends §§ 20.04.010, 20.08.010, 20.08.020, 20.08.025, 20.08.030, 20.08.040, 20.08.045, 20.08.050, 20.08.060, 20.08.070, 20.08.080, 20.12.010, 20.12.135, 20.16.010, 20.20.010, 20.24.010, 20.24.020, 20.24.030, 20.24.035, 20.24.040, 20.24.050, 20.24.060, 20.24.070, 20.24.080, 20.24.090, 20.24.100, 20.24.110, 20.28.010, 20.32.010, 20.34.010, 20.48.010, 20.52.010, 20.52.030; repeals §§ 20.08.035, 20.08.085, 20.24.015, 20.24.113, 20.24.115, 20.24.120, 20.24.125, 20.24.130, 20.24.135, 20.24.140, 20.24.145, 20.24.150; 1994 uniform codes (20.28)
1670	Adds § 11.36.100H; no parking zones (11.36)
1671	Amends § 15.20.180; sewer rates and charges (15.20)
1672	(Not sent)
1673	(Not sent)
1674	Adds Ch. 2.38; amends §§ 2.28.020, 2.28.030, 2.28.040, 2.36.020, 2.36.030, 2.36.032, 2.36.070; affordable housing commission, human services commission, housing authority (2.28, 2.36, 2.38)
1675	Amends §§ 2.34.020, 2.34.040; library commission (2.34)
1676	Adds Chs. 2.39, 13.16; civic arts commission, art in public places (2.39, 13.16)
1677	(Not sent)
1678	(Not sent)
1679	(Not sent)
1680	Adds § 10.08.030; recovery of expenses due to the detention of minors (Repealed by 1878)
1681	(Not sent)
1682	(Not sent)
1683	(Not sent)
1684	(Not sent)
1685	(Not sent)
1686	(Not sent)
1687	Adds Chs. 1.24, 1.28; amends § 1.12.010; administrative citations and penalties (1.12, 1.24, 1.28)
1688	(Not sent)
1689	Amends § 5.28.080; annual business improvement district assessment (5.28)
1690	Adds § 18.08.330; renumbers § 18.08.332; amends §§ 18.32.040, 18.36.040; secondary units, service station and residential districts (18.08, 18.32, 18.36)
1691	(Not sent)
1692	(Not sent)
1693	(Not sent)
1694	Adds § 18.116.045; amends § 18.116.040; outdoor sales (18.116)

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1695	Amends § 19.44.090; credit for private open space (Repealed by 2192)
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, 18.56, 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 (Repealed by 2179)
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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- 1867 (Not sent)
- 1868 (Not sent)
- 1869 Adds §§ 20.08.013, 20.08.017, 20.08.022, 20.08.026—20.08.029, 20.08.075, 20.08.094, 20.08.100, 20.08.103, 20.08.105, 20.08.107, 20.08.109, 20.08.110, 20.08.112, 20.08.115, 20.08.117, 20.08.119, 20.12.014, 20.16.014, 20.16.016, 20.16.017, 20.20.012, 20.20.014, 20.20.022, 20.20.024—20.20.028 and 20.24.240; amends Ch. 20.04, §§ 20.08.010, 20.08.012, 20.08.015, 20.08.020, 20.08.025, 20.08.030, 20.08.032, 20.08.034, 20.08.038—20.08.048—20.08.050, 20.08.053—20.08.055, 20.08.057, 20.08.059, 20.08.060, 20.08.074, 20.12.010, 20.12.015, 20.12.017, 20.12.020—20.12.080, 20.12.100, 20.12.140, 20.16.010—20.16.030, 20.16.050—20.16.070, 20.16.090, 20.20.010, 20.20.030—20.20.070, 20.20.090, 20.24.010—20.24.230, 20.28.010, 20.32.010, 20.34.010, 20.36.050, 20.40.030, 20.52.010, 20.52.040—20.52.070, 20.55.010 and 20.58.010; repeals §§ 20.08.058, 20.08.062, 20.08.064—20.08.066, 20.08.068, 20.08.070, 20.08.072, 20.08.080, 20.16.040 and Ch. 20.48; buildings and construction (20.28, 20.36)
- 1870 Amends § 1.10.040; repeals § 1.10.030F; designated positions, disclosure categories (Repealed by 1986)
- 1871 (Not sent)
- 1872 (Not sent)
- 1873 Adds Ch. 17.50; commercial and civic green building (Repealed by 1934)
- 1874 (Not sent)
- 1875 Adds § 11.20.010; repeals §§ 11.20.010, 11.20.020; speed limits in certain zones (11.20)
- 1876 Amends §§ 18.20.010, 18.84.120; projects subject to design review, site, yard, bulk, usable open space and landscaping regulations (18.20, 18.84)
- 1877 (Not sent)
- 1878 Repeals and replaces Ch. 10.08; offenses by or against minors (10.08)
- 1879 Amends § 19.44.040, formula for dedication of land (Repealed by 2192)
- 1880 Adds §§ 9.04.072, 18.08.070, 18.08.075, 18.08.105, 18.08.110, 18.08.165, 18.08.170, 18.08.205, 18.08.230, 18.08.335, 18.08.370, 18.08.430, 18.08.435, 18.08.605, 18.28.045, 18.44.095, 18.48.204, 18.52.045, 18.124.280, 18.124.290; amends §§ 9.04.030, 9.04.040, 9.04.050, 18.20.010 OB 13, D, 18.20.040B3, 18.28.030G, H, 18.28.040(27), (33), 18.32.030D, 18.32.040H, I, 18.32.050A, 18.36.030E, 18.36.040K, M, 18.36.050A, 18.40.030J, 18.40.040D, E, 18.40.050A, 18.44.090, 18.48.140F, 18.48.160, 18.48.180, 18.48.190B, 18.48.200, 18.52.040(O), 18.56.030, 18.56.040, 18.56.060A, 18.68.090; renumbers § 18.08.070 as § 18.08.072, § 18.08.075 as § 18.08.077, § 18.08.105 as § 18.08.107, § 18.08.110 as § 18.08.112, § 18.08.165 as § 18.08.167, § 18.08.170 as § 18.08.172, § 18.08.205 as § 18.08.207, § 18.08.230 as § 18.08.232, § 18.08.335 as § 18.08.337, § 18.08.370 as § 18.08.372, § 18.08.430 as § 18.08.432, § 18.08.435 as § 18.08.437, § 18.08.605 as § 18.08.607; generator siting (9.04, 18.08, 18.20, 18.28, 18.32, 18.36, 18.40, 18.44, 18.48, 18.52, 18.56, 18.68, 18.124)
- 1881 (Not sent)
- 1882 Amends § 11.20.010KK9; repeals § 11.20.010KK10; speed limits in certain zones (11.20)
- 1883 (Not sent)
- 1884 Amends § 18.84.080A; front yard setback requirements (18.84)
- 1885 Repeals and replaces Ch. 18.106; amends §§ 18.08.475, 18.28.030A, 18.32.030H, 18.32.040P, 18.36.030H, 18.36.040Q; repeals Art. IV, § 18.124.280; second units (18.08, 18.28, 18.32, 18.36, 18.106, 18.124)
- 1886 Adds §§ 19.44.120C, D; amends § 19.44.040B1; in lieu park dedication fees for second units (Repealed by 2192)
- 1887 Amends §§ 2.28.030D, 2.28.070B, C1, D, 2.29.070B, C1, D, 2.30.070B, C1, D, 2.32.070B, C1, D, 2.34.070B, C1, D, 2.38.030D, 2.38.070B, C1, D, 2.39.070B, C1, D; voting privileges for liaison members and commission procedures (2.28, 2.29, 2.30, 2.32, 2.34, 2.38, 2.39)
- 1888 (Not sent)

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1889	Amends § 13.08.040A; outdoor cooking fires (13.08)
1890	(Not sent)
1891	(Not sent)
1892	(Not sent)
1893	(Not sent)
1894	Amends § 20.08.056; design methods (20.08)
1895	Adds §§ 15.08.015, 15.08.183, 15.08.186, 15.08.605; amends §§ 15.08.140, 15.08.190, 15.08.320, 15.08.330, 15.08.470, 15.08.540; definitions (15.08)
1896	Amends § 15.28.070; limitations on toxic pollutants (15.28)
1897	(Not sent)
1898	Adds § 18.88.030F; amends §§ 18.88.020A-D, 18.88.070, 18.88.090, 18.88.100, 18.88.120, 18.88.130; off street parking facilities (18.88)
1899	(Not sent)
1900	(Not sent)
1901	Amends §§ 2.28.030, 2.38.030; reletters remaining subsections of §§ 2.28.030, 2.28.040, 2.38.030, 2.38.040; repeals §§ 2.28.040C, 2.38.040C; commission membership regulations generally (2.28, 2.38)
1902	(Not sent)
1903	Adds §§ 20.08.120, 20.08.121; amends § 20.08.012; uniform building code (Repealed by 2015)
1904	(Not sent)
1905	(Not sent)
1906	Amends § 18.116.040; repeals § 18.116.045; temporary outdoor uses (18.116)
1907	(Not sent)
1908	Amends § 1.10.040; designated positions (Repealed by 1986)
1909	(Not sent)
1910	Amends § 15.20.180, table 15.20.180; sewer rates, fees and charges (15.20)
1911	(Not sent)
1912	(Not sent)
1913	(Not sent)
1914	(Not sent)
1915	(Not sent)
1916	Amends § 3.32.010; contracting procedures for public projects (3.32)
1917	(Not sent)
1918	(Not sent)
1919	Adds § 13.08.085; repeals and replaces Chs. 7.04, 7.08, 7.16, 7.24, 7.36; amends §§ 7.12.010, 7.12.020, 7.12.030, 7.12.080, 7.28.010, 7.28.020, 7.28.040, 7.28.060, 7.28.090, 7.32.010, 7.32.030, 13.08.020B, C, 13.08.080; renumbers §§ 7.28.040 to 7.28.030, 7.28.050 to 7.28.040, 7.28.060 to 7.28.050, 7.28.070 to 7.28.060, 7.28.080 to 7.28.070, 7.28.090 to 7.28.080; repeals § 7.28.030; animal regulations (7.04, 7.08, 7.12, 7.16, 7.24, 7.28, 7.32, 7.36, 13.08)
1920	Amends § 20.20.010; repeals §§ 20.20.022, 20.20.024, 20.20.025, 20.20.026, 20.20.027, 20.20.028, 20.20.030, 20.20.040, 20.20.050, 20.20.060, 20.20.070, 20.20.080, 20.20.090, 20.20.100; national electrical code and uniform administrative code provisions (Repealed by 2015)
1921	(Not sent)
1922	(Not sent)
1923	Moratorium on medical marijuana dispensaries (Special)

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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)
- 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)
- 2105 Approves development agreement (Special)
- 2106 Approves application for PUD (Special)
- 2107 Approves application for PUD (Special)
- 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; renumbers Ch. 19.44 to be 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, 18.08, 18.100, 18.124, 20.04)
- 2121 Approves application for PUD (Special)
- 2122 Approves application for PUD (Special)
- 2123 Approves application for PUD (Special)
- 2124 Approves development agreement (Special)
- 2125 Amends §§ 9.24.010, 9.24.040, 13.08.010 and 13.08.190, smoking (9.24, 13.08)
- 2126 Adds Ch. 20.70, expedited permitting process for small residential rooftop solar systems (20.70)
- 2127 Approves application for PUD (Special)
- 2128 Amends contract with the California Public Employees' Retirement System (Special)
- 2129 Approves application for PUD (Special)
- 2130 Amends § 18.20.010(B)(15), projects subject to design review (18.20)
- 2131 Amends § 5.28.040; repeals § 5.28.100, new business exemption (5.28)
- 2132 Amends §§ 2.39.020 and 2.39.030, civic arts commission (2.39)
- 2133 Approves application for PUD (Special)
- 2134 Approves development agreement (Special)

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**Ordinance
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2135	Approves application for PUD (Special)
2136	Amends §§ 9.24.040 and 13.08.190, smoking (9.24, 13.08)
2137	Urgency ordinance amending Ch. 6.18, medical marijuana (6.18)
2138	Amends § 2.04.020, salaries (2.04)
2139	Amends § 11.20.010, speed limits (11.20)
2140	Amends contract with the California Public Employees' Retirement System (Special)
2141	Approves application for PUD (Special)
2142	Approves application for PUD (Special)
2143	Approves development agreement (Special)
2144	Amends §§ 18.68.130, 19.04.020, 19.16.040, 19.20.110, 19.20.120, 19.22.050 and 19.22.060, subdivisions (18.68, 19.04, 19.16, 19.20, 19.22)
2145	Approves application for PUD (Special)
2146	Approves application for PUD (Special)
2147	Approves application for PUD (Special)
2148	Urgency ordinance amending Ch. 9.30, water management plan (9.30)
2149	Approves application for PUD (Special)
2150	Approves application for PUD (Special)
2151	Approves application for PUD (Special)
2152	Urgency ordinance amending Ch. 6.18, marijuana and hemp (6.18)
2153	Adds Ch. 20.06; amends Chs. 20.04—20.26, building and construction (20.04, 20.06, 20.08, 20.10, 20.12, 20.16, 20.20, 20.24, 20.26)
2154	Amends § 11.20.010(Q), speed limits (11.20)
2155	Adds §§ 18.08.113, 18.08.168, 18.08.231 [18.08.227], 18.08.262, 18.08.263, 18.08.338, 18.08.382, 18.08.383, 18.08.407, 18.08.472, 18.08.473, 18.08.606 and Ch. 18.124 Art. II, §§ 18.124.190—18.124.310; amends §§ 9.22.030, 9.22.040, 9.22.060, 18.08.115, 18.08.375, 18.08.440, 18.40.030, 18.44.010, 18.44.130, 18.44.140, 18.52.020, 18.82.040, 18.84.040, 18.114.050, 18.116.010, 18.116.060, 18.124.020, 18.124.170, 18.124.175, 18.128.010, 18.128.030, 18.128.040 and 18.128.060; amends and renumbers §§ 18.44.080—18.44.095 to be 18.44.070—18.44.090, 18.48.060 to be 18.48.050, 18.48.140 and 18.48.150 to be 18.48.130 and 18.48.140; renumbers §§ 18.40.050—18.40.100 to be 18.40.040—18.40.090, 18.48.050 and 18.48.070—18.48.130 to be 18.48.040 and 18.48.060—18.48.120, 18.48.204—18.48.250 to be 18.48.150—18.48.200 and 18.124.190—18.124.290 to be 18.124.320—18.124.420; renames and renumbers Ch. 18.124 Arts. I—IV to be Arts. I—V; repeals §§ 18.08.068, 18.40.040, 18.44.070, 18.48.040, 18.48.160—18.48.190 and 18.128.070, zoning (9.22, 18.08, 18.40, 18.44, 18.48, 18.52, 18.82, 18.84, 18.114, 18.116, 18.124, 18.128)
2156	Amends contract with the California Public Employees' Retirement System (Special)
2157	Approves application for PUD (Special)
2158	Approves development agreement (Special)
2159	Urgency ordinance reauthorizing PEG fees (Special)
2160	Reauthorizes PEG fees (Special)
2161	Adds §§ 18.08.016 and 18.08.268; amends §§ 3.26.020(H), 15.08.470, 17.36.040(A), 17.46.040(B), 17.46.120(C), 18.28.030(A), 18.32.030(H), 18.36.030(H), 18.84.010, 18.84.160(F), 18.88.030(A) and Ch. 18.106, accessory and junior accessory dwelling units (3.26, 15.08, 17.36, 18.08, 18.28, 18.32, 18.36, 18.84, 18.88, 18.106)
2162	Approves application for PUD (Special)
2163	Approves development agreement (Special)
2164	Adds Ch. 9.26; amends § 9.24.060, restrictions on smoking in multifamily rental apartments (9.24, 9.26)
2165	Amends §§ 2.08.190, 5.24.010, 6.40.140, 9.24.040, 11.08.020, 11.36.020, 13.04.050, 13.08.190, 17.16.006, 17.16.010, 17.16.040, 17.16.050, 17.16.070, 17.16.080, 18.124.070, 18.124.240 and 18.124.270, omnibus ordinance (2.08, 5.24, 6.40, 9.24, 11.08, 11.36, 13.04, 13.08, 17.16, 18.124)

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- 2166 Amends Ch. 20.70, expedited permitting process for clean energy systems (20.70)
- 2167 Amends § 14.04.140(B), adjustment of bills for meter error or leaks (14.04)
- 2168 Approves application for PUD (Special)
- 2169 Amends §§ 18.110.020 and 18.110.050, personal wireless service facilities (18.110)
- 2170 Amends § 2.34.080(A), library commission meetings (2.34)
- 2171 Amends §§ 14.04.010, 14.04.050(C), 14.04.070 and 14.08.080, water rates and charges (14.04, 14.08)
- 2172 Rezone (Repealed by 2184)
- 2173 Approves development agreement (Special)
- 2174 Approves application for PUD (Special)
- 2175 Amends contract with the California Public Employees' Retirement System (Special)
- 2176 Amends Ch. 14.20 and § 14.04.060, recycled water use (14.04, 14.20)
- 2177 Repeals § 9.04.045, leaf blowers (Repealer)
- 2178 Adds Ch. 3.44, Johnson Drive economic development zone transportation fee (3.44)
- 2179 Adds § 19.16.075; amends §§ 1.24.125, 11.64.060, 13.04.435, 14.04.050, 14.06.040, 17.16.046, 17.16.110, 18.106.060(A), 18.106.070(F), 19.16.030, 19.16.050, 19.16.090, 19.20.130, 19.20.140 and 19.22.070; repeals Ch. 3.40 and §§ 11.52.010—11.52.050, omnibus ordinance (1.24, 11.64, 13.04, 14.04, 14.06, 17.16, 18.106, 19.16, 19.20, 19.22)
- 2180 Adds Ch. 11.58; amends § 1.12.020, regulation of traffic medians (1.12, 11.58)
- 2181 Approves application for PUD (Special)
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- 2184 Repeals Ord. 2172, rezone (Repealer)
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- 2191 Adds Ch. 6.38; amends §§ 6.36.010 and 13.08.090; repeals § 11.64.120, sidewalk vending (6.36, 6.38, 11.64, 13.08)
- 2192 Adds § 11.36.160 and Ch. 17.14; amends §§ 1.24.010, 2.29.070, 2.38.020, 5.28.010, 11.36.100, 14.04.090, 14.04.130, 17.16.020, 17.16.025, 17.16.050, 18.84.160, 18.124.100, 18.124.270 and Chs. 3.22, 3.26 and 17.40; repeals Ch. 17.46, omnibus ordinance (1.24, 2.29, 2.38, 3.22, 3.26, 5.28, 11.36, 14.04, 17.16, 17.14, 17.16, 18.84, 18.124)

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YOUTH COMMISSION

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