

SUPPLEMENT NO. 15

INSERTION GUIDE

PLEASANTON MUNICIPAL CODE

January 2016

(Covering Ordinances through 2131)

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

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

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PREFACE

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

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

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

The code is current through Supplement Number 15, January 2016, and includes Ordinance 2131, passed November 17, 2015.

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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 1979, as set forth in the Streets and Highways Code of the state (Section 36000 et seq.). (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)

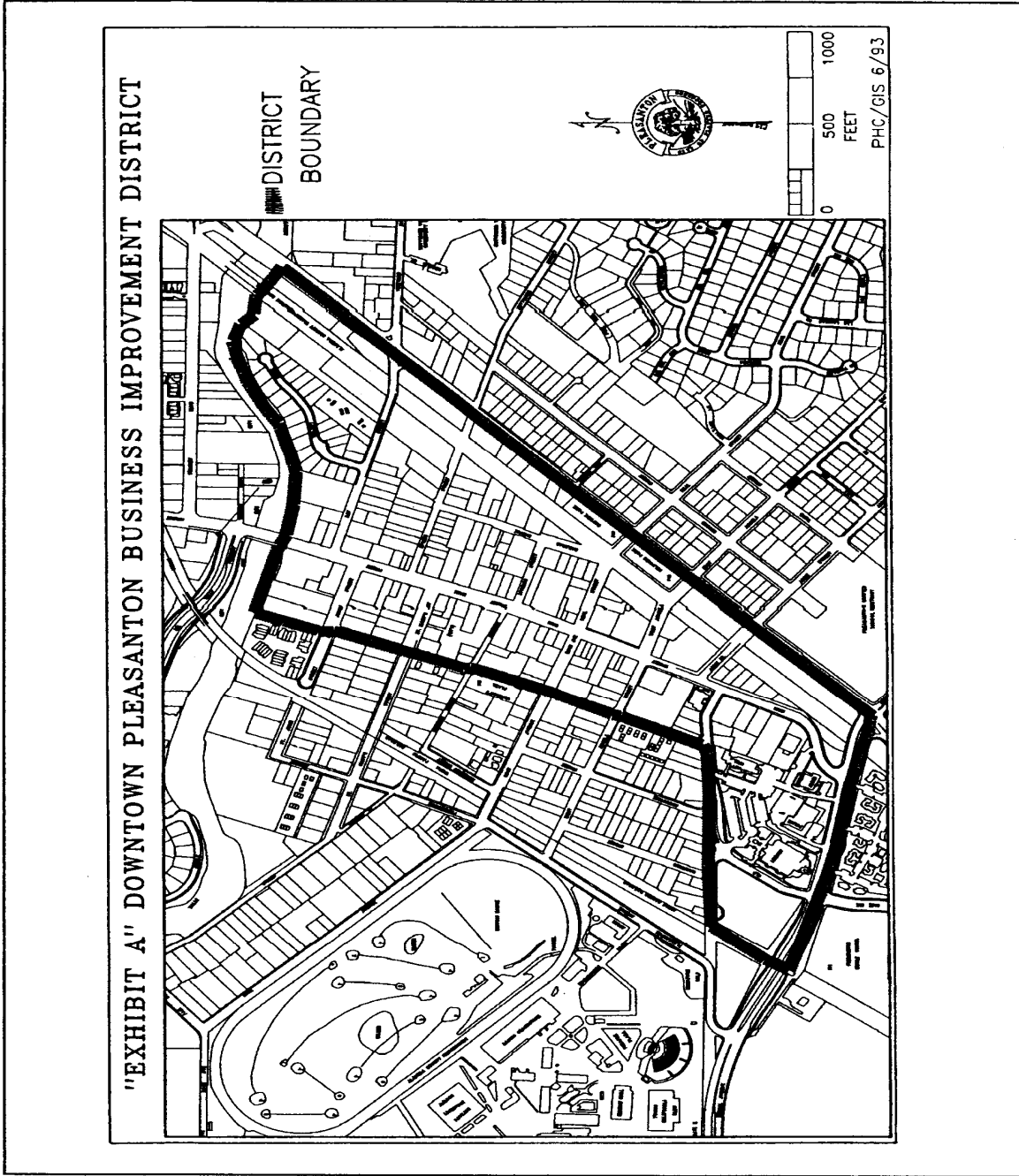
5.28.030 **Hearing.**

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.

Figure 5.28.040



(Ord. 1211 § 4, 1985)

5.28.050 Subject to state law.

The businesses and operation of the district shall be subject to any amendments to the Parking and Business Improvement Area Law of 1979. (Ord. 1211 § 5, 1985)

5.28.060 Findings.

A. It appears in the public interest that such an area be established within the city because a thriving downtown serves:

1. To preserve and enhance the city's heritage;
 2. To give character and identity to this community;
 3. To make a wider range of shopping, dining and community events available to our citizens;
 4. To provide employment for our residents;
 5. To create opportunities for new businesses;
- and
6. To increase tax revenues for the provision of public services.

B. The city council finds that businesses lying within the business and improvement area will be benefited by the expenditure of the funds raised by the charges proposed to be levied. (Ord. 1211 § 10, 1985)

5.28.070 Purpose.

The purposes for which the funds raised by the charges shall be used are the statutory purposes set forth in Section 36000 of the Streets and Highways Code of the state, or one or more of the purposes, which are as follows:

- A. The acquisition, construction or maintenance of parking facilities for the benefit of the area;
- B. Decoration of any public place in the area;
- C. Promotion of public events which are to take place on or in public places in the areas;
- D. Furnishing of music in any public place in the area;
- E. The general promotion of retail trade activities in the area. (Ord. 1211 § 6, 1985)

5.28.080 System of assessments.

All businesses, trades or professions within the boundaries of the district shall be subject to an annual assessment in an amount as follows:

A. Assessment shall be equal to two times the annual city business license tax for all businesses located curbside, downstairs on Main Street, except that there shall be a minimum assessment of \$50.00 per year and a maximum assessment of \$350.00 per year.

B. Assessment shall be equal to one and one-half times the amount of the annual city business license tax for all businesses with Main Street addresses located upstairs or not curbside, except there shall be a minimum assessment of \$50.00 per year and a maximum assessment of \$350.00 per year.

C. Assessment shall be equal to the amount of the annual business license tax for all businesses in the district off of Main Street except there shall be a minimum assessment of \$50.00 per year and a maximum assessment of \$350.00 per year.

D. Any business exempt from the city's business license tax shall pay an annual charge of \$350.00 per year, except as provided by subsections E and F of this section.

E. Nonprofit organizations that are exempt from the city's business license tax shall also be exempt from the annual assessment.

F. Insurance agents who are exempt from the city's business license tax shall pay an assessment based on annual gross receipts as if their business were not exempt and the annual assessment shall be computed as in subsections A through C of this section.

G. If several independent contractors are located at one business address and conducting a similar business service, the maximum charge of \$200.00 may be charged to the owner of this business. Notwithstanding this option, each independent contractor shall obtain a business license. (Ord. 1689 § 1, 1996; Ord. 1211 § 7, 1985)

5.28.090 Voluntary contribution.

Any business which is exempt from the payment of a business license tax by reason of the provision of the Constitution of the United States or the state of California, may make voluntary contributions to the district for the purposes provided in this chapter. (Ord. 1211 § 8, 1985)

5.28.110 Power to contract.

The council may contract from time to time with a nonprofit tax-exempt corporation, the purpose of which shall be to carry out the purposes for which this charge is levied and provided in this chapter. In the event such agreement is made, it shall provide that the corporation shall present a budget of proposed expenditures and purposes to the city manager for investigation and report to the council upon the advisability and feasibility of the proposed expenditures and improvements. Upon approval of the budget requests, the council shall allocate and direct payment of such

amounts as it shall determine to the contracting agency by the city finance office. (Ord. 1211 § 11, 1985)

5.28.120 Collection of charges.

A. The charges provided by this chapter shall be collected at the time and in the manner and with the same penalties as is provided in this code for the collection of business license taxes, except as provided in subsection B of this section.

B. The finance director is authorized to advance funds to the district in anticipation of expected revenues. (Ord. 1211 § 12, 1985)

shall be secure from unauthorized entry or removal of materials;

n. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers;

o. Sign requirements shall be those of the I-G zoning district. In addition, the facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; and

p. No dust, fumes, smoke vibration or odor above ambient level may be detectable on neighboring properties. (Ord. 2000 § 1, 2009; Ord. 1354 § 1, 1988)

Chapter 9.24

SMOKING IN PUBLIC AND WORK PLACES*

Sections:

- 9.24.010 Purposes and findings.**
- 9.24.020 Definitions.**
- 9.24.030 Application of chapter in city-owned facilities.**
- 9.24.040 Prohibition of smoking in public places.**
- 9.24.050 Regulation of smoking in places of employment.**
- 9.24.060 Optional smoking areas.**
- 9.24.070 Posting of signs.**
- 9.24.080 Enforcement.**
- 9.24.090 Nonretaliation.**
- 9.24.100 Violations and penalties.**
- 9.24.110 Severability.**

* **Prior ordinance history:** Ords. 1548, 1479, 1262.

9.24.010 Purposes and findings.

The city council finds as follows:

- A. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution; and
- B. The U.S. Environmental Protection Agency has determined that second-hand smoke is a Class A carcinogen for which there is no safe exposure level; and
- C. Reliable studies have shown that breathing second-hand smoke is a particular health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and
- D. Health hazards induced by breathing second-hand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and
- E. Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing second-hand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and
- F. The simple separation of smokers and nonsmokers within the same airspace may reduce, but does not eliminate, the exposure of nonsmokers to second-hand smoke; and
- G. Numerous studies have shown that a majority of both nonsmokers and smokers desire to have restrictions on smoking in public places and places of employment; and

H. A prohibition on smoking in all public parks protects children and adults from exposure to second hand smoke, reduces fire danger, and limits unsightly litter from cigarette butts.

Accordingly, the city council finds and declares that the purposes of this chapter are: (1) to protect the public health and welfare by prohibiting smoking in public places and in places of employment; (2) to help people to avoid becoming addicted, and to help people who wish to quit smoking, by limiting their unintentional exposure to smoking, tobacco products and inducements to smoke; and (3) to strike a reasonable balance between the needs of smokers and the need of nonsmokers to breathe smoke-free air, and to recognize that, where these needs conflict, the need to breathe smoke-free air shall have priority. (Ord. 2125 § 2, 2015; Ord. 1609 § 1, 1993)

9.24.020 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- A. “Bar” means an area within, part of, or associated with a restaurant, which is not a freestanding bar as defined in subsection H, which primarily serves alcoholic beverages intended for consumption on the premises and which, as only incidental to serving such beverages, serves food, has music and/or dancing, provides coin-operated amusement devices, or provides pool tables, darts or other similar activities.
- B. “Business” means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold, as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.
- C. “Designated smoking room” means a room, with a floor area no greater than 25 percent of the total floor area of the establishment in which it is located, which has been designated as a smoking area, and has been posted with the appropriate signs under Section 9.24.070. The following requirements apply to a designated smoking room:
 - 1. The room must have a separate heating, ventilation and air-conditioning system (HVAC) designed such that none of the air from the room will be recirculated into other areas of the building.
 - 2. The room shall be completely separated from the remainder of the building by solid partitions or glazing without openings other than doors, and all doors leading to the room shall be self-closing. The doors shall

be provided with a gasket so installed as to provide a seal where the door meets the stop on both sides and across the top.

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

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

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

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

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

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

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

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

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

H. "Freestanding bar" means a business which: (1) primarily serves alcoholic beverages; (2) as only incidental to serving such beverages, serves food, has music and/or dancing, provides coin-operated amusement devices, or provides pool tables, darts or other

similar activities; (3) prohibits persons under the age of 18 from entering the business; and (4) was operating as a freestanding bar on January 1, 1994. If there are other uses within the same building, the freestanding bar must also meet the following requirements:

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

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

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

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

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

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

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

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

M. "Restaurant" means any coffee shop, cafeteria, tavern, sandwich stand, soda fountain, private or public school cafeteria, and any other eating establish-

ment, organization, club, boarding house, or guest house, the primary purpose of which gives or offers for sale food to the public, guests, patrons or employees.

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

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

P. "Smoking" means: (1) inhaling, exhaling, burning or carrying any lighted pipe, cigar, cigarette, or similar article of any kind; or (2) use of an activated or functioning device, whether an electronic cigarette as defined by California Health and Safety Code Section 119405 ("e-cigarette") or a similar device, including but not limited to a device intended to emulate smoking, which permits a person to inhale vapors or mists that may or may not include nicotine.

Q. "Sports arena" means bowling centers, sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks and other similar places where members of the public assemble to engage in physical exercise, participate in athletic competition or witness sports events. (Ord. 2093 § 1, 2014; Ord. 2038 § 1, 2012; Ord. 1615 § 1, 1994*; Ord. 1609 § 1, 1993)

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

9.24.030 Application of chapter in city-owned facilities.

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

9.24.040 Prohibition of smoking in public places.

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

1. Elevators and restrooms.
2. Buses, taxicabs and other means of public transit, and ticket, boarding and waiting areas of public transit depots.
3. Service lines.
4. Retail stores, except retail tobacco stores.
5. Retail food marketing establishments, including grocery stores and supermarkets.
6. All areas available to and customarily used by the general public in all businesses, nonprofit entities and public agencies patronized by the public, including,

but not limited to, business offices, banks, hotels and motels, except as provided in subsection (A)(14) of this section.

7. Restaurants, including:
 - a. Bars and banquet rooms in, open to or directly accessible from restaurants; and
 - b. Outdoor dining areas.
8. Bars.
9. Any building not open to the sky which is used primarily for exhibiting any motion picture, stage drama, lecture, musical recital, or other similar performance, except to the extent that smoking is part of any such production.
10. Sports arenas and convention halls.
11. Stadiums, amphitheaters and similar places of assembly which are open to the sky.
12. Public parks and trails.
13. Health and residential and day care facilities, including, but not limited to, nursing homes, adult care facilities, child care facilities including family day care homes, hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices.
14. Polling places.
15. Private hotel and motel rooms rented to guests, except that up to 25 percent of such rooms may be designated for smoking guests, if on a separate floor(s) or if in a separate wing(s).
16. Private residences when used at any time as family day care homes or health care facilities.
17. Enclosed lobbies, hallways and other enclosed common areas in apartment buildings, including condominiums, in retirement facilities, and in other multiple-family residential facilities.

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

C. Notwithstanding the effective date of the ordinance codified in this chapter, any owner, operator, manager or other person who controls any private hotel or motel shall have until July 1, 1994 to comply with subsection (A)(14) of this section. The council may grant an additional 12 months in which to comply for good cause shown. (Ord. 2125 § 2, 2015; Ord. 1615 § 1, 1994; Ord. 1609 § 1, 1993)

9.24.050 Regulation of smoking in places of employment.

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

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

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

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

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

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

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

9.24.060 Optional smoking areas.

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

1. Private residences, except when such residence is used at any time as a family day care home or a health care facility.
2. Retail tobacco stores.
3. Outdoor areas a reasonable distance from any area designated nonsmoking in this chapter.

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

9.24.070 Posting of signs.

A. Where signs are required by this section, the owner, operator, manager or other person having control of a building shall conspicuously post in such building “Smoking” and “No Smoking” signs, whichever are

appropriate, with letters of not less than one inch in height, or the international “Smoking” or “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette, enclosed in a green circle for “Smoking,” or enclosed in a red circle with a red bar across it for “No Smoking”), or the same information in another format approved by the city manager.

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

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

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

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

9.24.080 Enforcement.

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

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

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

9.24.090 Nonretaliation.

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

9.24.100 Violations and penalties.

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

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

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

1. A fine, not exceeding \$100.00, for the first violation;
2. A fine, not exceeding \$200.00, for a second violation of this chapter within one year;
3. A fine, not exceeding \$500.00, for each additional violation of this chapter within one year. (Ord. 1609 § 1, 1993)

9.24.110 Severability.

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

Chapter 13.08

PARKS AND RECREATION FACILITIES

Sections:

- 13.08.010 Purpose and intent.**
- 13.08.020 Definitions.**
- 13.08.030 Trees, plants and property.**
- 13.08.040 Fires.**
- 13.08.050 Firearms and fireworks.**
- 13.08.060 Birds and animals.**
- 13.08.070 Sanitation.**
- 13.08.080 Dogs in public parks.**
- 13.08.085 Dogs in Augustin Bernal Park.**
- 13.08.090 Sale of goods or services—
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- 13.08.110 Vehicles.**
- 13.08.120 Camping—Sleeping.**
- 13.08.130 Alcoholic beverages.**
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- 13.08.145 Required riding equipment in in-
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- 13.08.180 Amplified sound or music.**
- 13.08.190 Smoking.**
- 13.08.200 Bicycles.**
- 13.08.205 Hang gliding prohibited.**
- 13.08.210 Additional rules.**

13.08.010 Purpose and intent.

The purpose and intent of this chapter is to provide rules and regulations respecting the use of city parks and recreation facilities which are necessary to protect the public health, safety and general welfare of the residents of the city and users of parks and recreation facilities, 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:

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

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

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

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

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

13.08.030 Trees, plants and property.

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

13.08.040 Fires.

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

B. No person shall discard or permit unattended any lighted cigar, cigarette, match or other flammable

article. (Ord. 2120 § 1, 2015; Ord. 1889 § 1, 2003; Ord. 1428 § 4, 1989)

13.08.050 Firearms and fireworks.

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

13.08.060 Birds and animals.

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

13.08.070 Sanitation.

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

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

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

13.08.080 Dogs in public parks.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13.08.085 Dogs in Augustin Bernal Park.

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

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

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

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

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

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

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

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

13.08.100 Advertising.

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

13.08.110 Vehicles.

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

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

13.08.120 Camping—Sleeping.

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

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

13.08.130 Alcoholic beverages.

No person shall drink any alcoholic beverage in any park and recreation facility, except in connection with an event or activity which has the written 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 the 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. (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 standards specified in Section 21212(a) of the California Vehicle Code.

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

13.08.205 Hang gliding prohibited.

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

13.08.210 Additional rules.

The director is authorized to promulgate from time to time such other and further rules and regulations as

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

13. All covered front porches that are located in the front yard setback area in the R-1, RM zoning districts and PUD zoned residential properties referencing the R-1/RM development standards of this code.
14. Small electricity generator facilities, and small fuel cell facilities.
15. Additions and exterior modifications/alterations listed below to single-family houses in residential zoning districts within the Downtown Specific Plan Area that are considered historic resources as defined by the Downtown Specific Plan:
 - a. Wall and foundation cladding including, but not limited to, material, finish, shape, orientation, and joinery.
 - b. Porches and balconies including, but not limited to, banisters/railings, balusters, posts/supports, and material.
 - c. Windows including, but not limited to, window shape, size, placement, operation, material, trim/surround, mullions/glazing pattern, and recess from the exterior wall.
 - d. Roofs including, but not limited to, roof form, eaves, material, color, and pitch.
 - e. Chimneys including, but not limited to, material, finish, location, size, and shape.
 - f. Front doors.
 - g. Architectural trim and details including, but not limited to, corbels, knee braces, brackets, cornice, dentils, etc.

The zoning administrator may refer any of the above items to the planning commission for review and action.

- C. Modifications or deviations from an approved plan, if deemed substantial by the zoning administrator, shall be reviewed in accordance with the procedures for the original use or structure classification.
- D. The zoning administrator may waive review altogether or administratively process an application if a new or modified use or structure shall not be visible from any public street or area held open to the public. (Ord. 2130 § 2, 2015; Ord. 2093 § 1, 2014; Ord. 1880, 2003; Ord. 1876 § 1, 2002; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1612 § 2, 1993; Ord. 1600 § 1, 1993; Ord. 1591 § 2, 1993)

18.20.020 Powers—Duties.

The planning commission or zoning administrator shall have the following powers and duties:

- A. In making decisions, approve, approve with modifications or conditions, or deny an application.
- B. Require such improvements, either on or off site, which are reasonably related to the project and are in the best interests of the public health, safety, or general welfare, or which are necessary in order to mitigate adverse environmental effects disclosed in an environmental assessment, negative declaration, EIR/EIS, etc.
- C. Conform the project to the goals and policies of the general plan, and relevant specific plan, and/or the purposes and objectives of the zoning district.
- D. Prepare pamphlets for distribution describing the policies and procedures to be used by architects and builders under this chapter.
- E. Determine such application requirements as may be required to carry out its duties.
- F. Initiate and recommend to the city council amendments to the zoning ordinance in order to further the purposes of design review. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

18.20.030 Scope of review—Criteria.

- A. The planning commission or zoning administrator shall review site plans, landscape plans, building architecture and such other plans and reports (grading plans, EIR/negative declarations, etc.) as may be required to preserve and enhance the city's aesthetic values and ensure the preservation of the public health, safety and general welfare. The planning commission and zoning administrator review of project plans shall include, but not be limited to, the following:

1. Preservation of the natural beauty of the city and the project site's relationship to it;
2. Appropriate relationship of the proposed building to its site, including transition with streetscape, public views of the buildings, and scale of buildings within its site and adjoining buildings;
3. Appropriate relationship of the proposed building and its site to adjoining areas, including compatibility of architectural styles, harmony in adjoining buildings, attractive landscape transitions, and consistency with neighborhood character;
4. Preservation of views enjoyed by residents, workers within the city, and passersby through the community;
5. Landscaping designed to enhance architectural features, strengthen vistas, provide shade, and conform to established streetscape;
6. Relationship of exterior lighting to its surroundings and to the building and adjoining landscape;
7. Architectural style, as a function of its quality of design and relationship to its surroundings; the relationship of building components to one another/the building's colors and materials; and the design attention given to mechanical equipment or other utility hardware on roof, ground or buildings;
8. Integration of signs as part of the architectural concept; and
9. Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

18.20.040 Procedures.

- A. An applicant for a project requiring planning commission design review shall submit to the zoning administrator a site plan, exterior elevations, landscape plans, and such plans, reports and other data as may be required by the planning commission in evaluating the proposed project. The zoning administrator shall refer all applications to the planning commission. The planning commission shall consider and render a decision within the time frames established by law for decision making on projects.
- B. An applicant for a project requiring design review by the zoning administrator shall submit a site plan and/or architectural drawings or sketches showing building elevations and/or details of the structure, or other such plans, reports, or data as may be required by the zoning administrator to evaluate each project.
 1. For those classes of projects described in Sections 18.20.010(B)(7), (B)(8), and (B)(9) of this chapter, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter. No notice shall be given prior to the zoning administrator's action on these classes of projects.
 2. For those classes of projects described in Sections 18.20.010(B)(1) through (B)(6), (B)(12), and (B)(13) of this chapter, the zoning administrator shall send notice of the applications to the surrounding property owners. The zoning administrator shall determine the area within which property owners are to be notified by mail. If within seven days of mailing such notice, the zoning administrator receives a request for a hearing, the zoning administrator shall schedule an administrative hearing within seven days. Either administratively, if no hearing is requested, or after conducting the administrative hearing, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter.
 3. For that class of project described in Section 18.20.010(B)(14) of this chapter, the zoning administrator shall send notice of the application to surrounding property owners within 1,000 feet of the project site. If within seven days of mailing such notice, the zoning administrator receives a request for a hearing, the zoning administrator shall schedule an administrative hearing within the time frame established by law for decision making on projects. Either administratively, if no hearing is requested, or after the administrative hearings, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter.
 4. Projects.

- a. **Minor Projects.** For those classes of projects described in Section 18.20.010(B)(10) of this chapter determined by the zoning administrator to be minor in nature, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter. No notice shall be given prior to the zoning administrator's action on these classes of projects.
- b. **Substantial Projects.** For those classes of projects described in Section 18.20.010(B)(10) of this chapter determined by the zoning administrator to be substantial in nature, the zoning administrator shall send a notice of the application to the surrounding property owners. The zoning administrator shall determine the area within which property owners are to be notified by mail. If within seven days of mailing such notice the zoning administrator receives a request for a hearing, the zoning administrator shall schedule a public hearing at the next available city council meeting. The city council after conducting the hearing shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter.

The zoning administrator shall consider and render a decision within the time frames established by law for decision making on projects.

- C. For those projects which are judged by the zoning administrator to involve complex design issues or which may be of a sensitive or controversial nature, the zoning administrator shall refer the plans to a licensed design professional for review and comment. The zoning administrator shall maintain a list of qualified design consultants who agree not to do any professional work in Pleasanton. Upon making a determination that such review is required, the zoning administrator shall refer the plans to one of the design consultants within one week of receiving a completed application. The design professional shall comment on the design of the proposal, attend staff meetings, and attend public hearings as deemed necessary by the zoning administrator. The cost of the consultant services shall be borne by the applicant.
- D. The zoning administrator may use the voluntary services of licensed design professionals on minor design review applications where necessary to resolve design issues. Design professionals who provide only voluntary services are not restricted from doing other professional work in Pleasanton.
- E. If determined to be necessary by the zoning administrator or planning commission, an applicant for a new house within the Downtown Specific Plan Area or a two-story addition to an existing house within the Downtown Specific Plan Area shall install story poles depicting the height and mass of the proposed house or addition subject to the satisfaction of the zoning administrator or planning commission. Unless otherwise directed by the zoning administrator or planning commission, the story poles shall be installed by the applicant prior to public noticing and shall remain in place until the project has been acted upon. (Ord. 2088 § 2, 2014; Ord. 2019 § 1, 2011; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1612 § 2, 1994; Ord. 1591 § 2, 1993)

18.20.050 Effective date of decision.

- A. Within five days of the date of the planning commission's decision approving or conditionally approving a project, the secretary shall transmit written notice of the decision to the city council and the applicant. Unless a timely appeal is filed as provided in Section 18.20.060 of this chapter, or unless the city council elects to review the decision of the commission, the decision shall be effective on the later of the following:
 1. The day following the first meeting of the council after the council has received notice of the decision; or
 2. The day after the expiration of the appeal period.
- B. Within five days of the date of the zoning administrator's decision approving or conditionally approving drawings, the secretary shall transmit written notice of the decision to the planning commission, city council, and the applicant. Unless a timely appeal is filed as provided in Section 18.20.060 of this chapter, or unless the planning commission and/or the city council elects to review the decision of the zoning administrator, the decision shall be effective on the later of the following:
 1. The day following the first meeting of the council after the council has received notice of the decision; or
 2. The day after the expiration of the appeal period.

- C. Unless a timely appeal is filed as provided in Section 18.20.060 of this chapter, the decision of the zoning administrator shall be effective at the expiration of the appeal period. (Ord. 1612 § 2, 1994; Ord. 1591 § 2, 1993)

18.20.060 Appeals.

- A. Any appeal pursuant to this action shall follow the procedures outlined in Section 18.144.020 of this title.
- B. Any aggrieved party and/or any member of the city council may appeal any decision of the planning commission to the city council.
- C. Any aggrieved party may appeal an action of the zoning administrator to the planning commission, except for zoning administrator actions on improvements or expansions to unreinforced masonry (URM) buildings, which shall be taken directly to the city council on appeal. Any appeal to the planning commission may be further appealed to the city council. Any member of the planning commission and/or city council may appeal an action of the zoning administrator to the planning commission or the city council, respectively, except for zoning administrator actions on improvements or expansions to unreinforced masonry (URM) buildings, which shall be taken directly to the city council on appeal. Appeals to the planning commission or council shall be governed by this title as if the appeal of the zoning administrator's action were a new application before the commission or council. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

18.20.070 Lapse of approval.

Design approval shall lapse and shall be void one year following the effective date of approval, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion, or the applicant or the applicant's successor has filed a request for approval of extension with the zoning administrator pursuant to the provisions of Section 18.12.030 of this title. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

Title 20

BUILDINGS AND CONSTRUCTION

Chapters:

- 20.04 Building Administrative Code**
- 20.08 Building Code**
- 20.10 Residential Code**
- 20.12 Plumbing Code**
- 20.16 Mechanical Code**
- 20.20 Electrical Code**
- 20.24 Fire Code**
- 20.26 Green Building Code**
- 20.28 Housing Code**
- 20.32 Dangerous Buildings Code**
- 20.36 Security Regulations**
- 20.44 Survey and Site Plan Required**
- 20.55 Swimming Pool, Spa and Hot Tub Code**
- 20.65 International Property Maintenance Code**
- 20.70 Expedited Permitting Process for Small Residential
Rooftop Solar Systems**

Chapter 20.70

EXPEDITED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

Sections:

| | |
|------------------|---|
| 20.70.010 | Purpose. |
| 20.70.020 | Definitions. |
| 20.70.030 | Applicability. |
| 20.70.040 | Solar energy system requirements. |
| 20.70.050 | Applications and documents. |
| 20.70.060 | Permit review and inspection requirements. |

20.70.010 Purpose.

The purpose of this chapter is to provide an expedited solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014, California Government Code Section 65850.5) in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems by removing unreasonable barriers and minimizing costs to property owners. This chapter allows the city to achieve these goals while protecting the public health and safety. (Ord. 2126 § 1, 2015)

20.70.020 Definitions.

For the purpose of this chapter, the following terms shall have the following definitions:

A. "Solar energy system" means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

B. "Small residential rooftop solar energy system" means a system that satisfies all of the following requirements:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, and all state and city health and safety standards.

3. A solar energy system that is installed on a single- or two-family dwelling.

4. A solar panel or module array that does not exceed the maximum legal building height as defined by the city.

C. "Electronic submittal" means the utilization of e-mail, facsimile, or Internet submittal as approved by the chief building official.

D. "Reasonable restrictions on a solar energy system" means those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

E. "Restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency of specified performance" means:

1. For water heater systems or solar swimming pool heating systems: an increase in the cost of the system, as originally proposed, exceeding 10 percent of the cost of the system, but in no case more than \$1,000.00, or a decrease in the efficiency of the solar energy system, as originally proposed, exceeding 10 percent.

2. For photovoltaic systems: an amount not to exceed \$1,000.00 over the system cost as originally proposed, or a decrease in the efficiency of the solar energy system, as originally proposed, exceeding 10 percent.

F. "Specific, adverse impact" means a significant, quantifiable, direct, unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions, as they existed on the date the application was deemed complete. (Ord. 2126 § 1, 2015)

20.70.030 Applicability.

A. This chapter applies to the permitting of all small residential rooftop solar energy systems in the city.

B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance shall not require a permit. (Ord. 2126 § 1, 2015)

20.70.040 Solar energy system requirements.

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the city.

B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Codes.

C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories, and where applicable, rules of the Public Utilities Commission regarding safety and reliability. (Ord. 2126 § 1, 2015)

20.70.050 Applications and documents.

A. All documents required for the submission of an expedited solar energy system application shall be made available on the city's website.

B. Electronic submittal of the required permit application and documents shall be made available to all small residential rooftop solar energy system permit applicants.

C. The city's building division shall maintain a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

D. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research.

E. All fees for the permitting of small residential rooftop solar energy systems are set forth in the City's master fee resolution and shall comply with Government Code Sections 65850.55, 66015, 66016, and State Health and Safety Code Section 17951. (Ord. 2126 § 1, 2015)

20.70.060 Permit review and inspection requirements.

A. The community development director shall implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The building division shall issue a building permit, the issuance of which is nondiscretionary, on the same day for over-the-counter applications or within one to three business days for electronic applications upon receipt of a complete application that meets the requirements of the approved checklist and standard plan.

B. If the building division finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon public health and safety, the applicant may be required to apply for a use permit. Review of the application shall be limited to the city's review of whether the application met local, state, and federal health and safety requirements.

C. The building division may deny an application for a use permit if the chief building official makes written findings, based upon substantive evidence in the record, that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the planning commission pursuant to Section 18.144.020. The planning commission's decision shall be final and not be appealable to the city council.

D. The building division may approve an application subject to conditions. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

E. A feasible method to satisfactorily mitigate or avoid the specific, adverse impact includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit. The city shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of Civil Code Section 714(d)(1)(A) and (B) defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

F. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

G. Only one inspection shall be required and performed by the building division for small residential rooftop solar energy systems. Once an applicant informs the building division that such a solar energy system has been installed, the building division shall complete the inspection as soon as practical (generally within two days) and should include consolidated inspections.

H. If a small residential rooftop solar energy system fails the inspection, a subsequent inspection is authorized and a re-inspection fee may be charged. (Ord. 2126 § 1, 2015)

**Ordinance
Number**

- 2093 Amends §§ 2.29.030, 2.38.080, 2.48.050, 5.08.020, 9.24.020, 13.08.090, 14.04.060, 14.04.130, 15.12.080, 18.20.010 and 18.48.180, various updates to the code (2.29, 2.38, 2.48, 5.08, 9.24, 13.08, 14.04, 15.12, 18.20, 18.48)
- 2094 Adds Ch. 17.26 and §§ 18.36.095 and 18.88.035, transit incentive (17.26, 18.36, 18.88)
- 2095 Amends §§ 19.08.040 and 19.36.060, street design improvements (19.08, 19.36)
- 2096 Approves application for PUD (Special)
- 2097 Amends §§ 9.30.110 and 14.04.060, water conservation (9.30, 14.04)
- 2098 Approves application for PUD (Special)
- 2099 Approves application for PUD (Special)
- 2100 Approves application for PUD (Special)
- 2101 Approves development agreement (Special)
- 2102 Approves application for PUD (Special)
- 2103 Approves application for PUD (Special)
- 2104 Amends Ch. 9.30, water conservation plan (9.30)
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- 2110 Approves application for PUD (Special)
- 2111 Rezone (Special)
- 2112 Repeals and replaces Ch. 17.36, growth management program (17.36)
- 2113 Adds Ch. 18.103; amends §§ 18.28.030, 18.28.040, 18.32.030, 18.36.030, 18.40.030 and 18.44.090; repeals Ord. 145, beekeeping (18.28, 18.32, 18.36, 18.40, 18.44, 18.103)
- 2114 Approves application for PUD (Special)
- 2115 Adds Ch. 14.06, regulation of recycled water use (14.06)
- 2116 Adds Ch. 14.20, recycled water use for landscape irrigation (14.20)
- 2117 Amends contract with the Public Employees' Retirement System (Special)
- 2118 Amends Ch. 9.30 and § 14.04.060(G), water conservation (9.30, 14.04)
- 2119 Amends Ch. 5.36, tourism business improvement district (5.36)
- 2120 Adds §§ 7.36.075, 11.04.055, 11.04.057 and 11.36.230; amends §§ 1.20.020, 2.29.030, 3.32.010, 6.40.020(A), 9.08.170, 9.21.010—9.21.070, 9.32.010—9.32.050, 13.08.040, 13.08.110, 13.08.140, 17.16.003, 17.16.006, 17.16.110, 17.46.020, 17.46.050, 17.46.070, 17.46.100, 17.46.110, 17.46.130, 18.08.172, 18.100.100, 18.124.100, 18.124.110 and 20.04.015; moves Ch. 19.44 to Ch. 17.46; repeals Ch. 6.68, omnibus ordinance to clarify provisions (1.20, 2.29, 3.32, 6.40, 7.36, 9.08, 9.21, 9.32, 11.04, 11.36, 13.08, 17.16, 17.46, 18.08, 18.100, 18.124, 20.04)
- 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)
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- 2129 Approves application for PUD (Special)
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CONSTRUCTION, DEMOLITION DEBRIS

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