SUPPLEMENT NO. 19

INSERTION GUIDE

PLEASANTON MUNICIPAL CODE

January 2018

(Covering Ordinances through 2172)

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 19, January 2018, and includes Ordinance 2172, passed December 5, 2017.

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Chapter 2.08

CITY MANAGER

Sections:

2.08.010 Office created—Appointment.

The office of city manager of the city is created and established. The city manager shall be appointed by the city council wholly on the basis of his or her administrative and executive ability and qualifications, and shall hold office for and during the pleasure of the city council. (Prior code § 1-2.07)

2.08.020 Residence requirement.

Residence in the city at the time of appointment of a city manager shall not be required as a condition of the appointment, but within 180 days thereafter, unless extended by resolution of the city council for a specific period of time, the city manager must become a resident of the city, or the city council shall declare the office of city manager to be vacant. (Ord. 1480 § 1, 1990; prior code § 1-2.08)

2.08.030 Eligibility.

No person elected as a councilman of the city shall, subsequent to such election, be eligible for appointment as city manager until one year has elapsed after such councilmember shall have ceased to be a member of the city council. (Prior code § 1-2.09)

2.08.040 Bond.

The city manager shall furnish a corporate surety bond to be approved by the city council in such sum as may be determined by the city council, and shall be conditioned upon the faithful performance of the duties imposed upon the city manager as prescribed in this chapter. Any premium for such bond shall be a proper charge against the city. (Prior code § 1-2.10)

2.08.050 Temporary city manager.

Within 30 days after his or her appointment the city manager shall recommend for council approval his or her choice of one of the officers or department heads of the city to serve as city manager pro tempore during any temporary absence or disability of the city manager. The approval of the city council and the appointment by the city council of a city manager pro tempore shall be recorded in the minutes. In case of the absence or disability of the city manager and his or her failure to choose a city manager pro tempore, the city council may designate some qualified city employee to perform the duties of the city manager during the period of absence or disability of the city manager, subject, however, to said person furnishing a corporate surety bond conditioned upon faithful performance of the duties required to be performed in Section 2.08.040. (Prior code § 1-2.11)

2.08.060 Compensation.

The city manager shall receive such compensation and expense allowance as the city council shall from time to time determine and fix by resolution, and said compensation and expense shall be a charge against such funds of the city as the city council shall designate. The city manager shall be reimbursed for all sums necessarily incurred or paid by him or her in the performance of his or her duties or incurred when traveling on business pertaining to the city under direction of the city council; reimbursement shall only be made, however,

when a verified, itemized claim, setting forth the sums expended for such business for which reimbursement is requested, has been presented to the city council for approval. (Prior code § 1-2.12)

2.08.070 Powers and duties generally.

The city manager shall be the administrative head of the government of the city under the direction and control of the city council, except as otherwise provided in this chapter. He or she shall be responsible for the efficient administration of all the affairs of the city which are under his or her control. In addition to his or her general powers as administrative head, and not as a limitation thereon, it shall be his or her duty and he or she shall have the powers set forth in Sections 2.08.080 through 2.08.210 of this chapter. (Prior code § 1-2.13)

2.08.080 Law enforcement.

It shall be the duty of the city manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits and privileges granted by the city council are faithfully observed. The city manager shall appoint certain specified city personnel to enforce ordinances and statutes pursuant to the requirements of Penal Code Section 836.5. (Ord. 1316 § 1, 1987; prior code § 1-2.14)

2.08.090 Authority over employees.

It shall be the duty of the city manager and the city manager shall have the authority to control, order and give directions to all heads of departments and to subordinate officers and employees of the city under the city manager's jurisdiction through their department heads, except for the offices of city attorney and city treasurer. (Ord. 1444 § 1, 1990; prior code § 1-2.15)

2.08.100 Power of appointment.

It shall be the duty of the city manager, and the city manager shall appoint, remove, promote and demote any and all official officers and employees of the city, except the city attorney and city treasurer, subject only to rules and regulations of appeal as may be established by the city council. (Ord. 1444 § 1, 1990; prior code § 1-2.16)

2.08.110 Reorganization of offices.

It shall be the duty and responsibility of the city manager to recommend to the city council such reorganization of offices, positions, departments or units under his or her direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business. (Prior code § 1-2.17)

2.08.120 Ordinance recommendation.

It shall be the duty of the city manager and he or she shall recommend to the city council for the adoption of such measures and ordinances as he or she deems necessary or expedient. (Prior code § 1-2.18)

2.08.130 Attendance at council meetings.

It shall be the duty of the city manager to attend all meetings of the city council unless excused therefrom, except when his or her removal is under consideration. (Prior code § 1-2.19)

2.08.140 Financial reports.

It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial conditions and needs of the city. (Prior code § 1-2.20)

2.08.150 Budget submittal.

It shall be the duty of the city manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval. (Prior code § 1-2.21)

2.08.160 Purchasing duties.

It shall be the duty of the city manager and he or she shall be responsible for the purchase of all supplies for all of the departments or divisions of the city. No expenditures shall be submitted or recommended to the city council except on report and approval of the city manager. (Prior code § 1-2.22)

2.08.170 Investigations.

It shall be the duty of the city manager to make investigations into the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligations of the city. (Prior code § 1-2.23)

2.08.180 Public utility franchise investigation.

It shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by the public utilities in said city, and to see that all franchises and permits granted by the city are faithfully performed and observed. (Prior code § 1-2.24)

2.08.190 Public building and property supervision.

It shall be the duty of the city manager and he or she shall exercise general supervision over all public buildings, public parks and all other public property

which are under the control and jurisdiction of the city council. This includes the authority to approve administrative rules, regulations and policies regarding the Pleasanton Pioneer Cemetery. (Ord. 2165 § 1, 2017; prior code § 1-2.25)

2.08.200 Hours of employment.

It shall be the duty of the city manager to devote his or her entire time to the duties of his or her office in the interests of the city. (Prior code § 1-2.26)

2.08.210 Additional duties.

It shall be the duty of the city manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other action of the city council. (Prior code § 1-2.27)

2.08.220 Council/city manager relations.

The city council and its members shall deal with the administrative services of the city manager only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders to any subordinates of the city manager. The city manager shall take his or her orders and instructions from the city council only when sitting in a duly held meeting of the city council and no individual councilman shall give any orders or instructions to the city manager. (Prior code § 1-2.28)

2.08.230 Departmental cooperation.

It shall be the duty of all subordinate officers and the city clerk, city treasurer and city attorney to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously so far as may be consistent with their duties as prescribed by law and ordinances of the city. (Prior code § 1-2.29)

2.08.240 Attendance at commission meetings.

The city manager may attend any and all meetings of the planning commission, park commission, and any other commissions, boards or committees hereafter created by the city council, upon his or her own volition or upon direction of the city council. At such meetings which the city manager attends, he or she shall be heard by such commissions, boards or committees as to all matters upon which he or she wishes to address the members thereof, and he or she shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the city council. (Prior code § 1-2.30)

2.08.250 Resignation.

The city manager shall give the city council 30 days' notice, in writing, of his or her desire to resign or retire. Failure to do so shall constitute grounds for removal, if the council so desires, pursuant to Section 2.08.260. (Prior code § 1-2.31)

2.08.260 Removal—Council vote and notice.

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

2.08.270 Removal—Hearing.

Within seven days after the delivery to the city manager of such notice, he or she may, by written notification to the city clerk, request a hearing before the city council. Thereafter, the city council shall fix a time for the hearing which shall be held at its usual meeting place, but before the expiration of the 30-day period, at which the city manager shall appear and be heard, with or without counsel. (Prior code § 1-2.33)

2.08.280 Removal—Suspension pending hearing.

After furnishing the city manager with written notice of intended removal, the city council may suspend him or her from duty, but his or her compensation shall continue until his or her removal by resolution of the council passed subsequent to the aforesaid hearing. (Prior code § 1-2.34)

2.08.290 Removal—Discretion of council.

In removing the city manager, the city council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing; the purpose of which is to allow the city manager to present to the city council his or her grounds of opposition to his or her removal prior to its action. (Prior code § 1-2.35)

2.08.300 Removal—Limitation.

Notwithstanding the provisions of this chapter, the city manager shall not be removed from office during or within a period of 90 days next succeeding any general municipal election held in the city at which election a member of the city council is elected; the purpose of this

provision is to allow any newly elected member of the city council or a reorganized city council to observe the actions and ability of the city manager in the performance of the powers and duties of his or her office. After the expiration of said 90-day period aforementioned, the provisions of Section 2.08.290 as to the removal of the city manager shall apply and be effective. (Prior code § 1-2.36)

Chapter 2.34

LIBRARY COMMISSION*

Sections:

* **Prior ordinance history:** Ords. 1357, 1418, 1507, 1675, 1780.

2.34.010 Commission created.

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

2.34.020 Duties.

A. The commission shall be responsible for advising the city council on matters related to the Pleasanton library and library services in general.

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

1. Make recommendations to the city council and the Pleasanton library board of trustees regarding policies, services and operating and capital budgets for the Pleasanton library.

2. Recommend rules, regulations and services necessary for the administration of the Pleasanton library.

3. Assist with the planning of library services.

4. Promote the use and support of library services within the community, including working in cooperation with citizen and business groups, foundations, charitable trusts, school districts and governmental agencies.

5. Recommend rules and regulations regarding the use of the Pleasanton library building.

6. Recommend acceptance or rejection of proposed donations to the Pleasanton library. (Ord. 1819 § 1, 2001)

2.34.030 Membership—Appointments.

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

B. Six regular commissioners and the one alternate commissioner shall be selected from the community at large. One regular commissioner shall be selected from a recommendation made by the Pleasanton library league. The youth member shall be the minimum age of a high school freshman. The regular commissioners, the youth member, and alternate commissioner shall be appointed by the mayor subject to the ratification by the city council, as provided in the adopted city council resolution establishing procedures for appointments to boards and commissions.

C. Commissioners shall be eligible to participate in all activities of the commission except that the alternate commissioner shall vote only in the event of an absence or conflict of interest of one of the regular commissioners, and the youth member shall not vote.

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

E. Commissioners shall be compensated as established by city council resolution, unless the youth member is unable to qualify for a work permit that allows for compensation. (Ord. 2059 § 1, 2013; Ord. 1819 § 1, 2001)

2.34.040 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 youth member shall be eligible to serve a two-year term.

D. The term of a commissioner shall be consistent with and subject to city council resolution concerning limiting service on boards and commissions. (Ord. 2059 § 1, 2013; Ord. 1819 § 1, 2001)

2.34.050 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)

2.34.060 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)

2.34.070 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 § 6, 2003; Ord. 1819 § 1, 2001)

2.34.080 Meetings.

A. Regular meetings shall be held on the first 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 chair 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. Four commissioners allowed to vote 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 who are allowed to vote. (Ord. 2170 § 1, 2017; Ord. 2059 § 1, 2013; Ord. 1819 § 1, 2001)

Chapter 5.24

LICENSE TAXES

Sections:

5.24.010 How and when payable.

Unless otherwise specifically provided, all annual license taxes, under the provisions of this title, shall be due and payable in advance on January 1st through January 31st, with payments postmarked within that period also accepted. License taxes covering new operations after January 1st may be prorated based on estimated gross receipts for the balance of the year. License taxes for the development of residential or commercial property shall be due and payable when applying for a building permit for each property to be developed. (Ord. 2165 § 1, 2017; Ord. 1773 § 1, 1999; Ord. 1550 § 6, 1992; prior code § 1-5.34)

5.24.020 Delinquent taxes—Penalties.

A. For failure to pay the license tax when due, the collector shall add a penalty of: 25 percent of said license tax on the first day of February: and 50 percent (non-cumulative) said license tax on the first day of March. When the first day of the month falls on a day when the City Hall is closed, payment of the license tax due may be made on the next working day without penalty. Any license issued pursuant to this title may be suspended by the collector upon the failure of the licensee to pay any charges imposed by this title within 60 days after such charges or reports become delinquent. No license shall be issued, nor one which has been suspended or revoked shall be reinstated or reissued, to any person, who at the time of applying therefor, is indebted to the city for any delinquent license taxes, unless such person, with the consent of the collector, enters into a written agreement with the city, through the collector, to pay such delinquent taxes, plus five percent simple annual interest upon the unpaid balance, in monthly installments, or oftener, extending over a period of not to exceed one year.

B. In any agreement so entered into, such person shall acknowledge the obligation owed to the city and agree that, in the event of failure to make timely payment of any installment, the whole amount unpaid shall become immediately due and payable and that his or her current license shall be revocable by the collector upon 30 days' notice. In the event legal action is brought by the city to enforce collection of any amount included in the agreement, such person shall pay all costs of suit incurred by the city or its assignee, including a reasonable attorney fee. The execution of such an agreement shall not prevent the prior accrual of penalties on unpaid balances at the rate provided in this section, but no penalties shall accrue on account of taxes included in the agreement, after the execution of the agreement, and the payment of the first installment and during such time as such person shall not be in breach of the agreement. (Ord. 2085 § 1, 2013; Ord. 1093 § 2, 1983; prior code § 1-5.35)

5.24.030 Refunds of taxes paid.

No refund of any taxes paid shall be allowed in whole or in part unless a claim for refund is filed with the collector within the timelines and in the manner set forth in Section 1.04.090 of this code. If after the filing of such a claim, the collector determines that a refund is due, the collector may refund the amount that is owed. (Ord. 1967 § 3, 2008; Ord. 1773 § 1, 1999; prior code § 1-5.36)

5.24.040 Gross receipts.

Every person who is conducting business shall pay a license tax based upon the gross receipts in accordance with the following schedule. Gross receipts from the previous calendar year shall be prima facie evidence of the estimated gross receipts for the year for which the license tax applies for all businesses renewing licenses:

LICENSE TAX SCHEDULE

$0—24,999	$25.00
25,000—99,999	50.00
100,000—249,999	75.00
250,000 and above	$0.30/$1,000.00 of gross receipts

If a business has been operating less than one year, the amount due shall be based on actual gross receipts per month for the previous year multiplied by 12, and in accordance with the previous schedule. A new business shall base its tax on estimated gross receipts for the current licensing period in accordance with the previous

schedule. (Ord. 1550 § 6, 1992; Ord. 1089 § 1, 1983; prior code § 1-5.37)

5.24.050 County fairgrounds concessions and exhibitors.

A. All persons who transact and carry on business within the city only at the Alameda County Fairgrounds during a period commencing one week prior to opening and ending one week after closing of the regular fair days, are deemed exempt from said license requirements and shall be exempt from the tax provided in this section.

B. The city council shall, prior to April 1st of each year fix and determine by agreement, letter or resolution confirmed by the board of directors of the Alameda County Fair, an in-lieu fee to compensate the city for services required by concessionaires and exhibitors exempt from this tax. Terms and conditions of said in-lieu payments shall be fixed at the discretion of the council and the board of directors. (Prior code § 1-5.38)

5.24.060 Rules and regulations.

The collector may make rules and regulations not inconsistent with the provisions of this title as may be necessary or desirable to aid in the enforcement of the provisions of this title. (Prior code § 1-5.39)

5.24.070 Enforcement authority.

A. It shall be the duty of the collector, and he or she is directed to enforce each and all of the provisions of this title, and the chief of police shall render such assistance in the enforcement hereof as may from time to time be required by the collector or the city council.

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

C. The collector and each and all of his or her assistants and any police officer shall have the power and authority (upon obtaining an inspection warrant therefor) to enter, free of charge, and at any reasonable time, any place of business required to be licensed herein, and demand an exhibition of its license. Any person having such license theretofore issued, in his or her possession or under his or her control, who wilfully fails to exhibit the same on demand, shall be guilty of a misdemeanor and subject to the penalties provided for by the provisions of this title. It shall be the duty of the collector and each of his or her assistants to cause a complaint to be filed against any and all persons found to be violating any of said provisions. (Prior code § 1-5.40)

5.24.080 Tax constitutes debt.

The amount of any license tax and penalty imposed by the provisions of this title shall be deemed a debt to the city. An action may be commenced in the name of said city in any court of competent jurisdiction, for the amount of any delinquent license tax and penalties. (Prior code § 1-5.41)

5.24.090 Remedies cumulative.

All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this title. (Prior code § 1-5.42)

F. Certificate applicants shall be responsible for compliance with, and shall pay all costs of, this testing program with respect to their employees and potential employees, except that an applicant may require employees who test positive to pay the costs of rehabilitation and of return-to-duty and follow-up testing.

G. Upon the request of a driver applying for a permit, the chief of police shall give the driver a list of the consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations that are known by the chief of police to offer tests in or near Pleasanton.

H. No evidence derived from a positive test result pursuant to the program shall be admissible in a criminal prosecution concerning unlawful possession, sale or distribution of controlled substances.

I. Pursuant to federal law, and in accordance with Section 34520(b)(1) of the Vehicle Code, upon the request of an authorized employee of the police department, holders of certificates and driver's permits shall make available for inspection copies of all results and other records pertaining to controlled substances and alcohol use and testing conducted pursuant to federal law, and as specified in subdivision (a) of that section, including those records contained in individual driver qualification files. (Ord. 1744 § 1, 1998)

6.40.110 Suspension or revocation hearing.

Conditions that show sufficient justification exists to suspend or revoke a certificate shall give cause for the chief of police to complete an investigation and document his or her findings. The chief of police shall then make a written determination, supported by findings, and forward such determination to the holder. The holder of a certificate may appeal the suspension or revocation by sending a written notice of appeal to the chief of police within 10 days from the date of the determination. The notice of appeal should include facts that may justify rescinding the suspension or revocation. The chief of police will forward the notice of appeal and supporting documents concerning certificate revocation or suspension to the city manager. The city manager will review all certificate information and determine if the revocation or suspension will stand. The city manager, at his or her discretion, may hold a public hearing on the matter and accept oral and written testimony. The holder will be notified in writing of the city manager's decision concerning the appeal within 30 days after sending the written notice of appeal. The decision of the city manager shall be final. (Ord. 1744 § 1, 1998)

6.40.120 Certificate—Surrender.

If the chief of police, or city manager following an appeal, finds that sufficient justification exists for the suspension or revocation of a certificate, the holder shall surrender the certificate to the chief of police, and the operation of any taxicab or taxicabs covered by such certificates shall cease. (Ord. 1744 § 1, 1998)

6.40.130 Driver's permit required.

It is unlawful for any person to operate a taxicab in the city without first having obtained a driver's permit from the chief of police. All persons applying for such a permit shall file with the chief of police the appropriate application fee, as set forth in the master fee schedule (on file in the office of the city clerk) and an application which shall set forth:

A. The applicant's name, home address, date of birth and phone number. The applicant shall provide a copy of the appropriate class California driver's license. If the applicant is not a citizen of the United States, a copy of the applicant's work authorization permit needs to be submitted. Any information relative to the applicant's driving record and history of criminal convictions, if any.

B. A statement from the applicant as to whether the person is being hired as an independent contractor or as an employee of the taxi company. The person hired as an independent contractor is required to obtain a city business license and provide a certificate of insurance pursuant to Section 6.40.050 of this chapter.

C. The taxicab company the applicant is planning to work for, the name of the owner, the business address and business phone number.

D. The experience of the applicant in the transportation of passengers.

E. A concise history of the applicant's past 10 years of employment.

F. Two recent photographs, one and one-half inches by one and one-half inches in size.

G. Applicants shall submit to a drug/alcohol test in accordance with Section 53075.5 of the Government Code, and as set forth in Section 6.40.105 of this chapter, before employment and upon driver's permit renewal. (Ord. 1744 § 1, 1998)

6.40.140 Driver's permit—Requirements.

The police chief shall issue or deny the application for a driver's permit within 60 days of receipt of a completed application. When necessary, the chief of police may extend the time in order to issue or deny the application. The chief of police shall not issue a driver's permit:

A. If the applicant is under 21 years of age.

B. If the applicant does not possess a valid license issued by the state of the appropriate class.

C. If the applicant has been convicted of reckless driving or driving while under the influence of intoxicating beverages or drugs within the past seven years, from the date of application.

D. If the applicant has been convicted of a felony or crime involving moral turpitude.

E. If the applicant, having submitted to a drug/alcohol test in accordance with Section 53075.5 of the Government Code, receives a positive test result. (Ord. 2165 § 1, 2017; Ord. 1744 § 1, 1998)

6.40.150 Driver's permit—Issuance.

Upon satisfying the requirements of this chapter, the chief of police shall issue a driver's permit to the applicant which shall bear the name, address, age, signature and photograph of the applicant. (Ord. 1744 § 1, 1998)

6.40.160 Driver's permit—Display.

Every driver issued a permit under this chapter shall post his or her driver's permit in full view of all passengers. (Ord. 1744 § 1, 1998)

6.40.170 Driver's permit—Temporary.

The chief of police may grant a temporary permit to operate a taxicab pending final action on any application for a permanent driver's permit as provided in this chapter, but no such temporary permit may be issued to any person who does not have a valid license issued by the state for the appropriate class. This temporary permit shall authorize the driver thereof to drive any such vehicle for a period of 30 days. (Ord. 1744 § 1, 1998)

6.40.175 Change of employment.

If a driver changes his or her employment to a different owner, he or she shall, within 24 hours thereafter, notify the chief of police for the purpose of having his or her driver's permit changed so as to properly designate the name of the new employer. (Ord. 1744 § 1, 1998)

6.40.180 Change of address.

If a driver changes his or her residential address, he or she shall, within 10 days thereafter, notify the chief of police for the purpose of having his or her driver's permit changed so as to properly designate his or her residential address. (Ord. 1744 § 1, 1998)

6.40.190 Driver's permit—Suspension and revocation.

A driver's permit issued under the provisions of this chapter may be suspended or revoked at any time by the chief of police if the driver has:

A. Been convicted of a felony or crime involving moral turpitude;

B. Had his or her state driver's license suspended, revoked, or failed to maintain a valid license;

C. Been convicted of reckless driving or driving while under the influence of alcoholic beverages or drugs;

D. During any continuous six-month period, had two or more convictions of any offense involving driving;

E. Has submitted to a drug/alcohol test in accordance with Section 53075.5 of the Government Code, receiving positive results; or

F. Violates any provisions of this chapter. (Ord. 1744 § 1, 1998)

6.40.200 Operating requirements.

A. Taximeter Required. It is unlawful for any owner or driver to operate any taxicab in the city unless such vehicle is equipped with a taximeter of such type, style and design as may be approved by the chief of police. It shall be the responsibility of every owner operating a taxicab to keep such taximeter in perfect condition so that said taximeter will, at all times, correctly and accurately indicate the correct charge for the distance traveled and waiting time. The taximeter shall be certified by having a certification sticker affixed by the state Bureau of Weights and Measures, which has the sole authority to certify such meters.

B. Registration of Fares. Every taximeter shall register the charge to the nearest $0.10 and be equipped with a flag or other mechanical device with the words "For Hire" printed or stamped thereon, and the flag shall be so attached and connected to the mechanism of the taximeter as to cause the mechanism to operate when the flag is in a position other than upright and indicate that the taxicab is not for hire, and which said flag shall, when moved forward or downward, start the operation of the taximeter so that the same will operate in the manner defined in this section.

C. Unlawful Display of Flag. Except on regular long-term contractual arrangements or acceptable flat rate charges as described in subsection E of this section, it is unlawful for any driver of a taxicab while carrying passengers to display the flag or device attached to such taximeter in such a position as to denote that such vehicle is for hire, or is not employed, or to have such flag or

Title 9

HEALTH AND SAFETY

Chapters:

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.

18. Any owner, operator, manager or other person holding an event Downtown, defined as the area within the Downtown Specific Plan, pursuant to a police department issued special event permit, involving a closure of a public street, a special event, a conditional use permit, or a temporary use, shall prohibit smoking at such event. "No Smoking" signs shall generally be visible at entrances or reasonable intervals along the perimeter of such event to advise guests, invitees and the public about the prohibition on smoking. Violators are subject to administrative citation as provided in Chapter 1.24.

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. 2165 § 1, 2017; Ord. 2136 § 1, 2016; 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: (a) such residence is used at any time as a family day care home or a health care facility; or (b) such residence is a rental unit of two of more connected rental units under common ownership and subject to the smoking restrictions of Chapter 9.26; and in the event of a conflict between the Chapters 9.24 and 9.26 the stricter restrictions on smoking shall apply.

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. 2164 § 3, 2017; Ord. 1615 § 1, 1994; Ord. 1609 § 1, 1993)

9.24.070 Posting of signs.

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

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

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

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

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

9.24.080 Enforcement.

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

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

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

9.24.090 Nonretaliation.

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

9.24.100 Violations and penalties.

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

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

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

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

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

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

9.24.110 Severability.

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

Chapter 9.26

RESTRICTIONS ON SMOKING IN MULTIFAMILY RENTAL APARTMENTS

Sections:

9.26.010 Purpose and findings.

The Centers for Disease Control and Prevention have documented that secondhand smoke causes thousands of deaths from lung cancer and heart disease. The U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke. In addition to the health risks posed by secondhand tobacco and marijuana smoke, aerosol and vapors emitted from electronic smoking devices contain chemicals that have been identified as a health hazard.

The city finds that nonsmokers who live in multifamily rental apartments can be exposed to neighbors' secondhand smoke, and that it is in the interest of public health and safety to restrict smoking in multifamily rental apartments. (Ord. 2164 § 3, 2017)

9.26.015 Application of chapter.

This chapter shall apply within to all units in multifamily rental apartments and their common areas. (Ord. 2164 § 3, 2017)

9.26.020 Definitions.

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

A. "Common area" means every enclosed area or unenclosed area of a multifamily rental apartment where residents of more than one unit are entitled to enter or use, including, but not limited to, halls, paths, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages and parking lots, restrooms, laundry rooms, cooking areas, and eating areas.

B. "Electronic smoking device" means an electronic cigarette or a similar device, including, but not limited to, a device intended to simulate smoking, which permits a person to inhale vapors or aerosols that may or may not contain nicotine.

C. "Enclosed area" means an area enclosed by a roof and walls on all sides with appropriate openings for ingress and egress, windows and ventilation.

D. "Landlord" means any person who owns property containing a multifamily rental apartment, any person who lets units in a multifamily rental apartment (except a landlord does not include a tenant who sublets a unit), and any person who manages a multifamily rental apartment.

E. "Multifamily rental apartment" means, except as specifically excluded below, any residential property containing two or more units with one or more shared or abutting walls, floors, ceilings or shared ventilation systems; where the units are all under common ownership and management; and at least two of the units are leased. A "multifamily rental apartment" does not include any of the following types of residential properties:

1. Property owned by the state or federal government;
2. A residential care facility or assisted living facility governed by federal or state community care licensing regulations;
3. A detached single-family residence;
4. A detached single-family home with a detached or attached in-law, second units or accessory dwelling unit;
5. A common interest development;
6. A hotel or motel;
7. A mobile home park.

F. "Nonsmoking area" means any enclosed area or unenclosed area in which smoking is prohibited by: (1) this chapter or other law; (2) by binding agreement relating to the ownership, occupancy, or use of real property; or (3) by designation of a person with legal control over the area.

G. "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity, including government agencies.

H. "Smoke" means any vapors, gases, particles or other by-products released into the air as a result of combustion, electrical ignition, or vaporization when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the by-

products, except when the combusting or igniting or vaporizing material both contains no tobacco or nicotine and the usual purpose of inhalation is solely olfactory such as with the burning of incense. Smoke specifically includes, but is not limited to, gases, particles, vapors or other by-products released by electronic smoking device, tobacco cigarettes, herbal cigarettes, marijuana cigarettes and any other type of cigarette, pipe or other implement for the purpose of inhalation of vapors, gases, particles or other by-products released as a result of combustion or ignition or vaporization.

I. "Smoking" or "to smoke" means inhaling, exhaling, burning or carrying any lighted, heated or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device or paraphernalia; or engaging in an act that generates smoke; or lighting or igniting a pipe, a hookah pipe, a cigar, or a cigarette of any kind including, but not limited to, an electronic cigarette.

J. "Tobacco" or "nicotine product" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, or any other preparation of tobacco; and any electronic cigarette or other electronic device used to generate smoke; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

K. "Unenclosed area" means any area that is not an enclosed area.

L. "Unit" means a personal dwelling space for one or more persons at a multifamily rental apartment, and includes any associated exclusive use enclosed area or unenclosed area, such as, for example, a private balcony, porch, deck, or patio. (Ord. 2164 § 3, 2017)

9.26.030 Smoking prohibited in multifamily rental apartments—Exceptions—Designated smoking area.

A. Beginning 180 days after the effective date of the ordinance codified in this chapter, smoking is prohibited in:

1. All units in multifamily rental apartments;

2. Any exclusive use enclosed area or unenclosed area, such as, for example: a private balcony, porch, deck or patio of all multifamily rental apartments;

3. All unenclosed common areas and enclosed common areas; and

4. Within 25 horizontal or vertical feet from any door, window, opening, air intake system or vent of a unit, any exclusive use enclosed area or unenclosed area of a unit, or any enclosed common area or unenclosed common area of a multifamily rental apartment.

B. Notwithstanding subsection A of this section:

1. This chapter shall not apply to persons who as of the effective date of the ordinance codified in this chapter had an existing lease for a unit in a multifamily rental apartment until the expiration of the current term of that lease, which shall not exceed one year.

2. A person with legal control over a common area may designate a portion of the common area as a designated smoking area provided that at all times the designated smoking area complies with Section 9.26.035.

3. When a person renting a unit provides written documentation sufficient for a landlord to determine that such person needs to smoke medical marijuana for medical or therapeutic purposes and no alternative means of ingestion or delivery are available, such person may smoke medical marijuana in a designated smoking area as provided in Section 9.26.035. (Ord. 2164 § 3, 2017)

9.26.035 Designated smoking area.

A designated smoking area:

A. Shall be an unenclosed and clearly delineated area, as described in this section;

B. Shall be located at least 25 horizontal and vertical feet from any door, window, opening, air intake system or vent of a unit, any exclusive use enclosed area or unenclosed area of a unit, or any enclosed common area or unenclosed common area of a multifamily rental apartment;

C. Shall have a clearly marked perimeter and be identified by conspicuous signs;

D. Shall have a receptacle designed for disposal of tobacco waste and shall be maintained generally free of tobacco related litter, including, but not limited to, cigarette butts; and

E. Shall not be more than 10 percent of the total square footage of unenclosed area of the multifamily rental apartment project. (Ord. 2164 § 3, 2017)

9.26.040 Additional smoking-related prohibitions.

Where smoking is prohibited under this chapter:

A. No person shall smoke in any nonsmoking area.

B. No person with legal control over any nonsmoking area shall knowingly permit smoking in any nonsmoking area that is under the person's control.

C. Persons who rent or occupy a unit in a multifamily rental apartment subject to this chapter have a duty to advise and require their invitees and guests to comply with this chapter.

D. No person shall intimidate or harass any person who seeks compliance with this chapter. No person shall intentionally or recklessly expose another person to smoke in response to that person's effort to achieve compliance with this chapter.

E. Causing, permitting, aiding, or abetting a violation of any provision of this chapter shall also constitute a violation of this chapter. (Ord. 2164 § 3, 2017)

9.26.050 Required signage.

A. "No smoking" signs or the international "no smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted at each of the following areas where smoking is prohibited by this chapter:

1. On the outside of each enclosed building of a multifamily rental apartment but only if the building contains six or more units;

2. At all enclosed common areas; and

3. At all unenclosed common areas with improvements that facilitate physical activity including playgrounds and swimming pools.

B. No signs are required by this chapter in any unit.

C. The signs required by this chapter shall be maintained by the landlord.

D. The absence of any sign required by this chapter shall not be a defense to a violation of this chapter.

E. The provisions of this section shall go into effect 180 days after the effective date of the ordinance codified in this chapter. (Ord. 2164 § 3, 2017)

9.26.060 Required and implied lease terms.

A. Every lease or other rental agreement for the occupancy of a unit in a multifamily rental apartment entered into, renewed, or continued month-to-month 180 days after the effective date of the ordinance codified in this chapter shall include the following:

1. A provision stating in substance that it is a material breach of the rental agreement for the tenant, or any other person subject to the control of the tenant or present by invitation or permission of the tenant, to: (a) smoke in any common area other than a designated smoking area; (b) smoke in a unit; or (c) violate any law regulating smoking anywhere on the property.

2. A clear description of all areas on the property where smoking is allowed or prohibited.

3. A provision expressly conveying third-party beneficiary status to all tenants and lawful occupants of the multifamily rental apartment as to the smoking provisions of the agreement.

B. Whether or not a landlord complies with subsection A of this section, the provisions required by that subsection shall be implied and incorporated by law into every rental agreement to which subsection A of this section applies and shall become effective as of the earliest possible date on which the landlord could have made the insertions pursuant to subsection A of this section.

C. This chapter shall not create liability in a landlord to any person for a tenant's breach of any smoking provision in a rental agreement for the occupancy of a unit in a multifamily rental apartment if the landlord has fully complied with subsection A of this section.

D. A tenant who breaches the smoking regulations of a rental agreement or knowingly allows another person to do so shall be liable to the landlord and any occupant of the multifamily rental apartment who is exposed to secondhand smoke as a result of that breach.

E. Failure to enforce any smoking provision required by this chapter shall not affect the right to enforce such provision in the future, nor shall a waiver of any breach constitute a waiver of any subsequent breach or a waiver of the provision itself. (Ord. 2164 § 3, 2017)

9.26.070 Penalties and enforcement.

A. Any person who violates any provision of this chapter may be cited under Chapter 1.24 of this code.

B. This section is not intended to preclude or otherwise limit any other remedy available to the city by law or in equity, including remedies under Chapter 1.16 or 1.28 of this code.

C. Prior to city staff undertaking any enforcement action against a tenant of a unit subject to this chapter, the landlord shall demonstrate to city staff that the landlord has complied with the lease terms in Section 9.26.060, and the landlord shall provide documentation of landlord's actions to achieve a tenant's compliance with this chapter. City staff may reasonably require the landlord to first take enforcement action as allowed by the rental agreement for violating the provisions of this chapter before city staff proceed with any enforcement action. (Ord. 2164 § 3, 2017)

9.26.080 Private enforcement.

Any person may bring a civil action in any court of competent jurisdiction, including small claims court, to enforce this chapter against any person who has violated this chapter. Upon proof of a violation, a court shall grant appropriate relief including awarding actual damages (including damages for emotional distress), injunctive relief, court costs and reasonable attorney's fees. (Ord. 2164 § 3, 2017)

9.26.090 Interpretation.

A. This chapter is restrictive only. This chapter establishes no new rights for a person who engages in smoking. Notwithstanding: (1) any provision of this chapter or other provisions of this code; (2) any failure by any person to restrict smoking under this chapter; or (3) any explicit or implicit provision of this code that allows smoking in any place, nothing in this code shall be interpreted to limit any person's legal rights under other laws with regard to smoking, including, for example, rights in nuisance, trespass, property damage, and personal injury or other legal or equitable principles. This chapter is intended and shall be interpreted to be consistent with and at least as stringent as any state statute prohibiting smoking in any unit, common area or other area of a multifamily rental apartment.

B. If any provision of this chapter or the application thereof is held to be preempted, unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect any other provision of this chapter that is not specifically included in such ruling or that can be given effect without the preempted, unconstitutional, or invalid provision or application; and to this end, the provisions of this chapter are declared severable. (Ord. 2164 § 3, 2017)

Chapter 11.08

TRAFFIC ADMINISTRATION

Sections:

11.08.010 Police administration.

A. Establishment of Traffic Division. There is established in the police department of the city a traffic division to be under the control of an officer of police appointed by and directly responsible to the chief of police.

B. Duty of Traffic Division. It shall be the duty of the traffic division, with such aid as may be rendered by other members of the police department, to enforce the street traffic regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to investigate traffic accidents and to cooperate with the city traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the division by this title and the traffic ordinances of the city.

C. Traffic Accident Studies. Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures.

D. Traffic Accident Reports. The traffic division shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the city traffic engineer.

E. Traffic Safety Report. The traffic division shall annually prepare in cooperation with the city traffic engineer a traffic report which shall be filed with the city council. Such a report shall contain information on traffic matters in the city as follows:

1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

2. The number of traffic accidents investigated and other pertinent data on the safety activities of the police;

3. The plans and recommendations of the division for future traffic safety activities. (Prior code § 5-1.26)

11.08.020 City traffic engineer.

A. Office Established. The office of city traffic engineer is established.

B. Powers and Duties—Delegation. It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic control devices and signals, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering and traffic investigations of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of the city. Whenever, by the provisions of this title a power is granted to the city traffic engineer or a duty imposed upon him or her, the power may be exercised or the duty performed by his or her designee. (Ord. 2165 § 1, 2017; prior code § 5-1.27)

11.08.030 Traffic committee.

A. Advisory Committee Established. There is established an advisory traffic committee to serve without compensation, consisting of the city traffic engineer, the chief of police, the city attorney and such number of other persons as may be determined and appointed by the city council. The committee shall annually elect a chair from its membership and adopt such rules and regulations as may be necessary in the conduct of its business.

B. Duties. It shall be the duty of the traffic committee to assist in coordinating the activities of all officers and agencies of the city having authority with respect to the administration or enforcement of traffic regulations; to assist in coordinating the traffic safety programs and efforts of all groups and individuals; to stimulate and assist in the preparation and publication of traffic reports; to recommend to the legislative body of the city ways and means for improving traffic regulations; and to stimulate and assist in the formulation and operation of educational programs related to traffic safety. (Prior code § 5-1.28)

Chapter 11.12

ENFORCEMENT OF TRAFFIC REGULATIONS

Sections:

11.12.010 Authority of police and fire department officials.

Officers of the police department and such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department or members of the fire department may direct traffic as conditions may require, notwithstanding any regulation or provision contained in this title or the Vehicle Code. (Prior code § 5-1.50)

11.12.020 Persons other than officials shall not direct traffic.

No person other than an officer of the police department or members of the fire department or a person authorized by the chief of police or a person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate, when and as provided in this chapter, any mechanical pushbutton signal erected by order of the city traffic engineer. (Prior code § 5-1.50 (a))

11.12.030 Traffic regulations apply to persons riding bicycles or animals.

Every person riding a bicycle or riding or driving an animal upon a highway has all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except those provisions which by their very nature can have no application. (Prior code § 5-1.51)

11.12.040 Removal of chalk marks.

The removal, obliteration or concealment of any chalk mark or other distinguishing mark used by any police officer or other employee or officer of the city in connection with the enforcement of the parking regulations of this title, if done for the purpose of evading the provisions of this title, shall constitute a misdemeanor violation. (Ord. 1222 § 19, 1985; prior code § 5-1.52)

11.12.050 Authority of police in crowds.

At places where large numbers of people and vehicles are to gather or have gathered, nothing in this title shall be construed to prevent any police officer from prohibiting any person from parking any vehicle upon or using any street or sidewalk, or from prohibiting any pedestrian from using any street or sidewalk, and the police officer shall have authority to direct the parking of vehicles in any reasonable manner, way or direction, and it is unlawful for any person to fail to promptly obey the police officer's order, signal or command, regardless of any other provision of this title. (Prior code § 5-1.54)

11.12.060 Exemption of certain vehicles.

A. The provisions of this title regulating the operation, parking and standing of vehicles shall not apply to vehicles operated by the police or fire department, any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified by the Vehicle Code in response to an emergency call.

B. The exemptions set forth in subsection A of this section shall not, however, relieve the operator of any such vehicle from the obligation to exercise due care for the safety of others or the consequences of his or her wilful disregard of the safety of others.

C. The provisions of this title regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction or repair work or any vehicle owned or operated by the United States Post Office while in use for the collection, transportation or delivery of United States mail. (Prior code § 5-1.55)

11.12.070 Report of damage to certain property.

A. The operator of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including, but not limited to, any fire hy-

Chapter 11.36

STOPPING, STANDING AND PARKING

Sections:

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 passen-

ger 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;

Chapter 13.04

ENCROACHMENTS

Sections:

13.04.010 Definitions.

For purposes of this chapter the following words and phrases shall have meanings as follows:

A. "Encroach" or "encroachment" means going over, upon or under, or using any right-of-way or watercourse in such a manner as to prevent, obstruct, or interfere with its normal use, including the performance thereon of any of the following acts:

1. Excavating, filling, or disturbing the right-of-way or watercourse;

2. Erecting or maintaining any flag, banner, declaration, post, sign, pole, fence, guardrail wall, loading platform, mailbox, pipe, conduit, wire, or other structure on, over or under a right-of-way or watercourse;

3. Planting any tree, shrub, grass or other growing thing within a right-of-way or watercourse;

4. Placing or leaving on a right-of-way or watercourse any rubbish, brush, earth or other material of any nature whatsoever;

5. Constructing, placing or maintaining on, over, under or within the right-of-way any pathway, sidewalk, driveway, curb, gutter, paving or other surface or subsurface drainage structure or facility, any pipe, conduit, wire or cable;

6. Traveling on the right-of-way by any vehicle or combination of vehicles or object of dimension, weight, or other characteristic prohibited by law without a permit;

7. Lighting or building a fire;

8. Constructing, placing, planting or maintaining any structure, embankment, excavation, tree or other object adjacent to a right-of-way or watercourse which causes or will cause an encroachment.

B. "Permittee" means any person, firm, corporation or other agency that proposes to do work or encroach upon a right-of-way or watercourse as defined in this section, and has been issued a permit for such encroachment by the superintendent of streets.

C. "Private contract" means a contract between two or more parties for the installation, construction, revision, operation or creation of an encroachment to which contract the city is not a party.

D. "Public street" means the full width of the right-of-way of any road, street, highway, alley, lane or pedestrian walkway used by or for the general public whether or not said road, street highway, alley, lane or pedestrian right-of-way has been improved or accepted for maintenance by the city, except streets and highways forming part of the state highway system.

E. "Public utility" means private corporations or governmental jurisdictions authorized by law to establish and maintain any works or facilities in, under or over any public street. This chapter shall not be construed to limit the powers and duties vested by law in the Public Utilities Commission of the state, and in the event of any conflict the Public Utilities Commission's orders, rules, and regulations shall govern.

F. "Right-of-way" means land which by deed, conveyance, agreement easement, dedication, usage or process of law is reserved for and dedicated to the general public for street, highway, alley, public utility, or pedestrian walkway purposes.

G. "Superintendent of streets" means the city engineer of the city or authorized agent.

H. "Watercourse" shall mean a channel for the carrying of stormwater, including both natural and artificial watercourses.

I. "Sidewalk decorative display" means the use of a public sidewalk for a small exhibition of merchandise which is offered for sale within an adjacent indoor retail establishment.

J. "Sidewalk dining" means the use of a public sidewalk for the placement of tables, chairs, benches, and related items for the purpose of serving food and/or beverages in conjunction with and adjacent to an indoor restaurant, delicatessen, or ice cream/yogurt shop. (Ord. 2000 § 1, 2009; Ord. 1607 § 1, 1993; Ord. 1485 § 1, 1990; prior code § 5-8.01)

13.04.020 Exceptions.

A. This chapter shall not apply to officers or employees of the city acting in the discharge of their official duties, or to any work being performed by any person, firm or corporation pursuant to a contract with the city.

B. This chapter shall not apply to real estate company open house directional signs when such signs are placed in accordance with provisions in Section 18.96.030(I). (Ord. 1362 § 1, 1988; prior code § 5-8.02)

13.04.030 Restriction of use.

All permits granted subject to this chapter shall be subject to the right of the city, and any person or persons entitled thereto, to use any part of a public right-of-way for any purpose for which it may be lawfully used, and no part of a right-of-way may be unduly obstructed at any time. (Prior code § 5-8.03)

13.04.040 Permit required.

No person shall encroach or cause to be made any encroachment of any nature whatever within, upon, over or under the limits of any right-of-way or watercourse, or make or cause to be made any alteration of any nature within, upon, over or under the limits of any right-of-way or watercourse, or construct, put upon, maintain or leave thereon, or cause to be constructed, put on, maintained or left thereon, any obstruction or impediment of any nature whatever, or remove, cut or trim trees thereon, or set a fire thereon, or to place on, over or under such right-of-way any pipeline, conduit or other fixtures, or move over or cause to be moved over the surface of any right-of-way or over any bridge, viaduct, or other structure maintained by the city any vehicle or combination of vehicles or other object of dimension or weight prohibited by law or having other characteristics capable of damaging the right-of-way, or place any structure, wall, culvert, or similar encroachment, or make any excavation or embankment in such a way as to endanger the normal usage of the right-of-way or watercourse without having first obtained a permit as required by this chapter, except as may be provided in Section 13.04.050. (Prior code § 5-8.04)

13.04.050 Prohibited encroachments.

The following encroachments are specifically prohibited, and no applications will be accepted nor permits issued therefor:

A. Construction or maintenance of a loading dock on or in public right-of-way;

B. Erection or maintenance of a post, pole, column or structure for the support of advertising signs;

C. Installation or maintenance of underground tanks, vaults, or elevators, except that underground vaults may be permitted as part of facilities owned by public utilities or public agencies;

D. Erection, installation or maintenance of posts, poles or columns for the purpose of carrying lights intended primarily for lighting of abutting private property;

E. Installation or maintenance of signs bearing flashing or moving lights, except for temporary warning signs, barricades or flashers required for protection or the public during construction operations;

F. Application of paint to paved surfaces, including curbs, except for:

1. Official traffic markings and marking of underground facilities in connection with construction or maintenance work,

2. House numbers five inches in height, with a contrasting background, on the face of a curb generally near the driveway of the house, and

3. "No Dumping—Drains to Bay" type message on the top of curb above or generally near a sewer inlet;

G. Construction or placement of any fill, wall, pipe, column, pole, fence, tree, shrub or any other item within any right-of-way, or which would constrict and reduce the capacity of any watercourse to carry stormwater. (Ord. 2165 § 1, 2017; prior code § 5-8.05)

13.04.060 Variances.

The superintendent of streets may grant a variance to the terms listed in Section 13.04.050 in the following situations:

A. Where other city ordinances, state laws, or regulations are in conflict herewith;

B. Where the city planning commission, by resolution, as a condition to land use application requires an encroachment not otherwise permitted; and

C. Where, in the sound discretion of the superintendent of streets, the proposed encroachments should not be prohibited under the special circumstances presented. (Prior code § 5-8.06)

13.04.070 Hours of work.

All work regulated by this chapter, and approved by the superintendent of streets, shall be performed during the regular working hours of the working week, Monday through Friday. On Saturdays, Sundays and holidays, when city personnel are not on duty, no work authorized by this chapter shall be performed. Public utilities may perform work during other than the regular working hours of the regular working week where, in the judgment of the superintendent of streets, inspection of the work is not necessary until the next regular working day. (Prior code § 5-8.07)

13.04.080 Emergency work.

The provision of Section 13.04.070 shall not prohibit any person from maintaining any pipe or conduit lawfully on or under any public street, or from making excavations as may be necessary for the preservation of life or property when an urgent necessity therefor arises during the hours the offices of the city are closed, except that the person making an emergency use of encroachment on a public street shall apply for a permit therefor within one calendar day after the offices of the city are again opened. (Prior code § 5-8.08)

13.04.090 Limited operation areas.

The city council may, from time to time, designate by resolution certain public streets to be limited operation areas. The following acts are prohibited in limited operation areas: to conduct construction operations between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 3:30 p.m. and 6:00 p.m.; provided, that in the event of emergency the superintendent of streets may give permission to vary the requirements of this section. (Prior code § 5-8.09)

13.04.100 Authority to issue permits.

Upon the approval of the superintendent of streets, written permits required by this chapter shall be issued by the city clerk, subject to the provision of this chapter and other applicable laws. (Prior code § 5-8.13)

13.04.110 Application for permit.

The superintendent of streets shall prescribe and provide a regular form of applications for the use of applicants for permits required by this chapter. The application shall show such information and details as the superintendent of streets may deem necessary to establish the exact location, nature, dimensions, duration, and purpose of the proposed use or encroachment. (Prior code § 5-8.14)

13.04.120 Exhibits required.

When required by the superintendent of streets, the application shall be accompanied by maps, sketches, diagrams, or similar exhibits, to the size and in the quantity as the superintendent of streets may prescribe, sufficient to clearly illustrate the location, dimensions, nature and purpose of the proposed encroachment and its relation to existing and proposed facilities in the right-of-way or watercourse. (Prior code § 5-8.15)

13.04.130 Consent of public agencies.

The applicant shall also enclose with attach or add to the application the written order or consent to any work thereunder, required by law, of the Public Utilities Commission, sanitary district, water district, flood control district, or any other public body having jurisdiction. A permit shall not be issued until and unless such order or consent is first obtained and evidence thereof filed with the superintendent of streets. The permittee shall keep himself adequately informed of all state and federal laws and local ordinances and regulations which in any manner affect the permit. The applicant shall at all times

comply with and shall cause all his or her agents and employees to comply with all such laws, ordinances, regulations, decisions, court and similar authoritative orders. (Prior code § 5-8.16)

13.04.140 Action on applications.

Applications may be approved, conditionally approved, or denied. When the superintendent of streets finds that the application is in accordance with the requirements of this chapter, he or she shall issue a permit for the use or encroachment, attaching such conditions as he or she may deem necessary for the health, safety and welfare of the public and for the protection of the city. If the superintendent of streets finds the application is in conflict with the provisions of this chapter, he or she shall deny the permit, giving in writing the reasons for the denial. (Prior code § 5-8.17)

13.04.150 Permit—Form and validity.

Permits must be written on a form prescribed by the superintendent of streets. No permit shall be valid unless signed by the superintendent of streets or his or her authorized representative. (Prior code § 5-8.18)

13.04.160 Term of permit—Beginning of work.

The permittee shall begin the work or use authorized by a permit issued pursuant to this chapter within 90 days from date of issuance, unless a different period is stated in the permit. If the work or use is not begun accordingly, then the permit shall become void. (Prior code § 5-8.19)

13.04.170 Term of permit—Completion of work.

The permittee shall complete the work or use authorized by a permit issued pursuant to this chapter within the time specified in the permit. If at any time the superintendent of streets finds that the delay in the prosecution of completion of the work or use authorized is due to lack of diligence on the part of the permittee, he or she may, after notice to the permittee, cancel the permit and restore the right-of-way or watercourse to its former condition. The permittee shall reimburse the city for all expenses by the superintendent of streets in restoring the right-of-way or watercourse. (Prior code § 5-8.20)

13.04.180 Display of permit.

A. The permittee shall keep any permit issued pursuant to this chapter at the site of work, or in the cab of a vehicle when movement thereof on a public street is involved, and the permit must be shown to any authorized representative of the superintendent of streets of law enforcement officer on demand.

B. A permit issued for continued use or maintenance of an encroachment may be kept at the place of business of the permittee or otherwise safeguard during the term of validity, but shall be made available to an authorized representative of the superintendent of streets or law enforcement officer within a reasonable time after demand therefor is made. (Prior code § 5-8.21)

13.04.190 Nonassignment.

Permits shall be issued only to the person, firm, or corporation making application therefor and may not be assigned to any other party by the permittee. If any permittee assigns his or her permit to another, the permit shall become void. (Prior code § 5-8.22)

13.04.200 Changes in permit or work.

No changes may be made in the location, dimension, character or duration of the encroachment or use as granted by the permit except upon written authorization of the superintendent of streets. No permit shall be required for the continuing use or maintenance of encroachments installed by public utilities, or for changes therein or thereto where such changes or additions require no excavation of the right-of-way. (Prior code § 5-8.23)

13.04.210 Fees.

A. The schedule of fees will be as established and adopted by the city council from time to time by resolution. Before a permit is issued the applicant shall deposit with the city cash or check, in a sufficient sum to cover the fee for issuance of the permit, charges for field investigation, and the fee for necessary inspection, all in accordance with the schedule established and adopted by the city council.

B. Public utilities may make payment for the charges set out in subsection A of this section as billed by the city instead of advance deposit as required above, or make payment in accordance with established franchise agreements.

C. Fees will not be required of any public agency which is authorized by law to establish or maintain any works or facilities in, under, or over any public street, right-of-way or watercourse. (Prior code § 5-8.24)

13.04.220 Bonds.

A. Cash Deposit. Unless this part is waived in the permit and before a permit is effective, the permittee shall deposit with the superintendent of streets or agent authorized by resolution of the city council, cash or a

certified or cashier's check, in the sum to be fixed by the superintendent of streets as sufficient to reimburse the city for cost of restoring the right-of-way or watercourse to its former condition, based on the schedules, if any, adopted by resolution of the city council; provided, however, that the permittee may file a cash deposit on an annual basis in a sum estimated by the superintendent of streets as sufficient to cover permittee's activities during any 12-month period.

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

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

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

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

13.08.100 Advertising.

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

13.08.110 Vehicles.

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

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

13.08.120 Camping—Sleeping.

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

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

13.08.130 Alcoholic beverages.

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

13.08.140 Hours of operation.

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

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

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

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

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

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

4. When the director has given written permission.

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

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

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

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

1. With the written permission of the director;

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

3. Only in neighborhood parks if by bona fide neighborhood groups and only for neighborhood related activities. (Ord. 2120 § 1, 2015; Ord. 1659 § 1, 1995; Ord. 1474 § 1, 1990; Ord. 1428 § 4, 1989)

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

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

13.08.150 Motor driven cycles and model vehicles and planes.

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

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

13.08.160 Horseback riding.

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

13.08.170 Golfing.

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

13.08.180 Amplified sound or music.

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

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)

Chapter 14.04

REGULATION OF WATER SYSTEM AND WATER SERVICE FEES

Sections:

14.04.010 Definitions.

Whenever in this chapter the words or phrases defined in this section are used, they shall have the respective meanings assigned to them in the following definitions (unless in the given instance, the context wherein they are used shall clearly impart a different meaning):

1. "Applicant" means any prospective consumer applying for water service.

2. "Consumer" means any person, firm, company, corporation, partnership, association, the city, any public corporation, political subdivision, city, county, district, the state of California or the United States of America, or any department or agency of any thereof, billed for water furnished by the water system. The singular in each case shall include the plural.

3. "Department" means the department of public works of the city.

4. "Developer" means any individual, firm, corporation, partnership, association or governmental agency other than the city that installs any parts of or connects any services to any point in the city water system for the purpose of extracting water from the city water system.

5. "Director" means the operations services director of the city or other person designated by the city manager to perform the services or make the determinations permitted or required under this chapter to be made by the director.

6. "Distribution main" means an intermediate main serving more than one developer or neighborhood, normally larger than eight inches and smaller than 16 inches and to which service lines may be attached.

7. "Dwelling unit" means any single-family dwelling of one or more rooms suitable for residential occupancy by any number of persons living together as a single family, including single-family dwelling units, and each group of rooms constituting a dwelling unit for a single family in any multiple-dwelling structure.

8. "Finance department" means the finance department of the city.

9. "In-tract main" means a water main within the physical boundaries of a lot or subdivision.

10. "Local main" means a water line serving a single developer or neighborhood, normally eight inches or smaller, but may include larger sizes, to which all service lines are attached.

11. "Meter" means a city-installed water meter.

12. "Mixed-use residential and commercial structure" means a structure containing two or more dwelling units (but excepting low-income housing, housing at a place of education, long-term care facilities, time-share property and residential care facilities for the elderly, as defined in California Water Code Section 537(a), as amended).

13. "Multiunit residential structure" means a structure containing two or more dwelling units (but excepting low-income housing, housing at a place of education, long-term care facilities, time-share property and residential care facilities for the elderly, as defined in California Water Code Section 537(a), as amended).

14. "Perimeter main" means a water main in a street or right-of-way on or about the border of a lot or subdivision which is or may be shared by two or more developers.

15. "Premises" means any lot, piece or parcel of land or any building or other structure or any part of any building or structure having a connection with the water system.

16. "Service, commercial" means the furnishing of water to premises where the consumer is engaged in a trade or business.

17. "Service connection" means any connection on private property to a service line for the purpose of extracting water from the city water system.

18. "Service, domestic" means the furnishing of water for household residential purposes, including water used for sprinkling lawns, gardens and shrubbery, for

watering livestock, for washing vehicles and for other similar and customary purposes.

19. "Service, industrial" means the furnishing of water to premises for use by a consumer in manufacturing or processing activities.

20. "Service line" means the supply line extending from the local or distributing main to the property line and includes the meter.

21. "Service, metered" means the furnishing of water by measured quantities.

22. "Service, municipal" means furnishing water for municipal or other public use.

23. "Submeter" or "submetering" means a property-owner installed device to measure water supplied for the exclusive use of the particular dwelling unit installed after a city-installed meter; which is in compliance with California Civil Code Sections 1954.201 through 1954.219, as amended.

24. "Transmission main" means any of the larger mains shown on the city master plan, or otherwise designated by the city, and which shall not normally have any service line directly attached.

25. "Valley floor zone" means that area within or without the city roughly between the elevations of 315 to 430 feet and served or capable of being served by gravity from the main storage facilities of the city water system located at elevations approximately 485 to 535 feet.

26. "Water" means water furnished by the water system.

27. "Water facilities" means all of the necessary component parts of a water system including pipe, fittings, valves and hydrants.

28. "Water main extension" means a water main connecting a developer's lot or subdivision with a nonadjacent water main and which benefits or will benefit lands on one or both sides of the main that are not part of the developer's lot or subdivision. "Water main extensions" are also sometimes referred to as "off-tract mains."

29. "Water service" means the services, facilities and water furnished or available to premises by the water system.

30. "Water system" means the existing municipal water system of the city, together with the improvements thereto, as described in the following measure, together with such additions, extensions, betterments or improvements thereto as may be made from time to time:

> MEASURE (A) (Water System Improvements—Revenue Bonds) Shall the city of Pleasanton issue revenue bonds in the principal amount of $750,000 pursuant to the Revenue Bond Law of 1941, to provide funds for the acquisition, construction, improvement and financing of the following enterprise, to wit: Improvements to the existing municipal water system of the city of Pleasanton, comprising works and facilities for the storage, transmission and distribution of water, including pumping plants, lift stations, reservoirs and water storage facilities, water mains, pipelines, pipes, meters, pumps, equipment, and other works, properties or structures necessary or convenient for improvements to the existing municipal water system for the city of Pleasanton?

Which measure was duly approved by the voters of the city at a special revenue bond election duly called and held in the city on October 5, 1965. (Ord. 2171 § 2, 2017; Ord. 2000 § 1, 2009; prior code § 2-16.01)

14.04.020 General provisions.

A. The city will endeavor to supply water at the curb or property line in adequate quantities and at proper working pressures to meet the reasonable needs and requirements of consumers.

B. Whenever water is furnished for human consumption, the city will endeavor to supply at all times a safe and potable water.

C. All water supplied consumers will be supplied by metered service, and will be measured by means of suitable standard water meters. A cubic foot will be the unit of measurement for metered service.

D. All water rates and charges shall become effective immediately, as to all premises then connected to the water system. All such rates and charges shall become effective against all premises not then connected to the water system immediately upon such connection.

E. No water and no services or facilities of the water system shall be furnished to any consumer or to any person free of charge; provided, however, that the city may without charge use water for park irrigation, street cleaning, firefighting and testing, maintenance and repairing the water system, and for similar municipal purposes.

F. Except by special agreement with the city, no consumer shall resell any water furnished by the city through the water system.

G. The city will exercise reasonable diligence to provide continuous and adequate water service to consumers and to avoid any shortage or interruption of delivery of water, but cannot guarantee complete freedom from interruption. The department shall have the

right to suspend water service temporarily to make necessary repairs or improvements to the water system. In each case of temporary suspension of service the department will notify the consumers affected as soon as circumstances permit and will prosecute the work of repair or improvement with due diligence and with the least possible inconvenience to consumers.

H. During any period of threatened or actual water shortage the city shall have the right to apportion its available water supply among consumers in such manner as appears most equitable under the circumstances then prevailing and with due regard to public health and safety.

I. The city shall not be liable for interruption, shortage or insufficiency of water supply or water pressure or any loss or damage occasioned thereby. (Prior code § 2-16.02)

14.04.030 Operation of water system.

A. The department of public works shall have jurisdiction, supervision and control of the water system and of the construction of all improvements, additions, extensions and betterments thereto hereafter constructed or acquired, and shall operate and maintain the water system and all improvements, additions, extensions and betterments thereto.

B. Subject to the general control of the council and the city manager of the city, the water system shall be under the direct supervision of the director.

C. The department, under the supervision of the director, shall supervise all connections to the water system, and the finance department shall collect or cause to be collected all water bills and charges and all connection and other fees provided for in this chapter, and the directors of both departments, respectively, are charged with the enforcement of the provisions of this chapter and the director of the finance department shall keep or cause to be kept an accurate accounting and records showing the source, amount and disposition of all funds received from the water system under this chapter.

D. The city shall cause to be issued and shall maintain in good standing a surety bond conditioned upon the full and prompt deposit by the director of the finance department and all other employees of the finance department of all revenues from the water system. (Prior code § 2-16.03)

14.04.040 Service area.

The territory served by the water system of the city shall be all territory now within the boundaries of the city and, at the discretion of the council, any other territory as the city may determine. (Prior code § 2-16.04)

14.04.050 Connections to water system.

A. Any person whose premises are not connected with the water system upon the date of the adoption of Ordinance 478, March 28, 1967, shall connect such premises or cause such premises to be connected with the water system only after first obtaining a permit to do so from the director and upon payment of the applicable connection charges provided in Chapter 14.08, Water Connections; provided, however, that there shall be no charge for connecting premises for which a service connection has already been installed to the water system, except as this chapter expressly otherwise provides.

Any consumer connecting to the water system on an intermittent or temporary basis, including, but not limited to, use of fire hydrants or blow-offs for construction water, flushing lines, or similar purposes, shall connect to the water system only after first obtaining a permit to do so from the director; there shall be no connection charge pursuant to Chapter 14.08, Water Connections, but there shall be a charge pursuant to Section 14.04.070.

B. Each applicant for water service may be required to sign, on a form provided by the department, an application which shall set forth:

1. Date and place of application;
2. Location of premises to be served;
3. Date applicant will be ready for service;
4. Whether the premises have been heretofore supplied with water from the water system;
5. Purpose for which service is to be used;
6. Address to which bills are to be mailed or delivered;
7. Whether applicant is owner or tenant of, or agent for, the premises;
8. Such other information as the department may reasonably require.

The application is only a written request for service and does not bind the applicant to take service for a period of time longer than that upon which the rates and minimum charges of the applicable rate schedule are based; neither does it bind the city to serve, except under reasonable conditions.

Two or more parties who join in one application for service shall be jointly and severally liable for payment of bills and shall be billed by means of single periodic bills.

C. Connections to the water system shall occur as follows:

1. For separate houses, including single-family homes, condominiums and townhouses, through a separate service connection to each dwelling unit;

2. For multiunit residential structures, or mixed-use residential and commercial structures, on the same parcel, either:

a. Through separate service connections to each dwelling unit, or

b. Through a single connection with subsequent submetering to each dwelling unit;

3. For buildings or business quarters on the same parcel or on adjoining parcels under a single control or management by either of the following methods, as the director shall elect:

a. Through separate service connections to each such building or business quarter, or

b. Through a single service connection to supply all of such buildings and business quarters, and in which case one monthly minimum charge shall be applied for each such occupied building or business quarter, and the responsibility for payment of charges for all water furnished shall be assumed by the consumer having such control or management. Credit for such vacant units which are not metered separately but together with the occupied units shall be computed by deducting one monthly minimum charge for each vacant unit from the original total monthly bill for all of the units.

D. In order to assist in monitoring sewage flows, all applicants for nonresidential service connections shall provide a separate meter and water system for irrigation purposes, and may provide separate meter and water systems for other water consumptive uses which do not have the potential to generate flows to the sewerage system. Any such meter shall be installed in a manner and location satisfactory to the director. Upon request by the applicant, the director may waive, at his or her sole discretion, this requirement if he or she finds that the volume of irrigation water would be minimal and the cost of a separate meter and water system would be disproportionately uneconomical relative to sewer user charges to be saved.

E. If, in the opinion of the city, it is doubtful if satisfactory water service can be given, due to location or elevation of the premises, then the city may require a written release from liability for any damage or inconvenience that may occur by reason of insufficient pressure or inadequate volume of water or intermittent supply. The release shall, without further notice from the city, remain in effect for all consumers taking water through the service, until changes, extensions, or betterments may be made to the distribution system by the city.

F. Failure by any person or any consumer to file his or her application containing the information required by this chapter shall constitute a violation of this chapter. No application shall be conclusive as to the matters therein set forth nor shall the filing of any application preclude the city from collecting from the consumer responsible for payment (as provided in this chapter) by appropriate action such sum as is actually due and payable for water service under the provisions of this chapter. Each application shall be subject to verification by the director. Any person who takes possession of and uses water from the water system without having made application for service pursuant to this chapter shall be held liable for the full amount of the service rendered.

G. The city may require a written contract with any consumer as a condition precedent to water service in any case where unusual quantities of water or construction of special facilities are or will be required; provided, however, that any such contract shall not modify the rate structure provided in this chapter.

H. No rent or other charge shall be paid by the city for any meter or other facilities located on a consumer's premises.

I. All service connections, meters, main extensions and installations paid for by applicants, and all other facilities furnished by the department or the city, whether located wholly or partially on public or private property, shall be and remain the property of the city, and the department shall have the right to repair, replace and maintain the same and the right to remove the same upon discontinuance of service.

J. The city shall not be responsible for the installation or maintenance of any water lines beyond the end of its service connection or meter. (Ord. 2171 § 2, 2017; Ord. 1175 § 2, 1985; Ord. 1073 § 1, 1983; prior code § 2-16.05)

14.04.060 Use of water service.

A. The director or other duly authorized agent of the department shall have at all reasonable times the right of ingress to and egress from any consumer's premises for any purpose properly relating to the furnishing of water to the consumer. Any inspection work or recommendation made by the department or its agents in connection with plumbing or appliances or any use of water on the consumer's premises, either as a result of a complaint or otherwise, will be made without charge. No agent or employee of the department or the city shall accept any personal compensation from a consumer or applicant for any services rendered.

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. (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 submeters. (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.

B. All water charges shall become due and payable at the office of the finance department on the date of payment specified thereon and shall become delinquent on the first day of the calendar month following the date of payment, except that closing bills, where service is discontinued, will be due and payable on date of presentation, and collection will be made at time of presentation. All bills for water charges will be rendered by the city monthly or bimonthly and will be issued by the finance department. Meters will be read at regular intervals for the preparation of regular metered service bills and as required for the preparation of opening bills, closing bills and special bills. Each meter will be read separately. It may not always be possible to read meters regularly on the same day of each period. Should a monthly billing period contain less than 27 days or more than 33 days, a pro rata correction in the bill will be made. Proportionate adjustments will be made when other billing periods are used.

C. Opening bills, closing bills, monthly bills rendered for a period of less than 27 days or more than 33 days, and other bills requiring proration, will be computed in accordance with the applicable schedule, but the amount of the fixed charge or minimum charge specified therein will be prorated on the basis of the ratio of the number of days in the period to the number of days in the average billing period, based on an average month of 30.4 days. Should the total period of service be less than one month, no proration will be made, and no bill shall be less than the specified monthly fixed charge or minimum charge.

D. On each bill for water service rendered by the city to its consumers will be printed substantially the following language:

> This bill is due upon receipt and becomes delinquent if not paid on the first day of the calendar month after its due date. Upon delinquency of this bill, service may be discontinued and a basic penalty of 10% of the amount of this bill will be added for the first month delinquent and an additional penalty of 1/2 of 1% of the amount of the bill and basic penalty will be added for each month during the time the bill remains unpaid after its delinquent date. A cash deposit and a reconnection charge may be required to reestablish service.

(Prior code § 2-16.09)

14.04.100 Temporary service.

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

1. The applicant will be required to pay to the city, in advance, the estimated net cost of installing and removing the facilities necessary to furnish the service; and

2. Where duration of service is to be less than one month, the applicant may also be required to deposit cash equal to the estimated bill, subject to adjustment and refund or repayment in accordance with actual bill rendered upon discontinuance of service; or

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

B. In the event a temporary service becomes permanent, the city will refund to the temporary consumer the amount paid for a temporary service installation upon payment of the applicable connection fee provided for in Chapter 14.08. (Prior code § 2-16.10)

14.04.110 Refusal to serve.

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

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

2. If in the judgment of the director the intended use of the service is of such a nature that it would be detrimental or injurious to the water service furnished by the city to other consumers; or

3. If in the judgment of the director the intended use of the service is dangerous or unsafe or of such a nature that satisfactory service cannot be rendered; or

4. If in the judgment of the director the intended use of the service would result in a negligent or wasteful use of water which would affect the city's water service.

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

C. If service has theretofore been discontinued for fraudulent use, service will not be rendered until the director has determined that all conditions of fraudulent use or practice have been corrected.

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

14.04.120 Discontinuance of service.

Any consumer may have his or her water service discontinued by giving notice to the department requesting discontinuance not less than two days prior to the requested date of discontinuance. Each such consumer shall pay all water charges up to and including the date of discontinuance stated in such notice. In any case where such notice is not given, the consumer shall be required to pay for water service until two days after the department has knowledge that the consumer has vacated the premises or otherwise discontinued water service. The city shall make a reconnection charge for restoring water service to any consumer whose water service has been discontinued at his or her request. Such charge shall be as set forth in the master fee schedule. (Ord. 2019 § 1, 2011; prior code § 2-16.12)

14.04.130 Enforcement measures.

A. A consumer's water service may be discontinued for nonpayment of a bill for water service furnished if the bill is not paid within 30 days after it has become delinquent. A consumer's water service may also be discontinued for nonpayment of a bill for water service furnished at a previous or different location served by the city, if such bill is not paid within 30 days after it has become delinquent. No service will be discontinued under this subsection until at least five days after deposit by written notice from the director to such consumer in the United States Post Office of Pleasanton, Alameda County, California, addressed to the person to whom notice is given and stating the city's intention to discontinue service. The city may also provide additional notice about discontinuance of water service by telephone contact, and/or a door hanger with written notice on the main entrance of the building where water service is furnished.

B. The city may discontinue service without notice to any premises where a consumer's installation for utilizing the service is found by the director to be dangerous or unsafe or where the use of water on such premises is found by the director to be detrimental or injurious to the water service furnished by the city to other consumers, or where the director finds that negligent or wasteful use of water exists on any premises which affects the city's water service. The city shall have the right to discontinue water service to any premises if necessary to protect itself against fraud or abuse.

C. In the event of violation of any terms of this chapter (except subsections A and B of this section), the department may disconnect the premises to which such violation relates from the water system after first notifying in writing the person causing, allowing or 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:

In each case where any bill for water service remains unpaid after such bill becomes delinquent, and remains unpaid for 30 days thereafter the director shall: (1) disconnect the premises from the water system for nonpayment of water bills; and (2) cause an action at law to be brought on behalf of the city against the person responsible for payment of such bill to recover the amount of such bill and the costs of such action.

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

E. Whenever any premises have been disconnected from the water system for any violation of this chapter, such premises shall not be reconnected to the water system until all delinquent charges have been paid, together with applicable charges as provided in the master fee schedule, and until a security deposit is established pursuant to Section 14.04.075. When any person's premises have been disconnected from the water system under the provisions of this subsection, the director shall inform him or her of the reason for the disconnection and of his or her right of appeal under this chapter. (Ord. 2093 § 1, 2014; Ord. 2019 § 1, 2011; prior code § 2-16.13)

14.04.140 Meter tests and adjustment of bills.

A. Tests.

1. Prior to Installation. Every meter will be tested prior to being installed, and no meter will be placed in service if found to register more than two percent fast or slow.

2. On Consumer's Request.

a. A consumer may, on not less than one week's notice, require the city to test the meter serving his or her premises.

b. No charge will be made for such a test, except where a consumer requests a test within six months after installation of the meter or more often than once a year, in which case he or she will be required to deposit with the city the following amount to cover the cost of the test:

Size of Meter	Amount of Deposit
One inch or smaller	$5.00
Larger than one inch	7.50

c. This deposit will be returned if the average meter error is found to be more than two percent fast. The consumer will be notified not less than five days in advance of the time and place of the test.

d. A consumer shall have the right to require the city to conduct the test in his or her presence or in the presence of his or her representative. Where the city has no proper meter testing facilities available locally, the meter may be tested by an outside meter manufacturer or its agency, or by any other reliable organization equipped for water meter testing, in which latter case the consumer may demand a duly notarized statement, certifying as to the method used in making the test and as to the accuracy thereof.

e. A report showing the results of the test will be furnished to the consumer within 15 days after completion of the test.

B. Adjustment of Bills for Meter Error 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 nonregistering 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.

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

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

14.06.020 Provision of recycled water service.

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

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

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

B. The city may suspend service if, for any reason, recycled water produced and purchased from Dublin San Ramon Services District or city of Livermore does not meet tertiary treated recycled water quality in conformance with Title 22, Division 4 of the California Code of Regulations, as amended, or if, in the opinion of the operation services director, the use of recycled water is not compatible with the quality of the recycled water delivered to the customer. (Ord. 2115 § 1, 2015)

14.06.030 Recycled water use permit.

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

14.06.040 Responsibilities of customers.

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

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

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

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

any part of moneys in the water improvement fund. (Prior code § 2-16.27)

14.08.080 Payment of fees.

A. Connection charges shall be paid at the time of application for a building permit or installation of a city-installed water meter, whichever comes first. There are no connection charges for property-owner installed submeters.

B. Front foot charges shall be paid for all of a property fronting an existing line for which reimbursement is due prior to the time that any part of that property is connected to the water system. This will normally be at the time of approval of a final map for new subdivisions or at the time of application for a building permit or meter installation for other than subdivisions. (Ord. 2171 § 2, 2017; prior code § 2-16.28)

14.08.090 Credits.

A credit against connection charges may be permitted for all lands subject to annexation agreements or subdivision agreements executed prior to the effective date of the ordinance codified in this chapter or for facilities of general city obligation which have been installed by assessment districts, benefit districts or other methods not financed by the city. This credit shall be calculated by the operations services director, and shall be prorated where necessary, and shall be subject to final determination by the city council in the event of appeal. (Ord. 2000 § 1, 2009; prior code § 2-16.29)

Chapter 14.12

WELL STANDARDS

Sections:

14.12.010 Title.

This chapter shall be known as the "well standards ordinance" of the city, adopting by reference the well standards of the county of Alameda, in order to provide uniform regulations consistent with the county for the construction, repair, reconstruction, destruction or abandonment of wells within the city of Pleasanton. (Prior code § 2-16.45)

14.12.020 County ordinance adopted.

The well standards regulations of the county of Alameda adopted by Ordinance 73-68 on the 17th day of July, 1973, and entitled, "An Ordinance to Regulate the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells Within the Boundaries of the County of Alameda" is adopted as the well standards ordinance of the city, regulating the construction, repair, reconstruction, destruction or abandonment of wells within the city. Three printed copies of such county regulations (primary code) and three printed copies of Chapter II of the Department of Water Resources Bulletin No. 74, "Water Well Standards: State of California" and Appendices E, F, and G a part thereof, together with the supplemental standards of Department of Water Resources Bulletin No. 74-2 "Water Well Standards: Alameda County" and Department of Water Resources Bulletin No. 74-1, "Cathodic Protection Wells Standards: State of California" (secondary code), are on file in the office of the city clerk, to which reference is made for further particulars. (Prior code § 2-16.46)

14.12.030 Administration and enforcement.

The Alameda County public works department, through the Alameda County flood control and water conservation district, is granted jurisdiction to administer and enforce these regulations on behalf of the city. (Prior code § 2-16.47)

17.12.080 Report—Consideration.

The geologic report prepared pursuant to this chapter shall be used by the appropriate city board, commission, council or staff person required to pass upon the new real estate development or structure for human occupancy to aid it in making its decision. The approving body may approve, deny or impose necessary conditions required to protect the public health, safety and general welfare from geologic hazards. (Prior code § 2-19.08)

17.12.090 Appeal.

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

17.12.100 Additional regulations.

In addition to the regulations set forth in this chapter, the department of housing and community development, with the consent of the city council, may adopt such standards or regulations as are necessary to protect the public from seismic hazards. These standards or regulations may be more stringent than, but shall not be in conflict with, the provisions of any policies and criteria adopted by the State Mining and Geology Board pursuant to Section 2623 of the Public Resources Code of the state, except where more stringent standards or regulations have been adopted from time to time by the state Mining and Geology Board, shall apply within the city. (Prior code § 2-19.10)

Chapter 17.16

TREE PRESERVATION*

Sections:

* **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 shall visit and inspect the property, the heritage tree or trees in question, and the surrounding area and shall ascertain the following:

1. The condition of the heritage tree with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility service and whether or not the heritage tree acts as host for a plant which is parasitic to another species of tree which is in danger of being exterminated by the parasite;

2. Whether the tree has a significant impact on the property;

3. The necessity to remove any heritage tree in order to construct any proposed improvements to allow for the economic enjoyment of the property;

4. The number of existing trees in the neighborhood or area on improved property and the effect removal would have upon the public health, safety, general welfare of residents and upon the property value and beauty of the area;
5. The topography of the land upon which the heritage tree or trees are situated and the effect of removal thereof upon erosion, soil retention and diversion or flow of surface waters;
6. Good forestry practices, i.e., the number of healthy trees that a given parcel of land will support.

C. The director may refer any application to any city department or commission for review and recommendation. (Ord. 1737 § 1, 1998)

17.16.025 Significant impact—Administrative hearing.

A. Where the applicant applies to remove a heritage tree on grounds that it has a significant impact on the property, the director shall conduct a hearing. The hearing shall be set not less than 15 days and not more than 60 days from the date the application is filed.

B. The director shall send notice of the hearing to all property owners and residents within 300 feet.

C. At the hearing, the applicant and any interested party shall be given the opportunity to be heard concerning the preservation or removal of the heritage tree.

D. After considering all relevant evidence, the director shall issue a written decision to preserve or remove the tree.

E. The director shall send a copy of the written decision to the applicant and neighboring property owners and residents within 300 feet of the tree.

F. Unless appealed, the decision of the director shall become effective 20 days after being issued.

G. The director's decision may be appealed as provided in Section 17.16.040 of this chapter. (Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.030 Action by director—Findings.

A. The director shall issue a permit to remove a heritage tree or trees if it is determined that one of the following conditions exists:
1. The heritage tree is in such a dangerous or hazardous condition as to threaten or endanger the safety of people, structures, other property or other heritage trees;
2. The heritage tree has a significant impact on the property;
3. The heritage tree is dead, dying or diseased and good forestry practices cannot be reasonably undertaken to preserve the tree; or
4. Where the heritage tree in question is not diseased or hazardous, the removal of the tree is consistent with the purpose and intent of this chapter and in keeping with the health, safety and general welfare of the community.

B. The director shall notify the applicant in writing of the determination giving the reason for the application's approval or denial. (Ord. 1737 § 1, 1998)

17.16.040 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 written findings of fact upholding, reversing or modifying the director's decision. The decision of the board shall be final. (Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.050 New property development.

A. Any person desiring to remove one or more trees on any property in the city which is related to the development of such property requiring city approval or where any tree may be affected by a proposed development shall include in the application to the appropriate city reviewing body as part of the regular application, the following:

1. A tree survey plan, including all trees which will be affected by the new development. The survey, noting all trees six inches in diameter and greater, shall specify the precise location of trunk and dripline, size, health and species of all existing trees on the property with a special notation of those classified as a heritage tree;

2. The applicant shall provide a report by a certified consulting arborist. The report, based on the findings of the tree survey plan and other necessary information, shall be used to determine the health of existing trees, the effects of the proposed development upon the trees, recommendations for any special precautions necessary for their preservation and shall also indicate which trees are proposed for removal;

3. The tree survey plan and report shall be forwarded to the director who shall, after making a field visit to the property, indicate in writing which trees are recommended for preservation using the same standards set forth in Section 17.16.020 of this chapter. This report shall be made part of the staff report to the city reviewing body upon its consideration of the application for new property development;

4. The city reviewing body through its site and landscaping plan review shall endeavor to preserve all trees recommended for preservation by the director. The city reviewing body may determine that any of the trees recommended for preservation should be removed, if there is evidence submitted to it, that due to special site grading or other unusual characteristics associated with the property, the preservation of the tree(s) would significantly preclude feasible development of the property;

   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; and

6. Prior to issuance of a planning permit, the applicant shall secure an appraisal of the condition and replacement value of all trees included in the tree report affected by the development. The appraisal of each tree shall recognize the location of the tree in the proposed development. The appraisal shall be performed in accordance with the current edition of the "Guide for Plant Appraisal" under the auspices of the International Society of Arboriculture. The appraisal shall be performed at the applicant's expense, and the appraiser shall be subject to the director's approval.

B. Prior to acceptance of subdivision improvements, the developer shall submit to the director a final tree report to be performed by a certified 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 $5,000.00 for each tree required to be preserved, or $25,000.00, whichever is less. The cash, bond or other security shall be retained for a period of one year following acceptance of the public improvements for the development and shall be forfeited in an amount equal to $5,000.00 per tree as a civil penalty in the event that a tree or trees required to be preserved are removed, destroyed or disfigured.

D. An applicant with a proposed development which requires underground utilities shall avoid the installation of said utilities within the dripline of existing trees whenever possible. In the event that this is unavoidable, all trenching shall be done by hand, taking extreme caution to avoid damage to the root structure. Work within the dripline of existing trees shall be supervised at all times by a certified consulting arborist.

E. Any decision by a city reviewing body under this section may be appealed pursuant to Chapter 18.144. (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.

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

pose a potential threat to the health of the trees to be preserved (for example, when work occurs within the dripline of trees to be preserved).

G. The director shall be notified of any damage that occurs to a tree during construction so that proper treatment may be administered. (Ord. 2165 § 1, 2017; Ord. 1737 § 1, 1998)

17.16.080 Pruning and maintenance.

All pruning of heritage trees shall be performed by in accordance with International Society of Arboriculture pruning guidelines and shall comply with the guidelines established by the International Society of Arboriculture, Best Management Practices, Tree Pruning, current edition and any special conditions as determined by the director. For developments which require a tree report, a certified consulting arborist shall be in reasonable charge of overseeing all activities involving heritage trees. (Ord. 2165 § 1, 2017; Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.090 Public utilities.

A. Any public utility installing or maintaining any overhead wires or underground pipes or conduits in the vicinity of a heritage tree shall obtain permission from the director before performing any work, including pruning, which may cause injury to the heritage tree.

B. The director shall inspect said pruning work to ensure that appropriate pruning practices are followed. The public utility shall follow pruning practices conforming to the International Society of Arboriculture pruning standards to promote the well-being of the tree. Topping shall not be permitted unless specifically approved by the director. The director shall stop any tree pruning performed by a utility if said practices are not being followed. (Ord. 1737 § 1, 1998)

17.16.100 Insurance requirements.

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

17.16.110 Fines and penalties.

A. Any person who unlawfully removes or destroys a heritage tree shall pay a civil penalty in the amount of the appraised value of the tree, or other amount reasonably determined by the director of community development. If there is inadequate plant material to properly appraise the tree, the penalty shall be $5,000.00, or other amount reasonably determined by the director of community development. Any person who unlawfully disfigures a heritage tree whether through vandalism, improper pruning or other actions, shall pay a civil penalty commensurate with the damage; the amount shall be determined by the director in accordance with the "Guide for Plant Appraisal" under the auspices of the International Society of Arboriculture; or other amount reasonably determined by the director of community development. The collection of the penalties may be enforced by civil action brought in the name of the city by the city attorney.

B. The cost of replacement plant material may be considered as partial payment of any penalty under this chapter. (Ord. 2120 § 1, 2015; Ord. 1737 § 1, 1998)

17.16.120 Additional provisions.

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

Chapter 17.20

FUTURE STREET WIDTH LINES

Sections:

17.20.010 Objectives.

This chapter is adopted to protect and to promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, this chapter is adopted in order to achieve the objectives of the general plan and the zoning ordinances of the city as adopted and amended by the city council. (Prior code § 5-9.18)

17.20.020 Nature of provisions.

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

17.20.030 Extent.

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

17.20.040 Applicability.

For the purpose of measuring yard dimensions and determining building lines as may be required by the zoning ordinances and building codes of the city, the future street width lines described in this chapter shall be deemed to refer to the property line and shall be used in the same manner as any other existing property line. (Prior code § 5-9.21)

17.20.050 Vine Street.

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

A 50-foot wide right-of-way which shall be the extension of Vine Street as it presently exists in unincorporated territory, the centerline of which is approximately 400 feet from the existing northerly right-of-way line of Vineyard Avenue and parallel thereto, terminating at its westerly limit in a cul-de-sac having a main radius of 45 feet, said cul-de-sac shall have its most westerly limit approximately 140 feet west of the extension of the centerline of Amador Court and situated so as to serve the property now or formerly owned by J. C. and W. Paulo; and a 50-foot wide right-of-way at right angles to Vineyard Avenue, extending from Vineyard Avenue northerly to an in-

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. (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 approval 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 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

documentation showing the specific frequency range that the facility will use and a certification by a licensed engineer-expert in the field of wireless communication systems that the facility will comply with FCC radio frequency emission standards and will not interfere with the city communication operations and the communication systems of emergency service providers. An application for a co-located facility must also include certification showing the cumulative radio frequency emissions from both the existing and proposed facilities comply with FCC emission standards and will not cause interference.

15. Reference to any easements necessary.

16. All proposed signage, including emergency signage as required by Section 18.110.160(B) of this chapter.

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

1. Information sufficient to determine that the personal wireless service provider has obtained all applicable operating licenses or other approvals required by the Federal Communications Commission and California Public Utilities Commission.

2. A USGS topographic map or survey, to scale, with existing topographic contours showing the proposed antennas and accessory structures.

3. Title reports.

4. Installation of "story poles" to show the height or overall size of the proposed antennas or accessory structures.

5. A letter stating specifically the reasons for not co-locating on any existing personal wireless service facility tower or at any site with existing antennas within the city. The reasons for not co-locating may include evidence that the existing facilities will not meet the provider's coverage needs, letters from personal wireless service providers with existing facilities stating reasons for not permitting co-location, or evidence that personal wireless service providers have not responded, or, if the reasons for refusal to co-locate are structural, the structural calculations for review by the planning division.

6. Noise impact analysis.

7. A letter to the zoning administrator which describes in detail the maintenance program for the facility as well as a security plan to prevent unauthorized access and vandalism.

8. Written proof of the availability of any required irrigation facilities on-site prior to permit issuance. This may be in the form of a letter from the owner of the land allowing the personal wireless service provider the use of required water facilities for landscaping. (Ord. 2086 § 2, 2014; Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.050 Locational standards.

A. Locational Priorities. For the purposes of this section, when a parcel is zoned PUD (planned unit development), planning staff shall look to the zoning districts listed under the particular PUD and apply those zoning districts to this section.

1. Properties Zoned Commercial, Office, or Industrial (C, O, I, or M-U). Where feasible, personal wireless facilities shall be located on properties with a commercial, office, industrial, or mixed use zoning designation.

a. Concealed Facility. Where feasible, personal wireless service facilities shall be concealed from view and shall not be visible by persons at ground level. By way of example, a facility will be considered "concealed" if the antennas are contained within new or existing architectural details of a building, e.g., real or faux clock or bell tower, or on the roof of a building and concealed by parapets or screenwalls, or concealed by any other means, so long as the project does not substantially compromise the aesthetics of the building.

b. Camouflaged Facility. If it is not feasible to conceal a facility, personal wireless facilities shall be camouflaged in a manner that the facility is designed to be compatible with the surroundings. By way

of example, antennas may be camouflaged in a faux tree, faux bush, flagpole, or otherwise designed in a manner to be compatible with the appurtenant architecture, building, or natural surroundings.

c. If a facility is concealed, the antennas and accessory equipment may be placed anywhere on the property without regard to separation from other uses.

d. If a facility is camouflaged (and not concealed), the facility must be located a minimum of 200 feet away from the following: existing dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.); senior care or nursing homes and assisted living facilities; public or private schools for children (including nursery schools); and neighborhood parks, community parks, or regional parks, as designated in the general plan. Notwithstanding the above, if a dwelling unit is located within a commercial (C), office (O), or industrial (I) zone, the 200-foot separation requirement does not apply since the primary purpose of the C, O, or I zones is for non-residential uses.

2. Properties Zoned Agriculture, Public, Public and Institutional (A, P, P&I). If it is not feasible to locate a personal wireless service facility on a parcel zoned C, O, I or M-U, a facility may be located on properties zoned A, P, or P&I.

a. Concealed Preferred Over Camouflaged. Facilities are encouraged to be concealed but, at a minimum, shall be camouflaged. If a facility is concealed, the antennas and accessory equipment may be placed anywhere on the property without regard to separation from other uses.

b. Facilities in these zoning designations may not be located within 200 feet of the following: existing dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.); senior care or nursing homes and assisted living facilities; public or private schools for children (including nursery schools); and neighborhood parks, community parks, or regional parks, as designated in the general plan.

3. Iron Horse Trail Between Santa Rita Road and Mohr Avenue. The Iron Horse Trail between Santa Rita Road and Mohr Avenue has no zoning designation and is primarily bordered by property zoned industrial. There are two approved camouflaged personal wireless service facilities located in the Iron Horse Trail between Santa Rita Road and Mohr Avenue. Future personal wireless service facilities may be placed in this section of the Iron Horse Trail, so long as the facilities are either concealed or camouflaged. If a facility is concealed, then the antennas and accessory equipment may be placed anywhere on the property without regard to separation from other uses. If a facility is camouflaged, it may not be located within 200 feet of any existing dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.).

4. Small-cell-wireless-systems in the Hacienda Business Park. Small-cell-wireless-systems are permitted within the Hacienda Business Park where they are designed to conceal the equipment and where the design is approved by the Community Development Director. When concealed, such systems are not subject to the 200-foot separation requirement described in subsection (A)(1)(d) above.

5. All Other Zoning Classifications. Unless specifically identified in subsection (A)(1) or (2), personal wireless service facilities shall be prohibited in all other zoning districts with one exception. Regardless of the underlying zoning designation, personal wireless service facilities may be located on any parcel that contains a city water tank or on any parcel that is adjacent to a city water tank, so long as the following conditions are satisfied:

a. Facilities are encouraged to be concealed but, at a minimum, shall be camouflaged; and

b. The personal wireless service facility (antennas and equipment cabinets) must be located within 200 feet of a city water tank; and

c. Personal wireless facilities are encouraged to locate as far away from existing dwelling units as is feasible but in no event shall a personal wireless service facility (antennas or equipment cabinets) be located within 200 feet of an existing dwelling unit (but not detached garages, sheds, poolhouses, etc.).

6. Feasibility. An applicant may demonstrate feasibility by providing evidence demonstrating that there are no other locations that: meet the applicant's coverage needs; are structurally or technically feasible; or are

available to lease or otherwise economically feasible. At the applicant's expense, the city may hire an expert to review the provider's evidence and determine whether other locations may be feasible.

7. Visibility from Freeways. Personal wireless service facilities shall be prohibited at locations that are readily visible from the I-580 and I-680 freeways unless the provider can demonstrate that there are no other feasible sites and that every effort has been made to conceal or camouflage the facility.

8. Exception Required to Meet State or Federal Law. The decision-making body may grant an exception to any requirement of this chapter, including the locational priorities in this section, if the applicant can show that strict compliance with the code would violate federal or state law. (Ord. 2169 § 1, 2017; Ord. 2086 § 2, 2014; Ord. 2038 § 1, 2012; Ord. 1743 § 1, 1998)

18.110.060 Co-location.

The zoning administrator may require a personal wireless service provider to co-locate its personal wireless service facilities with other existing or proposed facilities if the proposed antennas would comply with the provisions of this chapter and it would be structurally and technically feasible that the co-location site can service the same or a similar coverage area as proposed; and if the zoning administrator determines that the proposed personal wireless service facilities would have less of an adverse visual impact than two or more single nonco-located personal wireless service facilities. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.070 Stealth techniques.

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

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

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

D. Aboveground and partially buried equipment cabinets shall be located where they will be the least visible from surrounding properties and public places. Aboveground and partially buried equipment cabinets shall require screening from surrounding properties and public view. Any visible portion of an equipment cabinet shall be treated to be architecturally compatible with surrounding structures and/or screened using appropriate techniques to camouflage, disguise, and/or blend it into the environment. If the zoning administrator determines that an equipment cabinet is not or cannot be adequately screened from adjacent properties or from public view or architecturally treated to blend in with the environment, the equipment cabinet shall be placed underground or inside the existing building where the antenna is located. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.080 Height.

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

B. The height of a personal wireless service facility shall be based on a visual analysis demonstrating that views of the facility are minimized or are substantially screened, and on an engineering analysis justifying the height of the

proposed personal wireless service facility and demonstrating that a lower height is not feasible. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.090 Colors and materials.

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

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

C. Lightning arrester rods and beacon lights shall not be included as part of the design of any personal wireless service facility, unless the personal wireless service provider can prove that it is necessary for health and safety purposes, or required by the Federal Aviation Administration. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.100 Landscaping.

A. Landscaping may be required to screen personal wireless service facilities from adjacent properties or public view and/or to provide a backdrop to camouflage the facilities. All proposed landscaping is subject to the zoning administrator's review and approval. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized. Additional trees and other vegetation shall be planted and maintained around the facility, in the vicinity of the project site, and along access roads in appropriate situations where such vegetation is deemed necessary to provide screening of personal wireless service facilities and related access roads.

B. All ground-mounted antennas and related equipment and roads shall be substantially screened by landscaping so that their visual impact is minimized.

C. All trees used in landscaping shall be a minimum of 15 gallons in size and all shrubs a minimum of five gallons, unless otherwise approved.

D. Any adjacent, existing landscaping shall be preserved and refurbished if damaged during construction.

E. The personal wireless service provider shall enter into an agreement with the city, approved by the city attorney, which guarantees that all landscaping and open space areas included in the project shall be maintained at all times in a manner consistent with the approved landscape plan for the personal wireless service facility and its related equipment and roads. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.110 Setbacks and projections into yards.

A. All setbacks shall be measured from the furthest extent of a personal wireless service facility to the closest applicable property line or structure, with the exception of equipment shelters. Equipment shelters shall be measured from the outside wall of the shelter to the closest applicable property line or structure.

B. Personal wireless service facilities shall meet all applicable regulations for Class I or II accessory structures, whichever is applicable, in accordance with Chapter 18.84 of this title, with the following exceptions:

1. Underground equipment shelters or cabinets may adjoin property lines, if approved by the building division.

2. Ground-mounted antennas and related equipment shall not be located in front of main structures and/or along major street frontages where they will be readily visible.

3. The clear vertical height under a projection shall be at least 15 feet. (Ord. 2086 § 2, 2014; Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.120 Projections into public rights-of-way.

A. Ground-mounted antennas and related equipment shall not extend over a sidewalk, street, or other public right-of-way, except that ground-mounted antennas and related equipment on streetlight poles, traffic signals, and existing telephone poles may extend over a sidewalk or street, subject to zoning administrator and city engineer approvals.

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. (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.

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. (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)

Title 20

BUILDINGS AND CONSTRUCTION

Chapters:

Chapter 20.70

EXPEDITED PERMITTING PROCESS FOR CLEAN ENERGY SYSTEMS

Sections:

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), and AB 1236 for electric vehicle charging stations (Chapter 598, Statutes 2015, California Government Code Section 65850.7) and electric vehicle charging stations 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. 2166 § 2, 2017; 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. "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of the ordinance codified in this chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

C. "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.

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

E. "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.

F. "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.

G. "Specific, adverse impact" means a significant, quantifiable, direct, and 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. 2166 § 2, 2017; Ord. 2126 § 1, 2015)

20.70.030 Applicability.

A. This chapter applies to the permitting of all small residential rooftop solar energy systems and electric vehicle charging stations in the city.

B. Small residential rooftop solar energy systems and electric vehicle charging stations 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. 2166 § 2, 2017; 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. 2166 § 2, 2017; Ord. 2126 § 1, 2015)

20.70.050 Electric vehicle charging station requirements.

A. Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes, but is not limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.

B. Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission or a Municipal Electric Utility Company regarding safety and reliability.

C. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements. (Ord. 2166 § 2, 2017)

20.70.060 Applications and documents.

A. All documents required for the submission of an expedited solar energy system or electric vehicle charging station 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. The city's building division shall maintain a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review.

F. All fees for the permitting of small residential rooftop solar energy system and an electric vehicle charging station 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. 2166 § 2, 2017; Ord. 2126 § 1, 2015)

20.70.070 Permit review and inspection requirements.

A. The director of community development shall implement an administrative, nondiscretionary review process to expedite approval of clean 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 or electric vehicle charging station 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 18.144.050.

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

E. For solar energy systems, 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. 2166 § 2, 2017; 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)
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; 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)
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)

Ordinance Number	
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, 17.46, 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)

Ordinance Number	
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 (Special)

— G —

— H —

— M —

MECHANICAL CODE