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Chapter 1.01 - CODE ADOPTION*

Sections:

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*For statutory provisions authorizing cities to adopt a code of ordinances, see Gov. Code § 50022.1—50022.10

1.01.010 Adoption

Pursuant to the provisions of Sections 50022.1 through and including 50022.10 of the Government Code, there is adopted by reference the Live Oak Municipal Code, as published by Book Publishing Company, Seattle, Washington, together with those secondary codes therein adopted by reference, and incorporated in this code, all as authorized by the California State Legislature, save and except those portions of the secondary codes as are deleted or modified by the provisions of the Live Oak Municipal Code. (Ord. 302 § 1, 1986)

1.01.020 Title—Citation—Reference

This code shall be known as the “Live Oak Municipal Code” and it shall be sufficient to refer to the code as the “Live Oak Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance, adding to, amending, correcting or repealing all or any part or portion thereof, as an addition to, amendment to, correction or repeal of the Live Oak Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Live Oak Municipal Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 302 § 2, 1986)

1.01.030 Content and Authority

This code consists of all of the regulatory and penal ordinances and certain of the administrative ordinances of the city of Live Oak, California, codification pursuant to the provisions of Sections 50022.1 through and including 50022.8 and 50022.10 of the Government Code, (Ord. 302 § 3, 1986)
1.01.040   Ordinances Passed Prior To Adoption Of Code

The last ordinance included in this code was Ordinance 298, passed and adopted on the fifth day of March, 1986. The following ordinances passed subsequent to Ordinance 298, but prior to the adoption of this code, are adopted and made a part of this code: namely Ordinance 299, introduced and passed on May 21, 1986, as an emergency measure pursuant to the authority contained in Government Code Section 36934; Ordinance 300 introduced on May 21, 1986, and adopted on June 4, 1986; and Ordinance 301 introduced on August 20, 1986, and adopted on September 3, 1986. (Ord. 302 § 4, 1986)

1.01.050   Reference Applies To All Amendments

Whenever a reference is made to this code as the “Live Oak Municipal Code” or to any portion thereof, or to any ordinance of the city of Live Oak, California, the reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made. (Ord. 302 § 5, 1986).

1.01.060   Title, Chapter And Section

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, section or subsection hereof. (Ord. 302 § 6, 1986)

1.01.070   Reference To Specific Ordinances

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 302 § 7, 1986)

1.01.080   Effect Of Code On Past Actions And Obligations

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the city of Live Oak shall in any manner affect the prosecution for violations of ordinances which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at the effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any of such license, fee or penalty, or the penal validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations there under appertaining shall continue in full force and effect. (Ord, 302 § 8, 1986)

1.01.090   Effective Date

This code shall become effective on the date the ordinance codified in this chapter adopting this code as the “Live Oak Municipal Code” shall become effective, all as provided for by law. (Ord. 302 § 9, 1986)

1.01.100   Constitutionality

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each
section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and therefore if any reason this code should be declared invalid or unconstitutional then the original ordinance or ordinances shall be in full force and effect. (Ord. 302 § 10, 1986)

**Chapter 1.04 - GENERAL PROVISIONS**

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**1.04.010 Definitions**

The following words and phrases whenever used in the ordinances of the city of Live Oak, County of Sutter, state of California shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. “City” and each mean the City of Live Oak, California, or the area within the territorial limits of the city of Live Oak, California, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

B. “Council” means the city council of the city of Live Oak. “All its members” or “all councilmen” means the total number of councilmen holding office,

C. “County” means the county of Sutter.

D. “Law” denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city of Live Oak, and, when appropriate, any and all rules and regulations which may be promulgated there under.

E. “May” is permissive.

F. “Month” means a calendar month.
G. “Must” and “shall” are each mandatory.

H. “Oath” includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

I. “Owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

J. “Person” includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.

K. “Personal property” includes money, goods, chattels, things in action and evidences of debt.

L. “Preceding” and “following” mean next before and next after, respectively.

M. “Property” includes real and personal property.

N. “Real property” includes lands, tenements and hereditaments.

O. “Sidewalk” means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

P. “State” means the state of California.

Q. “Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city of Live Oak which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

R. “Tenant” and “occupant,” applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

S. “Written” includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

T. “Year” means a calendar year. (Added during 1978 codification)

1.04.020 Title Of Office

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city of Live Oak. (Added during 1978 codification)

1.04.030 Interpretation Of Language

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a
peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Added during 1978 codification)

1.04.040 Grammatical Interpretation

The following grammatical rules shall apply in the ordinances of the city of Live Oak, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Added during 1978 codification)

1.04.050 Acts By Agents

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Added during 1978 codification)

1.04.060 Prohibited Acts Include Causing And Permitting

Whenever in the ordinances of the city of Live Oak, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Added during 1978 codification)

1.04.070 Computation Of Time

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Added during 1978 codification)

1.04.080 Construction

The provisions of the ordinances of the city of Live Oak, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Added during 1978 codification)

1.04.090 Repeal Shall Not Revive Any Ordinances

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Added during 1978 codification)

Chapter 1.08 - POSTING PLACES

1.08.010 Designated

Whenever notice to the inhabitants of the city of any action or proposed action by the city council is required to be given by law or is deemed desirable by the council, the
following three public places are designated as the places for posting, in all cases where notice is to be given by posting:

A. Live Oak Fire Department,
   2745 Fir Street,
   Live Oak, California.

B. Bradberry Barber Library,
   10321 Live Oak Boulevard,
   Live Oak, California.

C. U.S. Post Office,
   2622 Gum Street,
   Live Oak, California.

(Ord. 337, 1990: Ord, 47, 1951)

Chapter 1.11 - ENFORCEMENT OF THE CITY OF LIVE OAK MUNICIPAL CODE AND OTHER APPLICABLE LAWS

Sections:

1.11.010 Purpose and intent.
1.11.020 Definitions.
1.11.030 Public nuisance.
1.11.040 Procedures for enforcement.

1.11.010 Purpose And Intent

The City of Live Oak adopts the procedures and remedies set forth in this title for the enforcement of Chapters 1.12, 1.16, 8.08, 8.16, 8.24, 10.72, 12.16, 15.01, 15.43, 17.49, 17.60, of the Live Oak Municipal Code including, without limitations;

A. To provide standards for the enforcement of the City of Live Oak Municipal Code and other applicable laws;
B. To establish administrative sanctions for violations of the Live Oak Municipal Code and other applicable laws as an alternative to criminal or civil enforcement penalties;
C. To establish a hierarchy of administrative sanctions and a prescribed method for enforcement through administrative hearings that are consistent with constitutional protections;
D. To provide for administrative abatement to remedy code violations and to provide for the recovery of costs incurred in administrative abatement as allowed for by state law; and
E. To provide for judicial review of final administrative orders or decisions made pursuant to this title in accordance with the procedures set forth in the California Code of Civil Procedure Sections 1094.5 and 1094.6.

Nothing in this chapter is intended to abridge or modify the authority of the city manager or other designated person to enforce the City of Live Oak Municipal Code through criminal or civil penalties, or by any other means authorized by law.

### 1.11.020 Definitions

As used in this chapter:

“Administrative violation” means any violation or alleged violation of the Live Oak Municipal Code or other applicable laws for which enforcement is to be handled through the administrative procedures established in this title.

“Administrative sanctions” means the sanctions set forth in this chapter for violations for the City of Live Oak Municipal Code or other applicable laws.

“Applicable laws” means any provisions of the Live Oak Municipal Code, any Uniform codes as adopted by the City of Live Oak, design standards adopted by the City of Live Oak, conditions imposed on any entitlement or environmental documents issued or approved by the City of Live Oak, and those state laws enforced by the City of Live Oak which also have been designated by ordinance for enforcement pursuant to the procedures established in this title.

“Citizen complaint” means a report of an alleged violation of the Live Oak Municipal Code or other applicable laws by any person or entity.

“Code” means the Live Oak Municipal Code to include all uniform codes adopted thereunder.

“Design standards” means written design standards, design guidelines or development standards that may be adopted by resolution or ordinance from time to time by the city and/or planning commissions, or that may be adopted as part of the conditions of approval on any project, that govern development of land within the city and that are on file with the city clerk.

“Enforcement authority” means designated department head, building official, code enforcement officer or police official charged with responsibility for enforcement under this chapter.

“Entitlement” means any project approval issued by the Live Oak City Council, the Live Oak Planning Commission, or any other committee, commission or department as allowed for under procedures established by the Live Oak Municipal Code or State Law.

“Notice of administrative violations” means the notice issued by the enforcement authority of an alleged infringement of the Live Oak Municipal Code or other applicable laws.

“Notice to correct” means the notice issued by the enforcement authority for required action to achieve compliance with the Live Oak Municipal Code or other applicable laws.
“Reasonable time (s)” means between the hours of 7 a.m. and 8 p.m., Monday through Friday inclusive, unless otherwise required by (1) an emergency impacting the safety or preservation of life or property; or (2) the fact that the alleged violation of the Live Oak Municipal Code or other applicable laws only occurs at some other hour or on a weekend.

“Responsible person” means any person or entity charged with or found to have violated the Live Oak Municipal Code or other applicable laws. “Responsible person” includes the parents and/or legal guardian of any person under the age of 18, who is charged with a violation of the Live Oak Municipal Code or other applicable laws.

“Stop order” means a written order issued by the enforcement authority or his/her designee that any and all work on a project, improvement or other development must cease on the terms and conditions set forth in the order.

“Uniform Codes” means those Uniform Codes that have been adopted and amended from time to time by ordinance by the City of Live Oak city council, the Uniform Building Code, the Uniform Housing Code, the Uniform Fire Code, the Uniform Building Code Material Testing and Installation Standards, the Uniform Mechanical Code, the Uniform Plumbing Code, the Uniform Administrative Code, the Uniform Swimming Pool and Hot Tub Code, the Uniform Code for the Abatement of Dangerous Buildings and the National Electrical Code.

1.11.030 Public Nuisance

Any violation of any Ordinance of the Live Oak Municipal Code, any provisions of any Uniform Codes adopted by the city, or any design standards is declared to be a public nuisance, subject to redress as provided for in this title.

1.11.040 Procedures For Enforcement

The City of Live Oak may enforce the provisions of the Live Oak Municipal Code or other applicable laws through any of the following procedures:

A. Administrative action concerning an administrative violation as provided for in Chapter 1.16 of this title:

B. Criminal action prosecuted in the name of the people of the state of California when a criminal violations is expressly provided for by ordinance or state law;

C. Civil action instituted by the city attorney in the name of the city of Live Oak or

D. Abatement as authorized by Chapter 10.72 of this title.

E. Any other method allowed by law. (Ord. 456, § 1, 2000)

1.11.050 Refusal To Issue Permits, Licenses Or Other Entitlements

A. Refusal to Issue. No department, commission or employee of the City of Live Oak vested with the duty or authority to issue or approve permits, licenses or other entitlements shall do so when there is an outstanding violation involving the premises to which the pending application pertains. The authority to deny shall apply whether or not the applicant was the occupant or owner of record at the time of such violation or whether
or not the applicant is either the current occupant or owner of record or vendor of the current owner of record pursuant to a contract of sale of the real property, with or without actual constructive knowledge of the violation at the time he or she acquired his or her interest in such real property. Upon notification by the Code Enforcement Officer that such a violation exists, all departments, such commissions, and employees shall refuse to issue permits or licenses or entitlements involving the premises except those to abate such violation.

B. Rescission of Refusal to Issue. The refusal to issue shall be rescinded when the department, commission, or employee has been notified that all required work to abate the violation has been completed and has been approved by the affected department.

C. Waiver. The director or head of the affected department may waive the provisions of this section regarding refusal to issue if he or she determines such waiver to be required to allow necessary or desirable remedial, protective or preventative work.

Chapter 1.12 - GENERAL PENALTY*

Sections:

1.12.010 Designated.

* For statutory provisions authorizing cities to impose fines up to five hundred dollars or imprisonment up to six months, or both such fine and imprisonment, see Gov. Code § 36901; for provisions authorizing the reduction of city ordinance violations to infractions, see Gov. Code § 36900.

1.12.010 Designated

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of any ordinance of the city of Live Oak, is guilty of a misdemeanor. Except in cases where a different punishment is prescribed by any ordinance of the city of Live Oak, any person convicted of a misdemeanor under the ordinances of Live Oak, shall be punished by a fine not to exceed five hundred dollars or by imprisonment not to exceed six months, or by both such fine and imprisonment.

B. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Live Oak is committed, continued or permitted by any such person, and he is punishable accordingly. (Added during 1978 codification)

Chapter 1.16 - ADMINISTRATIVE FEES AND CHARGES

Sections:

1.16.010 Fee for returned checks.

1.16.010 Fee For Returned Checks
Any person who submits a check to the city of Live Oak which is not honored shall pay to the city an administrative fee, the amount of which may be established by the city council from time to time by resolution, (Ord. 436, 1996)

Chapter 1.17 - ADMINISTRATIVE VIOLATIONS AND ADMINISTRATIVE ENFORCEMENT PROCEDURES

Sections:

1.17.010 Designation of administrative violations.
1.17.020 Administrative violations are not exclusive remedy.
1.17.030 Levels of administrative violations.
1.17.040 Sanctions for administrative violations.
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1.17.250 Rules of evidence.
1.17.260 Written decision.
1.17.270 Final administrative decision.
1.17.280 When monetary sanctions are due.
1.17.010 Designation Of Administrative Violations

A. The following may be designated as administrative violations of the Live Oak Municipal Code, and shall be subject to enforcement pursuant to the provisions of this chapter:

1. All violations of the Live Oak Municipal Code, unless otherwise excepted by ordinance. The City Manager or Enforcement Officer may choose to process a violation as a misdemeanor as outlined section 1.12.010 of the Live Oak Municipal Code.
2. All violations of Uniform Codes adopted by the City of Live Oak;
3. All violations of design standards adopted by the City Council and/or the Planning Commission and on file with the City Clerk;
4. All violations of conditions imposed on any entitlement, permit, contract, or environmental document issued or approved by the City of Live Oak;
5. All violations of state laws enforced by the City of Live Oak that have been designated for enforcement through this chapter by ordinance.

1.17.020 Administrative Violations Are Not Exclusive Remedy

Nothing in this chapter is intended to limit or prohibit the enforcement of the Live Oak Municipal Code or other applicable laws through civil or criminal process, or in any other manner allowed by law.

1.17.030 Levels Of Administrative Violations

A. Administrative violations shall be designed by level based upon the potential of monetary sanction as follows:

1. Level A violation shall be subject to a fine of $20 - $500.
2. Level B violation shall be subject to a fine of $100 - $2,500
3. Level C violation shall be subject to a fine of $100 - $5,000
4. Level D violation shall be subject to a fine of $100 - $7,500
5. Level B violations shall be subject to a fine of $100 - $10,000.

Unless otherwise provided for by ordinance, all Administrative Violations will be deemed a Level A violation.

B. At the time of issuance of a notice of Administrative Violation pursuant to this title, the enforcement authority shall evaluate in writing the criteria set forth in Section 1.17.050 to determine the appropriate level of sanctions and shall provide written notice to the responsible person of the proposed level of sanction and the reasons thereof as required by Section 1.17.110

C. Where multiple violations have occurred or are occurring, each violation of the Live Oak Municipal Code or other applicable laws shall be subject to a separate sanction.
D. The enforcement authority shall have no power or discretion to void any notice of administrative violation unless approved by the city manager.

1.17.040 Sanctions For Administrative Violations

Any one of the following sanctions shall be available to redress infringement of the Live Oak Municipal Code or applicable laws.

A. Revocation and/or suspension of licenses or permits, conditional use permits or entitlements issued by the City of Live Oak;

B. The placement of requirements for corrective action on permits, licenses or entitlements issued by the City of Live Oak as a condition to avoid revocation of the permit, license or entitlements;

C. Monetary sanctions as set forth in Section 1.17.030 of this chapter

D. The issuance of a compliance order setting forth corrective action;

E. As an alternative to other sanctions and in appropriate circumstances, requiring community service by the responsible person;

F. Requiring a responsible person to post a performance bond, irrevocable letter of credit or other adequate security to ensure compliance with the Live Oak Municipal Code or other applicable laws.

1.17.050 Standards For Imposition Of Administrative Sanctions

The following factors shall be considered in determining the appropriate sanctions for any Administrative Violation:

A. The knowledge of intent of the person/entity found to have violated the Live Oak Municipal Code or other applicable laws;

B. A final determination of prior violations of the Live Oak Municipal Code or other applicable laws within 12 month of the date of violation. Violations of a similar nature shall be given additional weight in evaluating the appropriate sanctions as provided for in this Section.

C. Efforts by the person/entity found to have violated the Live Oak Municipal Code or other applicable laws to take remedial action upon notice of a violation;

D. Any financial gain realized by a responsible person as a result of an Administrative Violation;

E. The extent to which the violation undermines the purpose of the ordinance violated;

F. The number of other violations existing at the time of the issuance of the notice of Administrative Violation;

G. The costs incurred for remedial action taken by the enforcement authority, office staff, and city manager.

H. The degree and permanence of harm to health, safety and/or the environment caused by the violation, including but not limited to any loss of life to person or animal;

I. The amount it would have cost the responsible person to comply with the law;
J. Where the violation consists of failure to obtain a permit or license, the financial cost to obtain a permit or license prior to engaging in the conduct that is the subject of Administrative Violation. The amount of any sanction imposed for failure to obtain a license or permit shall be no less than one and one-half times the cost of obtaining such license or permit.

1.17.060 Responsibility And Authority

The City Manager shall have the overall responsibility and authority to enforce the provisions of the Live Oak Municipal Code or other applicable laws. The City Manager may delegate to department heads or other appropriate subordinates the authority to enforce any of the provision of the Live Oak Municipal Code or other applicable laws, which relate to the responsibilities of their department. The City Manager may also delegate to the Police Department, or contract Law Enforcement officer, or Code Enforcement officer the authority to enforce any of the provisions of the Live Oak Municipal Code or other applicable laws.

1.17.070 Purpose Of Enforcement

The purpose of administrative enforcement is to obtain fair and uniform compliance with the provisions of the Live Oak Municipal Code and other applicable laws.

1.17.080 Guidelines For Exercising Administrative Enforcement Authority

Administrative enforcement of the provisions of the Live Oak Municipal Code and other applicable laws may occur where: (1) specific bona fide citizen complaint may have been received, (2) where the violation occurs within the context of the city’s oversight and approval of a project, or (3) where the City Manager or the City Manager’s delegate determines that enforcement is proper. No notice to correct or notice of administrative violation shall be issued pursuant to a citizen complaint until the enforcement authority has conducted an independent investigation and determined that there is good cause to believe that a violation of the Live Oak Municipal Code or other applicable laws has occurred.

1.17.090 Notice To Stop Work Order

Whenever a violation is discovered which can be corrected and the responsible person has been issued a notice to correct or notice of administrative violation for the same violation within the past 12 months, the enforcement authority shall issue a notice to correct in order to notify the responsible person of the violation and to order that the violation be corrected within a reasonable time. Unless a different period is specifically set forth in the Live Oak Municipal Code, 10 calendar days shall be considered a reasonable time to correct any violations. The notice to correct shall be in writing and shall set forth the facts that constitute the violation, the specific provisions of the law which have been violated, the specific acts required to correct the violation, the time allowed to correct the violation, and the rights to appeal the notice to correct. If the violation is related to a permit, license or other city approval of a project, the notice to correct may be accompanied by a stop order which orders the responsible person to immediately stop any and all work on the project that is subject to the permit, license or approval until the violation is corrected. The notice to correct shall be served in accordance with the provisions of Section 1.17.140.
1.17.110 Notice Of Administrative Violation

A notice of Administrative Violation may be issued under any of the following circumstances:

A. When the violation can be corrected, a notice to correct has been served, and the specified time has passed without adequate correction of the violation;
B. When a stop order has been issued and has not been complied with by the responsible persons;
C. When the same violation has been committed by the same responsible person within the past 12 months, and a notice to correct or notice of Administrative Violation has been served on the responsible person within that same 12 month period.

The notice of Administrative Violation shall be in writing and shall set forth the facts constituting the violation, the specific provisions of the law which have been violated, the proposed sanctions for the violation as specified in Sections 1.17.030 and 1.17.040 of this chapter, and the rights that the responsible person has to appeal the Notice of Administrative Violation. The notice of Administrative Violation shall be served as provided in Section 1.17.140.

1.17.120 Right Of Entry For Inspection

Whenever necessary to make an inspection to enforce the Live Oak Municipal Code or other applicable laws, or whenever there is reasonable cause to believe there exists a violation of the Live Oak Municipal Code or other applicable laws in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed by the Live Oak Municipal Code or other applicable laws.

B. Except in emergency situations or when consent of the owner and/or occupant of the building or premises to be inspected has been obtained, the city official shall give the owner and/or occupant, if they can be located after reasonable effort, 24 hours written notice of intention to inspect. The notice of intention to inspect shall state that the property owner has the right to refuse, inspection may be made only upon issuance of an Administrative Warrant or Search Warrant as allowed by law by a duly authorized judge.

C. The written notice of intention to inspect shall be served by certified mail, return receipt requested. Where the authorized official intends to inspect within the next 24-hour period, the written notice shall be hand delivered. The notice of intention to inspect may be given to a person that identifies himself/herself as an occupant, tenant or owner of the premises. If no one is at the premises at the time of delivery, the notice of intention to inspect shall be posted in a conspicuous place on the premises.

D. Prior to entering the premises, the authorized official conducting the inspection shall ascertain from the owner and/or occupant whether the notice of intention to inspect has been received and shall obtain permission for entry. Unless an emergency situation exists, if the owner and/or occupant refuses entry after such a request has been made, or if no actual contact is made with the owner and/or occupant prior to the attempt to enter, the
official must seek assistance from any court of competent jurisdiction in obtaining such entry.

1.17.130 Informal Attempts To Encourage Compliance

Nothing in this chapter shall be interpreted to preclude an enforcement authority from informally encouraging citizens to comply with the Live Oak Municipal Code or other applicable laws. Informal oral or written requests to encourage compliance are encouraged as are attempts to informally negotiate or mediate issues relating to compliance.

1.17.140 Service Of Notices

Any notices required under this chapter except a notice of intention to inspect pursuant to Section 1.17.120 shall be served by personal delivery to the responsible person or by certified mail, return receipt requested, to the last known address of the responsible person. If the responsible person is not present for personal delivery, if certified mail is refused, or if the location of a responsible person cannot be determined after diligent efforts, notices may be posted in a conspicuous place on the affected property for a period of 10 calendar days and by mailing first class to the last known address.

1.17.150 Confidentiality In Connection With Citizen Complaints

The city shall take all reasonable steps to ensure that the identity of any person making a complaint to the city concerning a violation of the Live Oak Municipal Code or other applicable laws shall remain confidential, provided however, the complainant is not absolutely entitled to confidentiality, and may be called upon to testify or otherwise have their identity disclosed, should the alleged violator of this code contest that a violation has occurred.

1.17.160 Right To A Hearing

Any person charged with an Administrative Violation who has been served with an Administrative Violation, and who wishes to contest the violation or the proposed sanction may request a hearing before the City Manager, if such a request is submitted to the Live Oak City Hall staff in writing within 10 days after the date of the service of the notice of Administrative Violation. The failure to timely request a hearing shall constitute a waiver of the rights to contest the violation, at which time the proposed sanctions may be imposed.

1.17.170 Request For A Hearing And Fee

The request for hearing shall be filed with the Live Oak City Hall Administrative Assistant, and shall include a notice which is being appealed, shall state all the grounds for the appeal, and shall be accompanied by payment of: (1) an amount not to exceed $500 as security for payment of the proposed administrative sanction, and (2) a hearing fee. The administrative assistant shall not accept any request for hearing unless it is accompanied by the hearing fee and the required security for administrative sanction. The amount of the hearing fee shall be established from time to time by resolution of the city council. The amount of the security for the administrative sanction shall be the amount of the maximum sanction specified in the Notice of Violation, or $500 whichever is less.

1.17.180 Timely Hearing
The hearing shall be held within 30 calendar days of the filing of a request for hearing unless both parties agree to a postponement of the hearing or the city manager rules that there is good cause to postpone the hearing. After the hearing has started, it may be continued with the consent of all parties or upon a showing of good cause for such continuance.

1.17.190 Notice Of Time And Place Of Hearing

The Administrative Assistant shall mail to all parties written notice of the time and place of the hearing at least 10 days prior to the date set for the hearing. Such notice shall also include a description of the rights of the parties in the hearing. Hearings shall be conducted at City Hall.

1.17.210 Rights Of The Parties

The parties to a hearing shall have the following rights:

A. Timely and adequate notice of the time and place of the hearing, their rights during the hearing and the issues that are to be the subject of the hearing;
B. The right to present evidence and witnesses;
C. The right to present argument;
D. The right to be represented. The representative need not be an attorney;
E. The right to examine all evidence presented to the city manager in the case;
F. The right to confront and cross-examine adverse witnesses;
G. The right to subpoena witnesses or documents
H. The right to a decision based upon the evidence in the record of the hearing.
I. The right to a written decision setting forth the reasons for the decision and the evidence relied upon.

1.17.220 Hearing Procedure

The hearing shall be informal and the City Manager will have an affirmative obligation to seek the truth concerning the issues in the hearing. The City Manager may ask questions of any witness and may establish the procedure for the presentation of evidence. The City Manager, may on his or her own motion, call or subpoena a witness. The City Manager may order the exclusion of witness during the testimony of other witnesses.

1.17.230 Hearing Open To The Public

All hearings provided under this chapter shall be open to the public and press.

1.17.240 Quantum And Burden Of Proof

All facts must be established by a preponderance of the evidence. The enforcement authority will have the burden to prove that a violation occurred and that the proposed sanction is appropriate. The enforce merit authority shall be required to present its case first.

1.17.250 Rules Of Evidence
The rules of evidence adopted by state or federal law shall not apply. All relevant evidence shall be admissible and hearsay evidence may be used for the purpose of supplementing and explaining other evidence.

1.17.260  Written Decision
The City Manager shall prepare and forward to the parties a written decision within 30 days of the close of the hearing. The decision shall be mailed by first class mail. If the City Manager grants the appeal, the City Manager shall have the discretion to refund the fee charged to the responsible person for the appeal.

1.17.270  Final Administrative Decision
The final written decision from the City Manager can be appealed to the City Council within 10 days after mailing. If a timely written appeal is not filed, the decision shall become final.

1.17.280  Place For Payment Of Monetary Sanction
All monetary sanctions shall be paid at Live Oak City Hall. All payments shall be accompanied by a copy of the notice of Administrative Violation establishing the amount of the monetary sanction.

1.17.290  Failure To Pay A Monetary Sanction
If the responsible party does not pay the monetary sanctions, the unpaid portion shall bear interest at the rate of 10 percent per year from the date such payment was due until paid in full and the city may take any of the following actions to collect the monetary sanction.

A. Liens. The amount of the unpaid sanctions plus interest plus a reasonable administrative fee; established by the City Council from time to time by resolution, to cover the cost of collection constitutes and may be declared a lien on any real property owned by the responsible party within the city.

1. Notice shall be given to the responsible party prior to the recordation of the lien, and shall be served in the same manner as a summons in a civil action pursuant to Article 3, (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure.

2. The lien shall attach when the City Manager or his/her designee records a lien listing delinquent unpaid sanctions with Sutter County recorder’s office. The lien shall specify the amount of the lien, the date of the code violation(s), the date of the final administrative decision, the street address, legal description, and assessor’s parcel number of the parcel on which the lien is imposed and the name and address of the recorded owner of the parcel.

3. In the event that the lien is discharged, released or satisfied, either through payment of foreclosure, notice of the discharge containing the information specified in subsection (A)(1) of this section shall be sent to the property owner who may then record the release

B. Special Assessments. The amount of the unpaid sanctions plus interest plus a reasonable administrative fee; established by the City Council from time to time by resolution, to cover the cost of collection may be declared a special assessment against any real property owned by the responsible person. The assessment may be then collected
at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes.

C. Withholding Entitlements. The city may withhold issuance of licenses, permits and other entitlements to a responsible person until payment is received.

D. Other Enforcement Procedures. The city may take such other actions as are allowed for enforcement of a civil judgment. (Ord. 456, § 2, 2000)
TITLE 2 – ADMINISTRATION AND PERSONNEL

Chapters:

2.04  Rules and Regulations Governing the Conduct of Council Meetings, Proceedings and Business
2.08  City Officers’ Compensation
2.12  Planning Commission
2.16  Environmental Protection Committee
2.20  Police Department
2.24  Emergency Organization
2.28  Sutter County Sheriff’s Department
2.32  Municipal Elections
2.36  City Manager
2.40  Conflict of Interest Code
Chapter 2.04 - RULES AND REGULATIONS GOVERNING THE CONDUCT OF COUNCIL MEETINGS, PROCEEDINGS AND BUSINESS

Sections:

2.04.010 Meetings.

2.04.020 Order of business.

2.04.030 Agenda/Posting action on other matters.

2.04.040 Rules of conduct.

2.04.050 Rules of decorum.

2.04.060 Approval of legislation and contract.

2.04.010 Meetings

(a) Regular Meetings. Regular meetings of the council shall be held without notice on the first and third Wednesday of each month. Meetings shall commence at 7:00 p.m. in the Live Oak City Council Chambers in the City Hall of the city of Live Oak located at 9955 Live Oak Blvd., Live Oak, California or at such other place as the council may, from time to time, prescribe. In the event a Wednesday falls upon a legal holiday, the regular meeting which otherwise would have occurred on that date shall be held on the first business day thereafter at 7:00 p.m. In the event that Christmas Eve and/or New Year’s Eve falls on a Wednesday, the regular meeting which otherwise would have occurred on that day shall be held on the first business day which is not a holiday thereafter at 7:00 p.m.

(b) Special Meetings. Special meetings of the council may be called at any time by the mayor or by a majority of the members of the council by delivering personally or by mail written notice to each member of the council and to each local newspaper of general circulation and to any radio or television station that has submitted a written request of the city clerk for such notification. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at the meeting. Written notice may be dispensed with for any member who at or prior to the time the meeting convenes files with the city clerk a written waiver of notice. The waiver may be given by telegram or fax. Written notice shall be dispensed with for any member who is actually present at the meeting at the time it convenes.

(c) Adjournment/Adjourned Meetings. The council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all members are absent from any regular or adjourned regular meeting the city clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally to each council member at least three hours before the adjourned meeting. A copy of the order or notice of adjournment shall be
conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within twenty-four hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

(d) Emergency Meetings. The notice requirement for a special meeting may be dispensed with under the following emergency conditions:

1. Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the council;
2. A crippling disaster which impairs public health, safety, or both, as determined by a majority of the council.

(e) Closed Sessions. The council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by state law to hear or consider in closed session, and may exclude from any such closed session any person or persons which it is authorized by state law to exclude from such closed sessions. Any such closed session shall be appropriately agendized.

(f) Cancellation. Any meeting of the council may be canceled in advance of a majority vote of the council. The mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed in writing their unavailability to attend a meeting.

(g) Chair. The mayor shall preside over all council meetings. In his/her absence, the mayor pro tempore shall serve as presiding officer. The council shall choose one of its members to serve as mayor and one of its members to serve as vice-mayor. The mayor and vice-mayor shall be selected and seated in the manner following:

In an election year in which council members are elected, the mayor and vice-mayor shall be selected and seated at such time as the election results for council members so elected have been canvassed and certified to the council and those results so declared by the council. The mayor and mayor pro tempore so selected and seated at that time shall hold their respective offices until the first regular city council meeting following the first Wednesday of the month in the year following the year in which they were selected and seated. The mayor shall preserve strict order and decorum at all regular and special meetings of the council. The mayor shall state every question coming before the council, announce the decision of the council on all subjects and decide all questions of order subject, however, to an appeal to the council in which event a majority vote of the council shall govern and conclusively determine such question of order. The mayor shall vote on all questions, his name being called last.

(h) Attendance by the Public. Except as specifically provided by law for closed sessions, all meetings of the council shall be open and public. All persons desiring to attend shall be permitted to attend any meeting. In the event any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible
and order cannot be restored by removal of the offending individual or individuals, the
council may order the meeting room cleared and continue in session. Only matters
appearing on the agenda may be considered during each session. Representatives of the
press, unless participants in the disturbance, shall be allowed to attend such session, and
nothing shall prohibit the council from readmitting individuals not responsible for the
disturbance. (Ord. 430 § 1, 1996; Ord. 414 § 2 (part), 1995)

2.04.020  Order Of Business

The business of the council, at its meetings, shall be conducted in accordance with the
following order of business:

(a) Call to order and roll call;
(b) Pledge of allegiance/invocation;
(c) Presentations/proclamations;
(d) Written communications;
(e) Public hearings;
(f) Bid opening;
(g) Ordinances — Introduction and adoption;
(h) Appearance of interested citizens and/or requests by the public;
(i) Consent calendar: The consent calendar groups together those matters which are
considered to be noncontroversial and which require only routine action by the council.
Adoption of the consent calendar may be made by one motion only and the roll call
vote of the council; provided, however, the chair shall first advise the persons in
attendance that the consent calendar matters will be adopted in toto by one action of the
council unless any council member, any member, any individual or organization
interested in one or more consent calendar matters has any question or wishes to make a
statement. In that event, the chair may defer action on the particular matter or matters,
and the council shall consider those matters separately;
(j) Reports and miscellaneous;
(k) Business from the council; and
(l) Adjournment. (Ord. 414 § 2 (part), 1995)

2.04.030  Agenda—Posting Action On Other Matters

The city clerk shall cause to be prepared an agenda of the council meeting which agenda
shall be prepared in accordance with the order of business as provided for in Section
2.04.020 above. A copy of said agenda shall be furnished to each member of the council,
the city finance director and the city attorney at least twenty-four hours prior to the
council meeting.

At least seventy-two hours before a regular meeting the city clerk or his/her designee
shall post the agenda which shall contain a brief general description of each item of
business to be transacted or discussed at the meeting. The agenda shall specify the time
and location of the regular meeting and shall be posted in a location that is freely
accessible to members of the public. No action shall be taken on any item not appearing on the posted agenda.

Notwithstanding the above, the council may take action on items of business not appearing on the posted agenda under any of the following conditions:

(a) Upon a determination by a majority vote of the council that an emergency situation exists as defined in the public meeting law (Section 54956.2(b)(1) of the Government Code);

(b) Upon a determination by a two-thirds vote of the council or if less than two-thirds of the council members are present, a unanimous vote of those members present that the need to take action arose subsequent to the agenda being posted; and

(c) The item was posted as hereinbefore required for a prior meeting of the council occurring not more than five calendar days prior to the date action is taken on the item and at the prior meeting the time was continued to the meeting at which action is being taken. (Ord. 414 § 2 (part), 1995)

2.04.040 Rules Of Conduct

Business shall be brought before the council by motion in accordance with the following standards of conduct:

(a) Obtaining the Floor. Any member of the council wishing to speak must first obtain the floor by being recognized by the chair. The chair must recognize any council member who seeks the floor when appropriately entitled to do so.

(b) Motions. The mayor or any member of the council may bring a matter of business before the council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the chair shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any council member properly recognized by the chair. Once the matter has been fully debated and the chair calls for a vote, no further debate will be allowed; provided, however, council members may be allowed to explain their vote.

(c) Voting. All council members present at a meeting when a question comes up for a vote, shall vote for or against the measure. If the vote is a voice vote, the chair shall declare the result and note for the record all “aye” votes and all “no” votes. The council may also vote by roll call vote, ballot or voting machine. Regardless of the manner of voting, the results reflecting all “ayes” and “noes” must be clearly set forth for the record.

(d) Procedural Rules of Order. Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion. These motions take precedence over the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the mayor or any council member at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are nondebatable; the last four are debatable. All subsidiary motions require a simple majority vote for passage.

(1) Subsidiary Motions.
(i) Lay on the Table. Any council members including the mayor, may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. It must be moved, seconded and passed by a majority vote. In order to bring the matter back before the council, a member must move that the matter be taken from the table, seconded and passed. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the council. Otherwise, the motion that was tabled dies, although it can be raised later as a new motion.

(ii) Move the Previous Question. Any council member may move to immediately bring the question being debated by the council to a vote, suspending any further debate.

(iii) Limit or Extend Limits of Debate. Any council member may move to put limits on the length of debate.

(iv) Postpone to a Time Certain. Any council member may move to postpone the pending question to a time certain. This motion continues the pending main motion to a future date as determined by the council at the time the motion is passed.

(v) Commit or Refer. Any council member may move that the matter being discussed should be referred to a committee or commission for further study. The motion may contain directions for the committee or commission, as well as a date upon which the matter will be returned to the council’s agenda. If no date is set for returning the item to the council agenda, any council member may move, at any time, to require the time be returned to the agenda.

(vi) Amend. Any council member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. Any amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the chair.

(vii) Postpone Indefinitely. Any council member may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter.

(2) Motion of Privilege, Order and Convenience. The following actions by the council are to insure orderly conduct of meetings and for the convenience of the mayor and council members. Those motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted.

(i) Call for Orders of the Day. Any council member may demand that the agenda be followed in the order stated therein. No second is required and the chair must comply unless the council, by vote, sets aside the orders of the day.

(ii) Questions of Privilege. Any council member, at any time during the meeting, may make a request of the chair to accommodate the needs of the council or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the chair.
(iii) Recess. Any council member may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.

(iv) Adjourn. Any council member may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.

(v) Point of Order. Any council member may require the chair to enforce the rules of the council by raising a point of order. The point of order shall be ruled upon by the chair.

(vi) Appeal. Should any council member be dissatisfied with a ruling from the chair, he/she may move to appeal the ruling to the full council. The motion must be seconded to put it before the council. A majority vote in the negative or a tie vote sustains the ruling of the chair. The motion is debatable and the chair may participate in the debate.

(vii) Suspend the Rules. Any council member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a majority vote for passage.

(viii) Division of Question. Any council member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.

(ix) Reconsider. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the council may reconsider any vote taken at the same session, but no later than the same or next calendar day, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be seconded and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

(x) Rescind, Repeal or Annul. The council may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

(e) Authority of the Chair. Subject to appeal, the chair shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the council by ruling such motions out of order. In so ruling, the chair shall be courteous and fair and should presume that the moving party is making the motion in good faith.

(f) Public Hearings. Matters which are required to be heard at a noticed public hearing shall be conducted in the following manner:

(1) Time for Consideration. Matters noticed to be heard by the council shall be heard at the meeting specified and shall commence at the time specified in the notice of hearing,
or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

(2) Continuance of Hearings. Any hearing being held, noticed or ordered to be held by the council at any meeting of the council may, by order or notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided herein for adjourned meetings; provided, that if the hearing is continued to a time less than twenty-four hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted or made.

(3) Public Discussion at Hearings. When a matter for the public hearing comes before the council, the mayor shall open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his/her presence known to the mayor and upon being recognized by the mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the mayor. Members of the council who wish to ask questions of the speakers or each other, during the public hearing portion, may do so but only after first being recognized by the mayor. The mayor shall conduct the meeting in such a manner as to afford due process.

All persons interested in the matter being heard by council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the city clerk and made a part of the clerk’s record. Time limits may be established by the council, limiting the duration of presentations as set forth herein. No person shall be permitted during the hearing to speak about matters or present evidence which are not germane to the matter being considered. A determination of relevance of such matters shall be made by the mayor but may be appealed as set forth here and before.

(4) Consideration of Question by Council. After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the public hearing shall be closed by the mayor and the council may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the mayor, to speak further on the question during this period of deliberation, although the council members may ask questions of the speakers if so desired. At the conclusion of the council discussion, an appropriate motion having been made and seconded, the council shall vote on the matter.

(5) Reports and Resolutions. All committee reports together with all resolutions shall be filed with the city clerk and shall be entered in the minutes. Minutes of prior council meetings need not be read nor a synopsis of said minutes provided the city clerk has previously furnished to each council member a complete copy of said minutes.

(6) Dissemination of Materials to Council. As required by law (Government Code Section 54957.5), agendas of the city council and any other writings, when distributed to all or a majority of all members of the council by any person in connection with a matter the subject of discussion or consideration at a meeting of the council, are public records.
under the Public Records Act and shall be made available as required by the Public Records Act, unless the writing is otherwise exempt from public disclosure under the Public Records Act. Writings which are public records and which are distributed during a public meeting of the council shall be made available for public inspection at the meeting if prepared by the council or a member thereof or after the meeting if prepared by some other person. (Ord. 414 § 2 (part), 1995)

2.04.050  Rules Of Decorum

While the council is in session, the chair shall preserve order and decorum. No person in attendance shall either by conversation or otherwise delay or interrupt the proceedings or the peace of the council or disturb either any council member or any member of the public while speaking nor refuse to obey the orders of the council or the presiding officer except as otherwise provided. Any persons making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith by the presiding officer barred from further audience before the council unless permission to continue shall be granted by a majority vote of the council. All persons addressing the council shall step to the designated podium and shall give his/her name and address in an audible tone of voice for the record. All remarks shall be addressed to the council as a body and not to any member thereof. No person other than the council and the person having the floor shall be permitted to enter into any discussion either directly or through a member of the council without the permission of the chair. No question shall be asked a council person except through the chair. Every person in attendance desiring to speak shall address the chair and, upon recognition by the chair, shall confine himself/herself to the question under debate avoiding all personalities and indecorous language. Any person in attendance, once recognized by the chair, shall not be interrupted when speaking unless it shall be to call him/her to order or as otherwise here and before provided. If a person, while speaking, shall be called to order he/she shall cease speaking until the question of order shall be determined and if in order he/she shall be permitted to proceed. A council person may request, through the chair, the privilege of having a written abstract of his/her statement on any subject under consideration by the council entered in the minutes. If the council consents thereto, such statement shall be entered in the minutes. (Ord. 414 § 2 (part), 1995)

2.04.060  Approval Of Legislation And Contract

(a) Preparation of Ordinances. All ordinances shall be prepared or approved as to form by the city attorney. No ordinance shall be prepared for presentation to the council unless ordered by a majority vote of the council or requested in writing by the city clerk/city finance director or his/her designee.

(b) Prior Approval. All ordinances and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney or his authorized representative and shall have been examined and approved for the administration by the city clerk/city finance director or his/her authorized representative when there are substantive matters of administration involved.

(c) Introducing for Passage or Approval. Ordinances, resolutions, and other matters or subjects requiring action by the council shall be introduced and sponsored by a member of the council; provided, however, the mayor, city administrator or his/her designee, or
city attorney may present ordinances, resolutions, and other matters or subjects to the
council, and any council member may assume sponsorship thereof by moving that such
ordinances, resolutions, matters, or subjects be adopted; otherwise, they shall not be
considered. (Ord. 414 § 2(part). 1995)

Chapter 2.08 - CITY OFFICERS’ COMPENSATION*

Sections

2.08.010 Purpose.
2.08.020 Population of city.
2.08.030 Salaries – Designated.
2.08.040 Salaries – Increase or decrease.
2.08.050 Reimbursement.
2.08.060 City treasurer’s salary.

* For statutory provisions on planning commissions, see Gov. Code § 65150.

2.08.010 Purpose

This chapter is enacted pursuant to Section 36516 of the Government Code, as added by
Chapter 286 of the Statutes of 1965, authorizing the council to provide by ordinance that
each member of the council receive a prescribed salary the amount of which is based
upon the population of the city as determined by estimates made by the State Department
of Finance. (Ord. 137 § 1, 1966)

2.08.020 Population Of City

As of February 16, 1966, the latest estimate of population of the city made by the
Department of Finance is two thousand two hundred seventy-six. (Ord. 137 § 2, 1966)

2.08.030 Salaries—Designated

Each member of the City Council shall receive, as salary, the sum of $364.65 per month,
which shall be payable at the same time and in the same manner as salaries are paid to
other officers and employees of the City. (Ord. 461 §1, 2002, Ord. 494 § 1, 2006)

2.08.040 Salaries—Increase Or Decrease

Following any new and later estimate of population made by the Department of Finance
placing the city in a population group other than that set forth in Section 2.08.030, the
salary payable to each member of the council shall be increased or decreased accordingly
to equal the sum prescribed for that population group in Section 36516 of the
Government Code, as added by Chapter 286 of the Statutes of 1965; provided, however,
that the salary as so increased or decreased shall become payable only on and after the
date upon which one or more members of the council become eligible therefore by virtue
of beginning a new term of office following the next succeeding general municipal
election held in the city. (Ord. 137 § 4, 1966)
2.08.050  Reimbursement

The salaries prescribed in Section 2.08.030 are and shall be exclusive of any amounts payable to each member of the council as reimbursement for actual and necessary expenses incurred by him in the performance of official duties for the city. (Ord. 137 § 5, 1966)

2.08.060  City Treasurer’s Salary

The salary for the city treasurer, as compensation of all services and duties devolving upon him by virtue of any law or ordinance, is the sum of thirty dollars per month. (Ord. 57 § 1, 1952)

Chapter 2.12 - PLANNING COMMISSION*

Sections:
  2.12.010  Created.
  2.12.020  Membership—Terms—Voting power.
  2.12.030  Duties.

* For statutory provisions on city councilmen’s salaries, see Gov. Code § 65150.

2.12.010  Created

There is created a body politic within the city to be known as the planning commission of the city, pursuant to the applicable provisions of the Government Code of the state. (Ord. 231 § 1, 1978: Ord. 133 1.1965: Ord. 71 § 1. 1954)


A. The planning commission shall consist of seven members appointed by the mayor with the consent of the city council. Five members shall be citizens of the city of Live Oak. One member shall be a citizen of the city of Live Oak or shall be a citizen residing within the Live Oak post office service area. One member shall be appointed from the Sutter County planning commission as recommended by the board of supervisors.

B. The terms of the planning commissioners shall be four years from appointment or until replaced by the city council, except for an initial appointment period described below and set at the option of the city council and except for the representative of the county planning commission who shall be appointed for one year or until replaced as recommended by the county:

  One planning commissioner appointed to a term to expire on January 31, 1995,
  Two planning commissioners appointed to a term to expire on January 31, 1996,
  Two planning commissioners appointed to a term to expire on January 31, 1997, and
  One planning commissioner appointed to a term to expire on January 31, 1998.
C. At the conclusion of each four-year term the city council shall post a notice of possible vacancy to allow the incumbent and other citizens to be considered for appointment or reappointment.

D. All members of the planning commission shall have full voting franchise.


2.12.030 Duties

The planning commission shall perform such functions as defined in the Government Code of the state and the city ordinances now or hereafter adopted. (Ord. 231 § 3, 1978: Ord. 133 § 2, 1965: Ord. 71 § 3, 1954)

Chapter 2.16 - ENVIRONMENTAL PROTECTION COMMITTEE *

Sections:

2.16.010 Purpose.
2.16.020 Environmental guidelines adopted.
2.16.030 Committee—Established.
2.16.040 Committee—Composition.
2.16.050 Committee—Environmental evaluation duty.
2.16.060 Committee—Meetings open to public.
2.16.070 Committee—Compensation—Expenses.
2.16.080 Negative declaration—Preparation and submittal—Filing.
2.16.090 Negative declaration—Hearing—Notice.
2.16.100 Request for review.
2.16.110 Environmental impact statement—Council’s action.
2.16.120 Environmental impact statement—Drafting.
2.16.130 Environmental impact statement—Filing requirements.
2.16.140 Environmental impact statement—Hearing—Notice.
2.16.150 Hearing—Testimony from city consultants and public required.
2.16.160 Procedure of public projects after approval.

* For statutory provisions of the Environmental Quality Act, see Pub. Res. Code § 21050 et seq.
2.16.010 Purpose
This ordinance is enacted to protect the public safety, health, and welfare and is adopted as an urgency measure pursuant to Section 25123 of the Government Code of the state. The facts showing this urgency are: The legislature of the state enacted the California Environmental Quality Act of 1970 which went into effect on November 23, 1970; in 1972 the legislature of the state enacted Chapter 1154 amending the Environmental Quality Act of 1970; Section 21082 of the Public Resources Code requires all public agencies to adopt by ordinance, resolution, rule or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports no later than sixty days after the Secretary of the Resources Agency has adopted guidelines pursuant to Section 21083 of the Public Resources Code. The Secretary of the Resources Agency adopted guidelines on February 3, 1973, thereby making the final date for the adoption of the ordinance, resolution, rule or regulation April 4, 1973. (Ord. 172 § 16, 1973)

2.16.020 Environmental Guidelines Adopted
The guidelines for implementation of the California Environmental Quality Act of 1970, promulgated by the office of the Secretary for Resources of the state, adopted February 23, 1973, to the extent applicable, are incorporated by reference. (Ord. 172 § 15, 1973)

2.16.030 Committee—Established
An environmental protection committee is established for the city. (Ord. 172 § 1, 1973)

2.16.040 Committee—Composition
The environmental protection committee shall be composed of persons to be designated by resolution adopted by the city council. (Ord. 172 § 2, 1973)

2.16.050 Committee—Environmental Evaluation Duty
The committee shall make a formal evaluation of all public projects or actions and all private projects or actions which require a lease, permit, license, certificate, or other entitlement for use from the city to determine whether such project or action may have a significant effect on the environment. The formal evaluation shall be consistent with the guidelines established from time to time by resolution adopted by the city council. (Ord. 172 § 3, 1973)

2.16.060 Committee—Meetings Open To Public
All meetings of the committee shall be public except as otherwise provided by law. (Ord. 172 § 13, 1973)

2.16.070 Committee—Compensation— Expenses
The members of the committee shall serve without compensation, but the actual and necessary individual expenses in performing their duties as required by this chapter shall be a charge against the city subject to city regulations. (Ord. 172 § 14, 1973)

2.16.080 Negative Declaration—Preparation And Submittal—Filing
If the committee finds that the proposed project or action will not have a significant effect on the environment, it shall prepare and submit a “negative declaration” to that effect.
The committee shall file ten copies of the negative declaration, together with the record in summary form which supports its findings, with the city clerk; ten copies of the negative declaration and supporting record with the public agency, department or official charged under state law with issuing the lease, permit, license, certificate, or other entitlement for use; and one copy with each member of the committee. (Ord. 172 § 4, 1973)

2.16.090 Negative declaration—Hearing—Notice
Upon receipt of the negative declaration and the supporting record, the city clerk shall set a date, time, and place for a hearing before the city council on the negative declaration. At least ten days prior to the hearing, notice thereof shall be published by the city clerk in accordance with Section 6061 of the Government Code, in a newspaper of general circulation which is circulated in the city. The date of the hearing shall be on a day provided by the council for the holding of a regular meeting. (Ord. 172 § 5, 1973)

2.16.100 Request For Review
If no request for review is made prior to or at the hearing, a determination that the project or action will have no significant effect on the environment shall be final and conclusive, and public action may proceed. If a request for review is made, the city council shall order such further proceedings as it deems necessary. (Ord, 172 § 6, 1973)

2.16.110 Environmental Impact Statement—Council’s Action
If the committee finds that the proposed project or action may have a significant effect on the environment, it shall recommend to the city council the course of action necessary to obtain an environmental impact statement consistent with law. The council shall order appropriate action to develop the environmental impact statement required by law. (Ord. 172 § 7, 1973)

2.16.120 Environmental Impact Statement—Drafting
The committee shall be responsible for the draft of the environmental impact statement. (Ord. 172 § 8, 1973)

2.16.130 Environmental Impact Statement—Filing Requirements
The committee shall file ten copies of the draft of the environmental impact statement with the city clerk; ten copies with the public agency, department, or official charged under applicable city ordinance or under state law with issuing the lease, permit, certificate, or other entitlement for use; and one copy with each member of the committee. (Ord. 172 § 9, 1973)

2.16.140 Environmental Impact Statement—Hearing—Notice
Upon receipt of the environmental impact statement, the city clerk shall set a date, time, and place for a hearing before the city council on the environmental impact statement. At least fifteen days prior to the hearing, notice thereof shall be published by the city clerk in accordance with Section 6061 of the Government Code, in a newspaper of general circulation which is circulated in the city. The date of the hearing shall be on a day provided by the council for the holding of a regular meeting. (Ord. 172 § 10, 1973)
2.16.150 Hearing—Testimony From City Consultants And Public Required
At the hearing, the council shall receive comment from the staff and consultants employed by the city and shall allow interested members of the public a reasonable opportunity to testify with regard to the matter under consideration, and shall consider such testimony in making its determination. The council may continue the hearing from time to time. (Ord. 172 § 11, 1973)

2.16.160 Procedure Of Public Projects After Approval
Upon completion of the report and approval by the council, the district, department or official shall proceed with the project or action or issue the lease, permit, license, certificate, or other entitlement for use. (Ord. 172 § 12, 1973)

Chapter 2.20 - POLICE DEPARTMENT*

Sections:

2.20.010 State aid.
2.20.020 Compliance with state recruitment and training standards required.
2.20.030 Unclaimed property—Disposition.

*For statutory provisions on peace officer training, see Penal Code § 13500— for provisions on the disposal of unclaimed property in the possession of the police department, see Civil Code § 20804.

2.20.010 State Aid
The city declares that it desires to qualify to receive aid from the state under the provisions of Chapter 1 of Title 4, part 4 of the California Penal Code. (Ord. 143 (part), 1967)

2.20.020 Compliance With State Recruitment And Training Standards Required
Pursuant to Section 13522 of Chapter 1 of Title 4, part 4 of the California Penal Code, the city, while receiving aid from the state pursuant to said Chapter 1, will adhere to the standards for recruitment and training established by the California Commission of Peace Officer Standards and Training. (Ord. 143 (part), 1967)

2.20.030 Unclaimed Property—Disposition Procedure
Whenever any department has in its possession any personal property, the ownership of which is unknown, the department shall retain the property in its possession for a minimum period of ninety days from the date on which it came into possession of the department, during which time the police department shall make reasonable effort to ascertain the identity of the owner thereof, and, should the identity and address of such owner be ascertained, shall give notice to such owner by mail of the fact that the property is in the possession of the department, and that the owner, upon satisfactorily identifying himself and his ownership, will be entitled to receive the property. If, during the ninety-
day period, the department is unable to ascertain the name and address of the owner of such property, and no person or persons makes claims thereto and prove their ownership, the chief of police shall cause such property to be sold at public auction to the highest bidder for cash. The proceeds from the sale shall be deposited by the department head with the city treasurer as a miscellaneous receipt. (Ord. 218, 1978)

Chapter 2.24 - EMERGENCY ORGANIZATION*

Sections:

2.24.010  Purpose
2.24.030  Disaster council—Created—Composition.
2.24.040  Disaster council—Powers and duties.
2.24.050  Director and assistant director of emergency services—Offices created.
2.24.060  Director and assistant director of emergency services—Powers and duties.
2.24.070  Emergency organization designated.
2.24.080  Emergency plan.
2.24.090  Expenditures.
2.24.100  Violation—Penalty.


2.24.010  Purpose

The purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons. (Ord. 171 § 1, 1973)

2.24.020  Emergency—Defined

As used in this chapter, “emergency” means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel,
equipment, or facilities of this city, requiring the combined forces of other political subdivisions to combat. (Ord. 171 § 2, 1973)

2.24.030  Disaster Council—Created—Composition

The Live Oak disaster council is created and shall consist of the following:

A. The mayor, who shall be chairman;

B. The Sutter County director of emergency services, who shall be vice-chairman;

C. Such chiefs of emergency services as are provided for in a current emergency plan of this city, adopted pursuant to the ordinance codified in this chapter;

D. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the city council. (Ord. 171 § 3, 1973)

2.24.040  Disaster Council—Powers And Duties

It shall be the duty of the Live Oak disaster council to develop and recommend for adoption by the city council emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The disaster council shall meet upon call of the chairman or, in his absence from the city or inability to call such meeting, upon call of the vice-chairman. (Ord. 171 § 4, 1973)

2.24.050  Director And Assistant Director Of Emergency Services—Offices Created

A. There is created the office of director of emergency services; the mayor shall be the director of emergency services.

B. There is created the office of assistant director of emergency services, who shall be appointed by the director. (Ord. 171 § 5, 1973)

2.24.060  Director And Assistant Director Of Emergency Services—Powers And Duties

A. The director of emergency services is empowered to:

1. Request the city council to proclaim the existence or threatened existence of a local emergency if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;

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

3. Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter;

4. Direct cooperation between and coordination of services and staff of the emergency organization of this city, and resolve questions of authority and responsibility that may arise between them;
5. Represent the city in all dealings with public or private agencies on matters pertaining to emergencies as defined in Section 2.24.020:

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

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

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

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

d. To requisition necessary personnel and materials of any city department or agency, and

e. To execute all of his ordinary power as mayor, all of the special powers conferred upon him by this chapter or by resolution or emergency plan pursuant hereto adopted by the city council, all powers conferred upon him by any statute, by any agreement approved by the city council, and by any other lawful authority.

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

C. The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this city, and shall have such other powers and duties as may be assigned by the director. (Ord. 171 § 6, 1973)

2.24.070  Emergency Organization Designated

All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of subsection 6 of Section 2.24.060, be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city. (Ord. 171 § 7, 1973.)

2.24.080  Emergency Plan

The Live Oak disaster council shall be responsible for the development of the city emergency plan, which plan shall provide for the effective mobilization of all of the
resources of this city, both public and private, to meet any state of war emergency, and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council. (Ord. 171 § 8, 1973).

2.24.090  Expenditures

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (Ord. 171 § 9, 1973).

2.24.100  Violation—Penalty

It is a misdemeanor, punishable as provided in Section 1.12.010, for any person, during an emergency, to:

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

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

C. Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state. (Ord. 171 § 10, 1973).

Chapter 2.28 - SUTTER COUNTY SHERIFF’S DEPARTMENT

Sections:

2.28.010  Generally

The city, having recently contracted with the county of Sutter to provide law enforcement services within the city and having effectively for that purpose eliminated the police department and the office of chief of police, hereby amends all prior ordinances of the city where provision is made for enforcement by the chief of police or an obligation imposed upon the chief of police so that the obligation will now be the obligation of the Sutter County sheriff’s department presently charged with the overall administration of law enforcement within the city, including the enforcement of all state criminal laws, state statutes and city ordinances. It is ordered that all city ordinances be and the same are hereby amended so that where there is reference to the office of chief of police, it shall now have reference to the Sutter County sheriff’s department. (Ord. 251 § 1, 1980)

Chapter 2.32 - MUNICIPAL ELECTIONS

Sections:
2.32.010 Date Fixed

Pursuant to Government Code Section 36503.5, the city council of the city fixes the day of the statewide general election the first Tuesday after the first Monday in November of each even-numbered year (pursuant to Elections Code Sections 2500 and 2501) as the date of the general municipal election within the city and which otherwise would be held on the second Tuesday in April of even-numbered years. The municipal election thereafter shall be conducted on the date of the statewide general election unless the ordinance codified in this chapter is later repealed by the city council. (Ord. 267 § 1, 1981: Ord. 266 § 1, 1981).

2.32.020 Continuation of Officers in Interim

Pursuant to subsection (c) of Section 36503.5 those elected officers whose four-year term of office would have, prior to the adoption of the ordinance codified in this chapter, expired on the Tuesday succeeding the second Tuesday in April of an even-numbered year, shall instead continue in their offices until the second Tuesday after the date fixed by this chapter as the date for the general municipal election. (Ord. 267 § 1, 1981: Ord. 266 § 2, 1981).

2.32.030 Notice to Voters

The city clerk shall, pursuant to Section 36503.5 (a), submit the ordinance codified in this chapter for approval to the Sutter County board of supervisors and further shall, within thirty days after this chapter becomes operative, upon approval by the Sutter County board of supervisors, shall cause a notice to be mailed to all registered voters informing the voters of a change in the election date and also informing the voters that as a result of the change in the election date, elected city officeholders’ terms in office will be extended and that no term shall be decreased. (Ord. 267 § 1, 1981: Ord. 266 § 2, 1981).

Chapter 2.36 - CITY MANAGER

Sections:

2.36.010 Office created.
2.36.020 Eligibility of council member.
2.36.030 Bond required.
2.36.040 Compensation and expenses.
2.36.050 Powers and duties of the city manager.
2.36.060 Relationship between city council and administrative services.
2.36.010  Office Created
The office of the city manager of the city of Live Oak is created and established. The city manager shall be appointed by the city council wholly on the basis of his/her administrative and executive ability and qualification and shall hold office for and during the pleasure of the city council. (Ord. 421 § 1 (part), 1995)

2.36.020  Eligibility Of Council Member
No member of the city council shall be eligible for appointment as city manager until one year has elapsed after such council member shall have ceased to be a member of the city council. (Ord. 421 § 1 (part). 1995)

2.36.030  Bond Required
The city manager shall, before entering upon the duties of his/her office, give good and sufficient corporate surety to the city in such amount as required by the city council and in form as shall be approved by the city attorney, and as required by any law of the state, or of the city. Such bond shall be conditioned upon the faithful performance and discharge of his/her duties, and for proper application and payment of all money or property coming into his/her hands by virtue of his/her office. A general bond covering more than one officer or employee of the city shall suffice if it meets the requirements set forth in this section. The premium for such bond shall be paid by the city. (Ord. 421 § 1 (part). 1995)

2.36.040  Compensation And Expenses
(a) The city manager shall receive such compensation and expense allowance as the city council shall from time to time determine, and said compensation and expenses shall be a proper charge against funds of the city as the city council shall designate.

(b) The city manager shall be reimbursed for all sums necessarily incurred or paid in the performance of his/her duties, or incurred when traveling on business pertaining to the city under direction of or with the express consent of the city council; reimbursement shall be made only in accordance with an itemized claim setting forth the sums expended or obligations incurred in the manner provided by the city council for the presentation of claims for reimbursement of expenses of other city officers and employees. (Ord. 421 § 1 (part), 1995)

2.36.050  Powers And Duties Of The City Manager
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/she shall be responsible for the efficient administration of all the affairs of the city which are under his/her control. In addition to his/her general powers as administrative
head, and not as a limitation thereon, it shall be his/her duty and he/she shall have the powers set forth in the following subsections.

(a) General Supervision. The city manager shall execute, on behalf of the city council, all its administrative supervision and control of such affairs of the city as may be placed in his/her charge, or which are not otherwise provided for by the city council.

(b) Personnel and Organization. The city manager shall appoint competent, qualified officers and employees to the administrative service (which term is inclusive of all positions excepting the city attorney) and to dismiss, suspend and discipline such officers and employees in accordance with such policies as may from time to time be set by the city council. The city manager may also transfer employees from one department to another, consistent with the policies of the city council and recommend to the city council such reorganization of officers, departments or divisions as may be indicated in the interest of efficient, effective and economical conduct of the city’s business and to effect such reorganization when authorized by appropriate ordinance, resolution or motion of the city council. It shall be the duty of the city manager, and he/she shall have the authority to control, order and give directions to all heads of departments and to subordinate officers and employees of the city under his/her jurisdiction through their department heads. It shall be the duty of the city manager to, and he/she shall appoint, remove, promote and demote any and all officers and employees of the city of Live Oak, subject to all applicable personnel, ordinances, rules and regulations.

(c) Ordinances. It shall be the duty of the city manager and he/she shall recommend to the city council for adoption such measures and ordinances as he/she deems necessary.

(d) Attendance at Council Meetings. It shall be the duty of the city manager to attend all meetings of the city council unless at his/her request he/she is excused there from by the mayor individually or the city council, except when his/her removal is under consideration.

(e) 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 condition and needs of the city.

(f) Budget. It shall be the duty of the city manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval.

(g) Expenditure Control and Purchasing. It shall be the duty of the city manager to see that no expenditures shall be submitted or recommended to the city council except on approval of the city manager or his/her authorized representative. The city manager, or his/her authorized representative, shall be responsible for the purchase of all supplies for all the departments or divisions of the city.

(h) Investigations and Complaints. 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. Further, 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 public utilities in the city.
(i) Public Buildings. It shall be the duty of the city manager and he/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.

(j) Compensation Plan. The city manager shall prepare and recommend to the city council from time to time desirable revisions of the compensation plan of the city.

(k) Carry Out Council Decisions. The city manager shall carry out on behalf of the city council its policies, rules, regulations and ordinances relating to the administration of the affairs of the city, its departments, divisions and services.

(l) Public Improvements. The city manager shall develop and organize public improvement projects and programs and aid and assist the city council and the various departments, services and officers of the city in carrying out the same to a successful conclusion.

(m) Studies and Reports. The city manager shall make such surveys, studies, reports and recommendations as the city manager may deem desirable on any matter affecting the interest of the people or the city or as may be requested by the city council.

(n) Agenda. The city manager shall prepare the agenda for all regular, special or adjourned meetings of the city council in accordance with the ordinances or resolutions establishing rules for the city council.

(o) Other City Offices. The city manager shall serve in any appointed office within the city government to which the city manager may be qualified, when appointed thereto by the city council and shall hold and perform the duties thereof at the pleasure of the city council and without further compensation except as expressly provided by the city council at the time of such appointment or thereafter.

(p) Mail. The city manager shall receive and open all mail addressed whole or in part to the city council, the mayor, the mayor pro tem by title only and shall give immediate attention thereto, to the end that all administrative business referred to in such communications and not necessarily requiring action by the city council may be disposed of in an expeditious manner; provided, that all actions taken pursuant to such communications shall be reported to the city council at its next regular meeting thereafter, or by separate communication to each member of the city council. All personal mail shall be deposited in the appropriate box date stamped, but unopened.

(q) Enforcement of Laws. The city manager shall see to the enforcement within the city of the laws of the state and all laws and ordinances of the city.

(r) Contracts, Franchises, Etc. The city manager shall investigate and see to the faithful performance and observation of all contracts of the city and of all franchises, permits, licenses and privileges granted by the city and report any and all violations to the city council.

(s) Community Relations. The city manager shall explain to the public the actions, purposes and policies of the city government.

(t) Contracts. The city manager shall execute in the name of the city council and the city any contract authorized or approved by the city council unless the council shall expressly provide for other manner of execution of such contracts.
(u) Appearance Before Subordinate Agencies. The city manager shall appear before and address any commission or agency appointed by the city council whenever he/she deems it advisable or whenever the interest of the city shall require.

(v) Act as Personnel Officer. The city manager shall act as personnel officer of the city and prepare and keep the necessary records of personnel attendance, vacations and other activities; take applications for employment with the city and make recommendations to the city council of qualified persons to fill vacancies in the city service for the council’s approval, when such approval is necessary.

(w) Employee Negotiations. The city manager shall act as the negotiating agent on behalf of the city council and all negotiations of city employees and/or the representatives provided, however, that the city manager is not authorized to enter into any agreements which will bind the city and all agreements reached in employee negotiations shall be conditional upon final approval of the written agreement by the city council.

(x) Manage City Utilities. The city manager shall oversee the general operation of city utility services and keep advised of and familiar with all city involvements with other entities and agencies regarding the operation of city utilities; and shall act at the request of the city council as the city’s representative or delegate to organizations or agencies in which the city is involved regarding the operation of the city’s utilities.

(y) Appearance Before Public Agencies. The city manager shall appear before and address any public agency or commission as the representative of the city in the furtherance of the city’s interests or as directed by the city council.

(z) 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 official acts of the city council.

(aa) Standard of Performance. In the discharge of his/her duties as city manager, the person holding such position shall endeavor at all times to exercise the highest degree of tact, patience and courtesy in his/her contact with the public, with the city council and all city commissions, boards, departments, officers and employees, and shall use his/her best efforts to establish and maintain a harmonious relationship among all personnel employed in the government of the city, to the end that the highest possible standards of public service shall be continuously maintained.

(bb) Limitations Upon City Manager. The city manager shall act as the agent for the council in the discharge of its administrative functions, but shall not exercise any policy making or legislative functions whatsoever nor attempt to commit or bind the council, or any member thereof, to any action, plan or program requiring official council action. It is not intended by this chapter to grant any authority to, or impose any duty upon, the city manager which is vested in or imposed by general law or valid city ordinances in any other city commission, board, department, officer or employee. (Ord. 421 § 1 (part), 1995)

2.36.060 Relationship Between City Council And Administrative Services

(a) The city council and its members shall deal with the administrative services of the city only through the city manager, except for purposes of inquiry, and neither the city council, nor any member thereof, shall give orders to any officer or employee of the city
under the supervision of the city manager. The city manager shall take his/her orders and instructions only from the city council as a body, and no individual members of the council shall give any orders or instructions to the city manager. Any subordinate officer or employee receiving orders or instructions contrary to this section shall report the same in writing immediately thereafter to the city manager and the city manager shall promptly forward a copy or summary of such report to each member of the city council. He/she shall likewise promptly advise each member of the city council of any orders or instructions received by him contrary to this section.

(b) It is not intended by this section to restrict unduly the privilege of a member of the city council of requesting of the city manager, but not of any other officer or employee under his/her supervision, to prepare a report dealing with city business or municipal affairs, if such report can be compiled without undue dislocation of city activities and without the expenditure of considerable quantities of time by city personnel. (Ord. 421 § 1 (part), 1995)

2.36.070 Removal Procedure

The city manager shall be appointed by the city council and shall hold office for and during the pleasure of the city council. Removal of the city manager shall be only by a vote of at least three members of the city council, and shall be subject to the following provisions:

(a) The city manager may be removed at any time, with or without cause.

(b) If the removal of the city manager is for cause, the removal shall be effective immediately, or at such other time thereafter as the city council may determine.

(c) If the removal is not for cause, it shall be effective thirty days thereafter, or at such later date as may be determined by the city council.

(d) If the removal of the city manager is without cause, the city council may, at its sole option and discretion, elect to remove all of the manager’s duties and responsibilities immediately, in which event, the city manager shall surrender his/her office. However, the city manager shall still be paid a minimum of thirty days’ salary, notwithstanding the removal of his/her powers and duties. This salary shall be paid on the normal pay days for the city employees and on the last day of the period of employment, unless the city council, in its discretion, otherwise orders. (Ord. 421 § 1 (part), 1995)

2.36.080 Absence Of City Manager

The city manager shall have the authority to designate and appoint a city department head to act and serve as acting city manager whenever the city manager deems such to be necessary by virtue of temporary absence from the city or disability to perform the duties, save and except that in the event such an acting appointment and designation is anticipated to be for longer than twenty-one consecutive days, and the city council has not approved the designation and appointment of the acting city manager, said appointment and designation shall be confirmed by the city council at their next regular council meeting. Any person so designated and appointed as acting city manager shall receive no increase in compensation over that received for the position they otherwise occupy within the frame work of city government unless and until such increase in compensation is approved by the city council. Any person so designated shall first furnish
a bond in the form required of the city manager unless such person has already filed a similar bond with the city. Any person appointed and designated as acting city manager shall have all of the powers and duties of the city manager specified in this chapter while acting in such capacity, excepting that no officer or employee of the city shall be appointed, removed, promoted, demoted, suspended or otherwise disciplined by the acting city manager without the prior approval of the city council. (Ord. 421 § 1 (part), 1995)

2.36.090 Conflicting Ordinances And Resolutions Rescinded

All orders, ordinances, parts of ordinances, resolutions or parts of resolutions in conflict with the ordinance codified in this chapter shall be and the same are rescinded. (Ord. 421 § 1 (part), 1995)

2.36.100 Transaction Of City Business If City Official Is Absent

In the event an official of the city of Live Oak is absent or unavailable (whether individually or through deputies or other duly authorized agents) to transact business on behalf of the city, the city manager is authorized to take appropriate alternative measures so as to provide a continuity of service on behalf of the city in the absence of a city official to transact such business. The city manager is empowered to take such steps as are appropriate to transact city business including, but not limited to, the following:

(a) To encourage the city official in question to appoint a sufficient number of deputies to transact business in the absence of such city official. The city manager shall endeavor to, whenever possible and feasible, provide staff support to the city official who may function as deputies in the absence of such city official.

(b) In the event the city official in question fails or refuses to appoint adequate deputies to transact city business in the absence of such city official, the city manager may either himself, or through appropriate designees, cause the city business to be transacted to be accomplished in the absence of the city official in question.

(c) The city manager may take any other actions reasonably necessary to cause city business to be conducted continuously and efficiently should a city official be unavailable to perform their duties on behalf of the city.

As used in this section, a city official shall be deemed to be absent or unavailable if such official is not physically present at the City Hall and the business to be conducted, or the transaction in question is ordinarily transacted at City Hall. A city official shall not be deemed absent if a duly authorized deputy or designee of such city official, with authority to transact business on behalf of the city, is physically present at City Hall. This section does not purport to eliminate, nor shall it be construed, to eliminate any functions of a city official of the city of Live Oak. This section empowers the city manager to perform the functions and duties of other city officials when such officials are absent or unavailable to perform their duties on behalf of the city. In that regard, this section shall be construed as a supplemental grant of authority to perform the functions and duties of other city officials when such officials are absent or unavailable to perform their duties. In that regard, should a resolution, ordinance, or other provision of law empower a particular city official to perform a particular function or discharge a particular duty on behalf of the city, the city manager, by the ordinance codified in this section, is also
empowered to perform such function or discharge of such duty if the city official designated is absent or unavailable to do so.

As used in this section, “official” refers to those persons described in Government Code § 36501, subdivisions (b), (c), (d), (e) and (f). (Ord, 423 § 1, 1995)

Chapter 2.40 - CONFLICT OF INTEREST CODE

Sections:

2.40.010 Positions covered by the Conflict of Interest Code.
2.40.020 Positions requiring annual disclosure.
2.40.030 Determination of matters to be disclosed by consultant.
2.40.040 Disclosure requirement for consultants.
2.40.050 Disqualification from decision making.

2.40.010 Positions Covered By The Conflict Of Interest Code

The provisions of this chapter shall apply to those positions specifically enumerated in Section 2.40.020 and to those consultants of the city of Live Oak as specified in Section 2.40.030. As used herein, a consultant is any natural person who provides under contract, information, advice, recommendation or council to the city. (Ord. 435 (part), 1996)

2.40.020 Positions Requiring Annual Disclosure

A. Those persons who hold the position specified in subsection (B) below shall file an annual statement with the city clerk of the city of Live Oak on or before April 1st of each year, a statement disclosing investments, interests in real property and income for a period of one year prior to the filing of said statement. These statements shall be in form and format similar to that required by the Fair Political Practices Commission required to be filed by those persons specified in Government Code Section 87200 concerning the supplemental annual statements to be filed by said persons pursuant to Government Code Section 87203. To the extent that a person falling within the category specified in subsection (B) below, is already required to file annual statements pursuant to Government Code Section 87203 (with respect to the city of Live Oak), it shall not be necessary for that person to file a statement pursuant to this section.

B. The persons required to file statements as specified in subsection (A) above are as follows:

1. Building inspector.
2. Planning director or its equivalent consultant position.
3. Public works director.
4. Fire chief or its equivalent contract position.

In as much as the city of Live Oak currently contracts for fire services, the fire captain assigned to the Live Oak Fire Department shall file such statement.
5. Chief of police or its equivalent position.
In as much as the city of Live Oak currently contracts for police services with the Sutter County sheriff, the sergeant assigned to oversee Live Oak operations shall file the required statement.

6. The administrative assistant to the city manager. (Ord. 435 (part), 1996)

2.40.030 Determination Of Matters To Be Disclosed By Consultant
The city manager may determine in writing that a particular consultant is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this chapter. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The city manager’s determination is a public record and shall be retained for public inspection in the same manner and location as the city’s municipal code. (Ord. 435 (part), 1996)

2.40.040 Disclosure Requirement For Consultants
To the extent deemed necessary by the city manager, a consultant shall disclose those investments, business positions, interests in real property and sources of income as might be applicable to the consultant with respect to the advice to be given to the city. To the extent required by the city’s administrator, each consultant covered by the provisions of this chapter shall, within thirty days of receipt of written notification from the city manager, file statements disclosing reportable investments, business positions, interests in real property and income. Thereafter, until the consultant is no longer consulting with the city, each consultant shall file an annual statement on or before April 1st of each year disclosing reportable investments, business positions, interests in real property and income held or received at any time during the reporting period. (Ord. 435 (part), 1996)

2.40.050 Disqualification From Decision Making
Any person covered by the provisions of this chapter who has a financial interest as defined in Government Code Section 87103 shall be disqualified from making, participating in the making, or using their official position to influence the making of any decision in which it is reasonably foreseeable that said decision might materially affect the financial interest of said person. No person covered by the provisions of this chapter shall be required to disqualify himself with respect to any matter which could not legally be acted upon or decided without his participation, (Ord. 435 (part), 1996)
TITLE 3 - REVENUE AND FINANCE

Chapters:

3.02 Finance Department
3.04 Transfer of Tax Functions
3.08 Special Gas Tax Street Improvement Fund
3.12 Real Property Transfer Tax
3.16 Sales and Use Tax
3.17 Excise Tax on New Development
3.20 Purchasing System
3.22 Execution of Warrants Drawn on the City Treasury
3.24 Special Taxes for Fire Protection and Lighting Maintenance
Chapter 3.02 - FINANCE DEPARTMENT

Sections:

3.02.010 Established.
3.02.020 Supervision.
3.02.030 Duties and responsibilities.
3.02.040 Director of finance.
3.02.050 Bond.

3.02.010 Established
There is established a finance department. (Ord. 391 § 2 (part), 1993)

3.02.020 Supervision
The finance department shall be supervised by a director of finance who shall be responsible to the city council or their designate. (Ord. 391 § 2 (part), 1993)

3.02.030 Duties And Responsibilities
The finance department shall be vested and charged with the following duties and responsibilities:
A. To control all city revenue collections;
B. To perform such other duties and functions as may be required by the council or their designate; and
C. To perform the accounting functions of the city for which the finance department is responsible. (Ord. 391 § 2 (part), 1993)

3.02.040 Director Of Finance
In accordance with the provisions of Sections 37209 and 40805.5 of the California Government Code, the financial and accounting duties imposed upon the city clerk pursuant to Sections 37200 through 37209 and 40802 through 40805 of the Government Code are hereby transferred to the director of finance. (Ord. 391 § 2 (part), 1993)

3.02.050 Bond
The director of finance shall be required to execute the bond required of the city clerk by the city clerk by Government Code Section 36518. (Ord. 391 § 2 (part), 1993)

Chapter 3.04 - TRANSFER OF TAX FUNCTIONS*

Sections:

3.04.010 Property assessment and tax collecting authorized.

*For statutory provisions requiring the transfer of the functions of assessment and collection of city taxes to the county, see Gov. Code § 51500 et seq.
3.04.010 Property Assessment And Tax Collecting Authorized

The city council does elect and provide that the duties of assessing property and collecting taxes provided by law to be performed by the assessor and the tax collector of the city shall be performed by the county assessor and the county tax collector of the county. (Ord. 1, 1947)

Chapter 3.08 - SPECIAL GAS TAX STREET IMPROVEMENT FUND *

Sections:

3.08.010 Created.
3.08.020 Purpose.
3.08.030 Moneys—Source.

*For statutory provisions on the apportionment of moneys to cities having a special gas tax street improvement fund, see Str. and Hys. Code §§ 2106, 2107 and 2113; for provisions on expenditures of moneys so apportioned, see Str. and Hys. Code § 186.3.

3.08.010 Created

To comply with the provisions of Article 5, Chapter 1. Division 1 of the Streets and Highways Code, with particular reference to the amendments made thereto by Chapter 642 of the Statutes of 1935, there is created in the city treasury a special fund to be known as the special gas tax street improvement fund. (Ord. 24 § 1, 1949)

3.08.020 Purpose

All moneys in the fund shall be expended exclusively for the purpose authorized by and subject to all of the provisions of Article 5, Chapter 1, Division 1 of the Streets and Highways Code. (Ord. 24 § 3, 1949)

3.08.030 Moneys—Source

All moneys received by the city from the state under the provisions of the Streets and Highways Code for the acquisition of real property or interests therein for, or the construction, maintenance or improvement of streets or highways other than state highways shall be paid into the fund. (Ord. 24 § 2, 1949)

Chapter 3.12 - REAL PROPERTY TRANSFER TAX*

Sections:

3.12.010 Title—Adoption.
3.12.030 Payment required.
3.12.040 Exemption.
3.12.010  Title—Adoption
This ordinance codified in this chapter shall be known as the real property transfer tax ordinance of the city. It is adopted pursuant to the authority contained in Part 6.7, commencing with Section 11901, Division 2 of the Revenue and Taxation Code of the state. (Ord. 145 B § 1, 1968)

3.12.020  Imposition
There is imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the city is granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrances remaining thereon at the time of sale, exceeds one hundred dollars, a tax at the rate of twenty-seven and one-half cents for each five hundred dollars or fractional part thereof. (Ord. 145 B § 2, 1968)

3.12.030  Payment Required
Any tax imposed to Section 3.12.020 shall be paid by any person who makes, signs or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued. (Ord. 145 B § 3, 1968)

3.12.040  Exemption
Any tax imposed pursuant to this chapter shall not apply to any instrument in writing given to secure a debt. (Ord. 145 B § 4, 1968)

3.12.050  Liability
The United States, or any agency or instrumentality thereof, any state or territory or political subdivision thereof, or the District of Columbia shall not be liable for any tax imposed pursuant to this chapter with respect to any deed, instrument, or writing to which it is a party, but the tax may be collected by assessment from any other party liable therefore. (Ord. 145 B § 5, 1968)

3.12.060  Plans Of Reorganization— Exemption Of Conveyances
A. Any tax imposed pursuant to this chapter shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:
1. Confirmed under the Federal Bankruptcy Act, as amended;
2. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title 11 of the United States Code, as amended;
3. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title 11 of the United States Code, as amended; or
4. Whereby a mere change in identity, form or place or organization is effected.

B. Subdivisions 1 through 4 of subsection A of this section, inclusive, shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five years from the date of such confirmation, approval or change. (Ord. 145 B § 6, 1968)

3.12.070 Securities And Exchange Commission—Exemption Of Conveyances

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

A. The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;
B. Such order specifies the property which is ordered to be conveyed;
C. Such conveyance is made in obedience to such order. (Ord. 145 B § 7, 1968)

3.12.080 Realty held by partnership—Tax liability.

A. In the case of any realty held by a partnership, no levy shall be imposed pursuant to this chapter by reason of any transfer of an interest in a partnership or otherwise, if:
1. Such partnership or another partnership is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and
2. Such continuing partnership continues to hold the realty concerned.
B. If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this chapter, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value, exclusive of the value of any lien or encumbrance remaining thereon, all realty held by such partnership at the time of such termination.
C. Not more than one tax shall be imposed pursuant to this chapter by reason of a termination described in subsection B of this section, and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination. (Ord. 145 B § 8, 1968)
3.12.090  Administration Authorized

The county recorder shall administer this chapter in conformity with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any county ordinance adopted pursuant thereto. (Ord. 145 B § 9, 1968)

3.12.100  Tax Refund Claims

Claims for refund of taxes imposed pursuant to this chapter shall be governed by the provisions of Chapter 5, commencing with Section 5096, of Part 9 of Division I of the Revenue and Taxation Code of the state, (Ord. 145 B § 10, 1968)

Chapter 3.16 - SALES AND USE TAX

Sections:

3.16.010  Title.
3.16.020  Purpose.
3.16.030  Sales tax required.
3.16.040  Place of sale.
3.16.050  Use tax required.
3.16.060  Rate.
3.16.070  Contract with state.
3.16.080  Adoption of state law provisions.
3.16.090  Limitations on adoption of state law.
3.16.100  Permit not required.
3.16.110  Exclusions from measure of tax.
3.16.120  Exclusions and exemptions.
3.16.130  Application of provisions of Sections 3.16.110 and 3.16.120.
3.16.140  Amendments.
3.16.150  Enjoining collection prohibited.

3.16.010  Title

The ordinance codified in this chapter shall be known as the uniform local sales and use tax ordinance. (Ord. 176 § 1, 1973)

3.16.020  Purpose

The city council declares that the ordinance codified in this chapter is adopted to achieve the following, among other, purposes, and directs that the provisions here be interpreted in order to accomplish those purposes:
A. To adopt a sales and use tax ordinance which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

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

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

D. To adopt a sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of recordkeeping upon persons subject to taxation under the provisions of this chapter. (Ord. 176 § 4, 1973)

3.16.030 Sales Tax Required

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the city at the rate stated in Section 3.16.060 of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this city on and after January 1, 1974. (Ord. 176 § 6, 1973)

3.16.040 Place Of Sale

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization. (Ord. 176 § 7, 1973)

3.16.050 Use Tax Required

An excise tax is imposed on the storage, use or other consumption in this city of tangible personal property purchased from any retailer on and after January 1, 1974, for storage, use or other consumption in this city at the rate stated in Section 3.16.060 of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made. (Ord. 176 § 8, 1973)

3.16.060 Rate

The rate of the sales tax and use tax imposed by the provisions of this chapter shall be as follows:
A. Nine-tenths of one percent to and including June 30, 1976;
B. Effective July 1, 1976, ninety-five hundredths of one percent to and including June 30, 1977;
C. Effective July 1, 1977, nine hundred seventy-five thousandths of one percent to and including June 30, 1978;
D. Effective July 1, 1978, and thereafter, one percent. (Ord. 197 § 1, 1976: Ord. 176 § 2, 1973)

3.16.070  Contract With State

Prior to the operative date of the ordinance codified in this chapter, January 1, 1974, this city shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the sales and use tax ordinance codified in this chapter; provided, that if this city shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract rather than the first day of the first calendar quarter following the adoption of the ordinance codified in this chapter. (Ord. 176 § 5, 1973)


Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part I of Division 2 of the Revenue and Taxation Code are adopted and made a part of this chapter as though fully set forth in this chapter. (Ord. 176 § 9, 1973)

3.16.090  Limitations On Adoption Of State Law

In adopting the provisions of Part I of Division 2 of the Revenue and Taxation Code, wherever the state is named or referred to as the taxing agency, the name of this city shall be substituted therefore. The substitution, however, shall not be made when the word “State” is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, the State Treasury, or the Constitution of the State of California; the substitution shall not be made when the result of that substitution would require action to be taken by or against the city, or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter; the substitution shall not be made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the state, where the result of the substitution would be to provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the provisions of that code; the substitution shall not be made in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code: and the substitution shall not be made for the word “State” in the phrase “retailer engaged
in business in this State” in Section 6203 or in the definition of that phrase in Section 6203. (Ord. 176 § 10, 1973)

3.16.100 Permit Not Required

If a seller’s permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller’s permit shall not be required by this chapter. (Ord. 176 § 11, 1973)

3.16.110 Exclusions From Measure Of Tax

There shall be excluded from the measure of tax:

A. The amount of any sales or use tax imposed by the state upon a retailer or consumer;

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

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

D. The storage or use of tangible personal property in the transportation or transmission of persons, property or communications, or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the state. (Ord. 176 § 12, 1973)

3.16.120 Exclusions And Exemptions*

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

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

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

D. In addition to the exemptions provided in Section 6366 and 6366.1 of the Revenue and Taxation Code. The storage, use or other consumption of other tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant
to the laws of this state, the United States or any foreign government is exempted from the use tax. (Ord. 284 § 2, 1984: Ord. 176 § 13, 1973)

* Editor’s Note: This section became operative on January 1, 1984, to insure compliance with the Bradley-Burns uniform local sales and use tax law. Section 3 of Ordinance 284, also on exclusions and exemptions, will become operative on the operative date of any act of the State Legislature which amends Section 7202 of the Revenue and Taxation Code regarding exemptions for waterborne vessels.

3.16.130 Application Of Provisions Of Sections 3.16.110 And 3.16.120

A. Section 3.16.120 shall become operative on January 1st of the year following the year in which the State Board of Equalization adopts an assessment ratio for state-assessed property which is identical to the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code, at which time Section 3.16.110 shall become inoperative.

B. In the event that Section 3.16.120 becomes operative and the State Board of Equalization subsequently adopts an assessment ratio for the state-assessed property which is higher than the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code, Section 3.16.110 shall become operative on the first day of the month next following the month in which such higher ratio is adopted. at which time Section 3.16.120 shall be inoperative until the first day of the month following the month in which the board again adopts an assessment ratio for state-assessed property which is identical to the ratio required for local assessments by Section 401 of the Revenue and Taxation Code, at which time Section 3.16.120 shall again become operative and Section 3.16.110 shall become inoperative. (Ord. 176 § 14, 1973)

3.16.140 Amendments

All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this chapter. (Ord. 176 § 15, 1973)

3.16.150 Enjoining Collection Prohibited

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or this city, or against any officer of the state or this city, to prevent or enjoin the collection under this chapter, or Part 1.5 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected. (Ord. 176 § 16, 1973)

Chapter 3.17 EXCISE TAX ON NEW DEVELOPMENT

Sections:

3.17.010 Purpose
3.17.020 Definitions
3.17.030 Imposition of tax
3.17.040 Exceptions
3.17.010  Purpose

The City Council finds and declares that the tax imposed by this chapter is levied pursuant to the taxing power of the City solely for the purpose of producing revenue, and not for regulatory purposes. The purpose of this chapter is to levy and collect an excise tax on the privilege of developing and constructing new buildings and structures and receiving City services and benefits. Revenue generated by this tax shall be deposited to the City general fund to be used for any authorized City expenditure.

3.17.020  Definitions

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

A. “City” shall mean the City of Live Oak

B. “Person” shall mean any domestic or foreign corporation, Limited Liability Company, firm, association, syndicate, joint stock company, partnership of any kind, joint venture, club, trust, society, or individual. “Person” shall not include any federal, state or local government agency.

3.17.030  Imposition Of Tax

There is hereby imposed an excise tax on the privilege of developing and constructing new and buildings and structures, to be paid by any person applying for and receiving a City building permit for any new or expanded building or structure in the City. The tax amount shall be one percent of the total valuation of all construction work for which the building permit is issued as determined by the City Building Official in accordance with the California Building Code. The tax shall be due and payable prior to, and as a condition of, the issuance of any building permit for any new structure. The City shall collect the tax at the same time as the issuance of the building permit.

3.17.040  Exemptions

A. Nothing in this chapter shall be construed as imposing a tax upon any person when imposition of such tax upon that person would be in violation of California statute, the Constitution of the State of California, or the Constitution of the United States.

B. The tax imposed by Section 3.17.030 shall not apply to the following:

1. A building permit for construction (including replacement, reconstruction, remodeling and repair) involving an existing building or structure, only to the extent that the construction involves less than 25% of the square footage of the existing structure.
2. A building permit for a garage, shed, carport, gazebo, swimming pool, patio, deck, patio or deck cover and similar structures and outdoor appurtenances accessory to an existing residential building;

3. A building permit for reconstruction or repair of any building or structure that was damaged by earthquake, fire, flood or other natural cause over which the owner had no control, to the extent required to replace the structure that was damaged.

4. Commercial or industrial construction.

3.17.050 Use of Funds

The excise taxes collected pursuant to this chapter shall be deposited in the City’s general fund and may be expended for any general City governmental purpose.

3.17.060 Amendments

This chapter may be amended at any time by a majority vote of the City Council, to include the modification of or deletion of exemptions provided in 3.17.040. However, any amendment that increases the rate of the tax above the rate approved by the voters at the March 8, 2005 election, or that extends the tax to privileges other than receiving a building permit, shall become effective only if approved by a majority vote of the City voters voting on the issue.

Chapter 3.20 - PURCHASING SYSTEM

Sections:

3.20.010 Purpose and objectives.
3.20.020 Definitions.
3.20.030 Purchasing subject to other regulations.
3.20.040 Exemptions from centralized purchasing.
3.20.050 Purchasing officer—Powers and duties.
3.20.060 Estimates of requirements.
3.20.070 Requisitions.
3.20.080 Open market purchases and sales.
3.20.090 Purchases and sales above limits.
3.20.100 Bidder’s security.
3.20.110 Performance bonds.
3.20.120 Exemptions from competitive bidding.
3.20.130 Emergency purchases.
3.20.010 Purpose And Objectives

The purpose of this chapter is to establish efficient procedures for the purchase of supplies, materials, equipment, contractual services and construction work for both public projects as defined in the Public Contract Code or non-public projects for the city at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, and to clearly define the authority for the purchasing function. (Ord. 427 § 1 (part), 1995)

3.20.020 Definitions

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

(a) “Contractual services” shall mean the rental, repair, or maintenance of equipment, machinery, and other city-owned personal property and other services of a like nature.

(b) “Open market purchases” shall mean purchases made without prior newspaper advertising or council action.

(c) “Public project” shall mean any of the following:

(1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.

(2) Painting or repainting of any publicly owned, leased or operated facility.

(d) “Public project” shall not mean any of the following:

(1) Routine, recurring and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.

(2) Minor repainting.

(3) Resurfacing of streets and highways at less than one inch.

(4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants and servicing of irrigation and sprinkler systems.

(e) “Purchasing officer” shall mean the city manager and/or the individual designated by the city manager as purchasing officer.
(f) “Supplies,” “materials” and “equipment” shall mean any and all articles or things which shall be furnished to or used by any department, or division thereof. (Ord. 427 § 1 (part), 1995)

3.20.030 Purchasing Subject To Other Regulations

Purchases of supplies, materials, equipment, contractual services, and public projects shall be made subject to such regulations as may be prescribed by resolution of the council and to the provisions of the Public Contract Code. (Ord. 427 § 1 (part), 1995)

3.20.040 Exemptions From Centralized Purchasing

The city manager shall be authorized to process for payment those claims against the city where a reasonable advance estimate of costs is not possible or for essential services of a recurring nature. Included, but not limited to this authorization, shall be such items as utility services for telephone, electricity, and gas, approved claims for liability under the city’s insurance program, renewal premiums for authorized insurance policies, and all expenditures for the city’s payroll and employee withholdings. (Ord. 427 § 1 (part), 1995)

3.20.050 Purchasing Officer—Powers And Duties

The purchasing officer shall have the power and duty to purchase and contract for supplies, materials, equipment, and contractual services needed by any and all departments of the city. (Ord. 427 § 1 (part), 1995)

3.20.060 Estimates Of Requirements

All using departments shall file with the purchasing officer detailed estimates of their requirements for supplies, materials, equipment, and contractual services in such manner, at such times, and for such future periods as the purchasing officer shall prescribe. (Ord. 427 § 1 (part), 1995)

3.20.070 Requisitions

Each department, or division thereof, shall utilize the form of requisition to be prescribed by the purchasing officer. No purchasing requisition shall be initiated unless the department has a sufficient unencumbered balance in excess of all unpaid obligations to defray the amount of such order. (Ord. 427 § 1 (part), 1995)

3.20.080 Open Market Purchases And Sales

(a) Purchases up to $250.00. The small purchase order as prescribed by the purchasing officer may be used for purchases up to $100.00 by any employee authorized by their department head. Small purchase orders shall be valid up to $250.00 if signed by the purchasing officer or designated representative.

(b) Purchases and Sales up to $5,000.00. Purchases of supplies, materials, equipment or contractual services and all sales of personal property of the city which has become obsolete or unusable or for any other reason is to be disposed of, when the total expenditure of the same or the value of the personal property to be sold is $5,000.00 or less may be made by city departments in the open market. Insofar as it is practical, no less than three vendors shall be solicited to submit quotations. Award shall be made to the vendor offering the lowest acceptable quotation. The names of the vendors submitting
quotations, the date and the amount of the quotation shall be recorded and maintained as a public record.

(c) Purchases and Sales up to $25,000.00. Purchases of supplies, materials, equipment or contractual services and all sales of personal property of the city which has become obsolete or unusable or for any other reason is to be disposed of, when the total expenditure of the same or the value of the personal property to be sold is greater than $5,000.00 and less than $25,000.00 may be made by the purchasing officer in the open market with the approval of the city manager or designee through the informal bid process.

(d) Soliciting Informal Bids. The purchasing officer shall serve the best interest of the city through soliciting informal bids by direct mail requests, checking prices by telephone inquiry, the comparison of prices on file, or by other appropriate means. Insofar as it is practical, no less than three vendors shall be solicited to submit quotations. Award shall be made to the vendor offering the lowest acceptable quotation. The purchasing officer shall keep a record of all open market purchases and sales and the informal bidding competition thereon, and such records shall be maintained as a public record.

(e) Rejection of Informal Bids. The purchasing officer may reject any and all informal bids, offers or quotations when, in the purchasing officer’s discretion, it shall be in the best interest of the city to do so.

(f) Public Projects Informal Bidding Procedures. Public projects, as defined by the Uniform Public Construction Cost Accounting Act may be let to contract by informal procedures as set forth in Section 22000, et seq. of the Public Contract Code as the same now reads or as hereinafter amended as follows:

(1) Public projects of $75,000.00 or less may be let to contract by informal procedures as set forth in Section 22000, et seq. of the Public Contract Code;

(2) A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission

(3) Where a public project is to be performed which is subject to the provisions of this chapter, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with this chapter, and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the department soliciting bids; provided however:

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

(ii) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.
(4) The purchasing officer is authorized to award informal contracts pursuant to this chapter. (Ord. 427 § 1 (part), 1995)

3.20.090  Purchases And Sales Above Limits

(a) Soliciting Bids: Notices. Purchases of supplies, materials, equipment, contractual services or construction of public projects and sales of personal property of the city which has become obsolete or unusable or for any other reason is to be disposed of, when the total expenditure or the value of the personal property to be sold exceeds the limits of Section 3.20.080 (c) or (f) of the city of Live Oak Municipal Code as the same now reads or as hereinafter amended shall be made after the publication in a newspaper of general circulation within the city of two or more insertions of notices inviting bids therefore, the first publication of which shall be at least ten days before the time for opening the bids.

(b) Tabulating Bids. At the time specified in the notice inviting bids, such bids shall be opened publicly and declared. The purchasing officer or designee shall tabulate all bids received and shall present them to the council which shall make the awards. A tabulation of all received shall be maintained for public inspection.

(c) Rejection of Bids. The council may reject any and all bids presented and may readvertise at its discretion.

(d) Splitting Requisitions. No undertaking involving amounts in excess of the statutory limit set forth in subsection (a) hereof shall be split into parts by the department head issuing the requisition or by the purchasing officer so as to produce amounts less than the referenced statutory limits set forth herein for the purpose of avoiding the provisions of this section. (Ord. 427 § 1 (part), 1995)

3.20.100  Bidder’s Security

When deemed necessary by the purchasing officer, bidder’s security may be required. Bidders shall be entitled to the return of bid security; provided, however, a successful bidder shall forfeit his bid security upon his refusal or failure to execute the contract within ten days after the contract is awarded, unless the city is responsible for the delay. On the refusal or failure of the successful bidder to execute the contract, the bid may be awarded to the next lowest responsible bidder. If the contract is awarded to the next lowest bidder, the amount of the lowest bidder’s security shall be applied by the city to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder. (Ord. 427 § 1 (part), 1995)

3.20.110  Performance Bonds

When deemed necessary by the purchasing officer, a performance bond may be required before entering into a contract in such amount as is reasonably necessary to protect the best interests of the city. (Ord. 427 § 1 (part), 1995)

3.20.120  Exemptions From Competitive Bidding

Competitive bidding requirements for purchases and sales over the statutory limit set forth in Section 3.20.080 may be waived with the approval of the council except when the estimated expenditure required for a public project as defined by Title 4, Division 3, Part 2, Chapter 6 of the Government Code of the state exceeds the statutory limit therein set forth and subject to the provisions and exceptions therein provided. The conditions
authorizing waiver of the competitive bidding requirements may include, but not be limited to, cooperative purchasing or sales in conjunction with other governmental entities, professional services, annual service or supply agreements or purchases necessary for standardization on particular types of equipment. (Ord. 427 § 1 (part). 1995)

3.20.130  Emergency Purchases

In the event an emergency shall arise which precludes action by the council and which requires any purchase of supplies, materials, equipment, or contractual services, the purchasing officer is hereby authorized to secure in the open market at the lowest obtainable price any such supplies, materials, equipment or contractual services even though the amounts thereof shall exceed the statutory limits set forth in Section 3.20.080. In each such instance the purchasing officer shall submit to the council in writing a full explanation of the circumstances of such emergency and a description of the supplies purchased which report shall become a part of the records of the next ensuing meeting of the council and be open for public inspection. (Ord. 427 § 1 (part), 1995)

3.20.140  Purchase Orders—Preparation

Upon ascertaining the price to be paid for any supplies, materials, equipment, or contractual services, the purchasing officer shall prepare a purchase order on a prescribed form. (Ord. 427 § 1 (part), 1995)

3.20.150  Purchase Orders—Transmittal

The purchasing officer shall forward the original purchase order to the vendor or contractor, retaining one copy for his numerical purchase order file. The purchasing officer shall likewise forward one copy of the purchase order to the finance department and one copy to the department for whose benefit the purchase is being made, such copy to be used as a receiving report. (Ord. 427 § 1 (part), 1995)

3.20.160  Receipt Of Purchases

Upon the receipt by any department of supplies, materials and equipment, the department head shall be responsible for the making of a careful check of the quality, condition, and quantity received against the department head’s copy of the purchase order and the packing lists. If all of the supplies, materials, and equipment referred to in the purchase order have been received, the department head shall sign the receiving copy of the purchase order, attaching thereto the packing lists, if any, and forward the same to the finance department. If a delivery represents only a partial delivery of the supplies, materials, and equipment, the department receiving the delivery shall properly fill out a partial receiving report for the items actually received and send the report to the finance department. Upon receiving the balance of the order, the department head shall sign the receiving copy of the purchase order and return it to the finance department. (Ord. 427 § 1 (part), 1995)

3.20.170  Invoices

The city manager, or the city manager’s representative, shall compare the vendor’s invoice with the copy of the purchase order and receiving report. The city manager, or the city manager’s representative, shall check the invoice for correctness of unit prices, discounts, transportation allowances, and the like, and with the reports of quantity and
quality of goods received. Upon satisfying himself that the invoice is correct, the city manager, or the city manager’s representative, shall approve the invoice for payment. (Ord. 427 § 1 (part), 1995)

3.20.180 Inspections Of Goods Received

The purchasing officer shall inspect, or cause to be inspected, all deliveries of supplies, materials, equipment, and contractual services to determine their conformance with the specifications set forth in the order or contract. Any department, or division thereof, having the staff and facilities for adequate inspection may be authorized by the purchasing officer to inspect all deliveries made to such using department. (Ord. 427 § 1 (part), 1995)

3.20.190 Storerooms And Warehouses

The purchasing officer shall control and supervise, or cause to be controlled and supervised, all storerooms and warehouses. (Ord. 427 § 1 (part). 1995)

3.20.200 Surplus Stock And Unclaimed Property

(a) Surplus Stock. The purchasing officer shall have the power to sell all supplies, materials, and equipment which are no longer used or which have become obsolete, worn out, or scrapped, or which have become unsuitable for public use, or to exchange for or trade in the same on new supplies, materials, and equipment.

(b) Disposal of Toys or Bicycles. Pursuant to Welfare and Institutions Code Section 217, in lieu of the provisions contained in Section 2080.5 of the California Civil Code, an alternative procedure is established with respect to the disposal of unclaimed toys or bicycles. The purchasing officer is authorized with respect to toys or bicycles which have been unclaimed for at least sixty days, to transfer and deliver any such toys or bicycles to the probation officer of the county, to the welfare department of the county or to any charitable or nonprofit organization which is authorized under its articles of incorporation to participate in a program or activity designed to prevent juvenile delinquency, and which is exempt from income taxation under federal or state law, or both, for use in any program or activity designed to prevent juvenile delinquency. (Ord. 427 § 1 (part), 1995)

3.20.210 Rules And Regulations

The city manager shall establish, and from time to time amend, all rules and regulations authorized by this chapter and any others necessary to its operation. Such rules and regulations, and amendments thereto, shall be subject to the approval of the council by resolution. (Ord. 427 § 1 (part), 1995)

Chapter 3.22 - EXECUTION OF WARRANTS DRAWN ON THE CITY TREASURY

Sections:

3.22.010 Warrants drawn—To be signed by legally designated persons.

3.22.010 Warrants Drawn—To Be Signed By Legally Designated Persons
The city treasurer shall pay out money only on warrants signed by legally designated persons (Government Code section 41003). Those legally designated persons shall be those persons who hold the offices of mayor, vice-mayor, council member, city clerk, city treasurer, city manager and assistant city manager. All warrants, whether drawn in payment of demands, certified or approved as conforming to a budget approved by either resolution or ordinance of the city council, payroll warrants or any other warrants shall require at least two signatures. (Ord. 452 §1, 1999)

Chapter 3.24 - SPECIAL TAXES FOR FIRE PROTECTION AND LIGHTING MAINTENANCE

Sections:

3.24.010  Special tax imposed on parcels.
3.24.020  Rate of tax.
3.24.030  Manner of collection of tax and purposes for which taxes may be used.

3.24.010  Special Tax Imposed On Parcels

Pursuant to the authority as set forth in Government Code Sections 37100.5, 50075, 53721 and 53978 and following due and proper procedures as required by law, including California Constitution Article XIII-A and Proposition 218 (California Constitution Articles XIII-C and XIII-D) and following the approval of two-thirds of the votes cast by voters voting upon the proposition for imposition of special taxes as called for in this chapter on November 4, 1997, there is hereby imposed and levied an annual special tax on parcels of property within the city of Live Oak in those amounts established by the provisions of Section 3.24.020 of this code. (Ord. 442 § 2 (part), 1997)

3.24.020  Rate of tax.

The annual special taxes imposed by virtue of Section 3.24.010 shall be levied upon parcels of property within the city of Live Oak and shall be in the total amount of the sum of the “fire protection” component and the “lighting maintenance” component as specified in this section.

The rate of parcel tax for the fire protection component shall be as follows:

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Primary Building</th>
<th>Attachments to Primary Building</th>
<th>Out Building</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional</td>
<td>0.03</td>
<td>0.03</td>
<td>0.03</td>
<td>0</td>
</tr>
<tr>
<td>Residential</td>
<td>0.03</td>
<td>0.03</td>
<td>0.03</td>
<td>0</td>
</tr>
<tr>
<td>Agricultural</td>
<td>0.03</td>
<td>0.03</td>
<td>0.01</td>
<td>0</td>
</tr>
</tbody>
</table>
Commercial 0.03 0.03 0.03 0
Industrial 0.03 0.03 0.03 0
Dry Pasture 0.03 0.03 0.01 0.01

All rates are in dollars per square foot with the exception of “acreage” which are at the rate of dollars per acre.

In addition to the fire protection component of the special taxes, there shall also be imposed a lighting maintenance component as follows:

**Lighting Maintenance Parcel Tax Component**

**Within 150’ Radius of Street Light:**
- 0’ — 80 Street Frontage ......................... $32.00/per lot
- Over 80’ Street Frontage ......................... $40.00/per lot

**Over 150’ Radius and Within 300’ Radius of Street Light:**
- 0’ — 80’ Street Frontage ......................... $16.00/per lot
- Over 80’ Street Frontage ......................... $24.00/per lot

**Over 300’ Radius of Street Light:**
- 0’ — 80’ Street Frontage ......................... $ 8.00/per lot
- Over 80’ Street Frontage ......................... $ 8.00/per lot

The tax imposed by this section is the sum of both the fire protection component and the lighting maintenance component specified herein. (Ord. 442 § 2 (part), 1997)

**3.24.030 Manner Of Collection Of Tax And Purposes For Which Taxes May Be Used**

The annual special taxes imposed pursuant to Sections 3.24.010 and 3.24.020 shall be collected in the same manner and subject to the same penalty as, or with, other charges and taxes fixed and collected by the city of Live Oak or, by agreement with the County of Sutter on behalf of the city of Live Oak. If the special taxes are collected by the County of Sutter on behalf of the city of Live Oak, the county may deduct its reasonable costs incurred for the service before remittal of the balance to the city. For fiscal year 1997/1998 there shall be allowed a dollar-for-dollar credit against the special taxes owing under this chapter for any amounts paid pursuant to the previously existing fire benefit assessment or lighting maintenance assessment of the city. (The credit shall be allowed only for those assessment payments made which concern fiscal year 1997/1998 assessments.) For purposes of collection of the 1997/1998 special taxes, upon approval of this chapter at the special election to be held November 4, 1997, any billings previously sent with respect to 1997/1998 assessments (whether they be assessments for fire
protection and/or lighting maintenance assessments) shall be deemed to be billings for the special taxes imposed pursuant to this chapter.

The city may, annually, by motion or resolution, establish the amount of special tax per parcel in conformity with the rate formulas set forth in Section 3.24.020. The special taxes collected pursuant to this chapter shall be used for the purposes of obtaining, furnishing, operating and maintaining fire suppression equipment or apparatus and for paying salaries and benefits to fire fighting protection personnel and for such other necessary fire protection and prevention expenses of the city as to the fire protection component of the special tax. Monies collected under the lighting maintenance component of the special tax shall be utilized for the purpose of installation, repair, removal and replacement of street lights within the city and for paying for the electrical energy utilized to operate such street lights as well as for miscellaneous administration expenses associated therewith and for payment of salaries and benefits to personnel who maintain the street lights within the city. (Ord. 442 § 2 (part), 1997)
TITLE 5 - BUSINESS TAXES, LICENSES AND REGULATIONS*

Chapters:

I. BUSINESS LICENSES

5.04 Definitions
5.08 General Provisions
5.12 Exemptions
5.16 License Application
5.20 Information Confidential
5.24 Appeal
5.28 Regulations
5.32 License Tax
5.36 Enforcement and Penalties

II. BUSINESS REGULATIONS

5.48 Bingo Games
5.52 Card Tables
5.56 Community Antenna Television Systems
5.60 Garage Sales

* For statutory provisions authorizing cities to license businesses for purposes of revenue or regulation, see Gov. Code § 37101; for provisions authorizing cities to license businesses in the exercise of police power, see Bus. and Prof. Code § 16000 et seq.
I. BUSINESS LICENSES

Chapter 5.04 - DEFINITIONS

Sections:

5.04.010  Business
"Business" means professions, trades, and occupations and all and every kind of calling whether or not carried on for profit. (Ord. 428 (part), 1996)

5.04.020  City
"City" means the city of Live Oak, a municipal corporation of the state, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form. (Ord. 428 (part), 1996)

5.04.030  Collector
"Collector" means the city tax collector, finance director or other city officer charged with the administration of this chapter. (Ord. 428 (part), 1996)

5.04.040  Gross Receipts
"Gross receipts" means the total of amounts actually received or receivable from sales and the total amounts actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise. Included in gross receipts are all receipts, cash, credits, and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from gross receipts are the following:

A. Cash discounts allowed and taken on sales;

B. Credit allowed on property accepted as part of the purchase price and which property may later be sold;

C. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
D. Such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit:

E. Amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those for whom collected; provided, the agent or trustee has furnished the collector with the names and addresses of the others and the amounts paid to them;

F. That portion of the receipts of a general contractor which represent payments to subcontractors; provided, that such subcontractors are licensed under this chapter; and, provided, the general contractor furnishes the collector with the names and addresses of the subcontractors and the amounts paid to each subcontractor;

G. Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business shall not be excluded;

H. As to a real estate agent or broker, the sales price of real estate sold for the account of others except that portion which represents commission or other income to the agent or broker;

I. As to a retail gasoline dealer, a portion of his receipts from the sale of motor vehicle fuels equal to the motor vehicle fuel license tax imposed by and previously paid under the provisions of Part 2 of Division 2 of the Revenue and Taxation Code of the state;

J. As to a retail gasoline dealer, the special motor fuel tax imposed by Section 4041 of Title 26 of the United States Code if paid by the dealer or collected by him from the consumer or purchaser. (Ord, 428 (part), 1996)

5.04.050 Person

“Person” means all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts business or common law trusts, societies, and individuals transacting and carrying on any business in the city, other than as an employee. (Ord. 428 (part), 1996)

5.04.060 Sale

“Sale” means the transfer, in any manner or by any means whatsoever, of title to property for a consideration; the serving, supplying, or furnishing for a consideration of any property; and a transaction whereby the possession of property is transferred and the seller retains the title as security for the payment of the price. The foregoing definitions shall not be deemed to exclude any transaction which is or which, in effect, results in a sale within the contemplation of law. (Ord. 428 (part), 1996)

5.04.070 Sworn Statement

“Sworn statement” means an affidavit sworn to before a person authorized to take oaths, or a declaration or certification made under penalty of perjury. (Ord. 428 (part), 1996)
Chapter 5.08 - GENERAL PROVISIONS

Sections:

5.08.010  Revenue measure.
5.08.020  Effect on other ordinances.
5.08.030  License and tax payment required.
5.08.040  Prohibited activities.
5.08.050  Branch establishments.
5.08.060  Evidence of doing business,
5.08.070  Identification of new businesses operating in the city.
5.08.080  Other agency review.
5.08.090  Constitutional apportionment.
5.08.100  Severability.
5.08.110  Rules and regulations.

5.08.010  Revenue Measure

Chapters 5.04 through 5.36 are enacted solely to raise revenue for municipal purposes, and are not intended for regulation. (Ord. 428 (part), 1996)

5.08.020  Effect On Other Ordinances

Persons required to pay a license tax for transacting and carrying on any business under Chapters 5.04 through 5.36 shall not be relieved from the payment of any license tax for the privileges of doing such business required under any other ordinance of the city, and shall remain subject to the regulatory provisions of other ordinances. (Ord. 428 (part), 1996)

5.08.030  License And Tax Payment Required

A. There are imposed upon the businesses, trades, professions, callings and occupations specified in Chapters 5.04 through 5.36 license taxes in the amounts prescribed by the city council. It is unlawful for any person to transact or carry on any business, trade, profession, calling or occupation in the city without first having procured a license from the city to do so and paying the tax prescribed in Chapter 5.32 by the city council or without complying with any and all applicable provisions of Chapters 5.04 through 5.36.

B. This section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirement conflicts with applicable statutes of the United States or of the state. Persons not so required to obtain a license prior to doing business within the city nevertheless shall be liable for payment of the taxim posed by Chapters 5.04 through 5.36. (Ord. 428 (part), 1996)
5.08.040  Prohibited Activities

The business license issued pursuant to the provisions of this chapter constitutes a receipt for the license tax paid and shall have no other legal effect. A business license is a requirement, not a permit, to transact and carry on any business activity within this city. The business tax certificate is evidence only of the fact that such tax has been paid. Neither the payment of the tax nor the possession of the business tax certificate authorizes, permits or allows the doing of any act which the person paying or holding the same would not otherwise be entitled to do; and any permit, license, variance or other instrument of approval or evidence that any conditions exist as required by any other section of this code or by any statute or code provisions of the state must first be obtained or complied with before the doing of any act or thing for which it is required. (Ord. 428 (part), 1996)

5.08.050  Branch Establishments

A separate license must be obtained for each branch establishment or location of the business transacted and carried on and for each separate type of business at the same location, and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license; provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of Chapters 5.04 through 5.36 shall not be deemed to be separate places of business or branch establishments. (Ord. 428 (part), 1996)

5.08.060  Evidence Of Doing Business

When any person shall by use of signs, circulars, cards, telephone books, or newspapers, advertise, hold out, or represent that he is in business in the city, or when any person holds an active license or permit issued by a governmental agency indicating that he is in business in the city, and such person fails to deny by a sworn statement given to the collector that he is not conducting a business in the city, after being requested to do so by the collector, then these facts shall be considered prima facie evidence that he is conducting a business in the city. (Ord. 428 (part), 1996)

5.08.070  Identification Of New Businesses Operating In The City

A. General Contractor’s Statement. Every person acting as a general contractor, whether building for their own occupancy or not, shall file with the collector a full, true and complete written statement, signed by such person, under penalty of perjury, listing all subcontractors who have performed or shall perform any service whatsoever for such person within the city for which a license is required under the provisions of this chapter. Any builder-owner, general building contractor, general engineering contractor, specialty contractor, or subcontractor, subcontracting any work shall be deemed a general contractor for the purpose of this section. Said statement shall include the name, address, telephone number, state license number and specialty classification of each person required to be licensed. This Section may be waived at the discretion of the collector and is intended to protect the general contractor from public knowledge of trade secrets, or other information of a confidential nature.
B. Motel, Hotel Business Activities. All motels, hotels, and other lodging establishments shall identify special events and related activities scheduled for their facilities and file with the collector the dates of the activity, name, address, telephone number and type of activity being held at the establishment. Such notification to the collector shall be given at least twenty days in advance of the activity.

C. Other Business Activities. All other business establishments shall provide the name, address, telephone number and type of activity or service provided to them on a reoccurring basis from businesses from outside of the city such as route salespersons, consultants, etc. Such lists shall be provided as part of the annual renewal process. (Ord. 428 (part), 1996)

5.08.080 Other Agency Review

The business license officer or collector may refer to any governmental agency any statement and all other information submitted by persons subject to the provisions of this chapter in connection with the conduct of a business regulated or supervised or otherwise the concern of any such agency, including agencies concerned with health regulation, zoning conformance, fire safety, police considerations, or any other safeguard of the public interest. Failure to comply with conditions required by other agency review shall result in revocation of the license once granted. (Ord. 428 (part). 1996)

5.08.090 Constitutional Apportionment

A. None of the license taxes provided for by Chapters 5.04 through 5.36 shall be applied so as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitutions of the United States and the state.

B. In any case where a license tax is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce or be violative of such constitutional clauses, he may apply to the collector for an adjustment of the tax. Such application may be made before, at, or within six months after payment of the prescribed license tax. The applicant shall, by sworn statement and supporting testimony, show this method of business and the gross volume or estimated gross volume of business and such other information as the collector may deem necessary in order to determine the extent, if any, of such undue burden or violation. The collector shall then conduct an investigation, and, after having first obtained the written approval of the city attorney, shall fix as the license tax for the applicant, an amount that is reasonable and nondiscriminatory, or if the license tax has already been paid, shall order a refund of the amount over and above the license tax so fixed. In fixing the license tax to be charged, the collector shall have the power to base the license tax upon a percentage of gross receipts or any other measure which will as sure that the license tax assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the license tax as prescribed by Chapter 5.32. Should the collector determine the gross receipts measure of license tax to be the proper basis, the collector may require the applicant to submit, either at the time of termination of the applicant’s business in the city, or at the end of each three-month period, a sworn statement of the gross receipts and pay the amount of license tax therefore; provided, that no additional license tax during any one calendar year shall be required after the licensee has paid an amount equal to the annual license tax as prescribed in Chapter 5.32. (Ord. 428 (part), 1996)
5.08.100 Severability

If any article, section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The city council hereby declares that it would have passed this chapter and each article, section, subsection, sentence, clause, or phrase hereof, irrespective of the fact that any one or more of the articles, sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional. (Ord. 428 (part), 1996)

5.08.110 Rules and Regulations

The collector may make rules and regulations not inconsistent with the provisions of Chapters 5.04 through 5.36 as may be necessary or desirable to aid in the enforcement of the provisions of Chapters 5.04 through 5.36. (Ord. 428 (part), 1996)

Chapter 5.12 - EXEMPTIONS

Sections:

5.12.010 Generally

Nothing in Chapters 5.04 through 5.36 shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the state from the payment of such taxes as are prescribed in Chapters 5.32. (Ord. 428 (part), 1996)

5.12.020 License Issuance—Statement of Exemption

A. Any person claiming an exemption pursuant to this chapter shall file a sworn statement with the collector stating the facts upon which exemption is claimed, and in the absence of such statement substantiating the claim, such person shall be liable for the payment of the taxes imposed by Chapter 5.32.

B. The collector shall, upon a proper showing contained in the sworn statement, issue a license to such person claiming exemption under this section without payment to the city of the license tax required by Chapter 5.32. (Ord. 428 (part), 1996)

5.12.030 License Revocation

The collector, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this chapter upon
information that the licensee is not entitled to the exemption as provided herein. (Ord. 428 (part). 1996)

**5.12.040 Designated**

A. The following are exempted from the payment of a license tax under this chapter:

1. Any nonprofit institution, corporation, organization, or association organized and conducted for nonprofit purposes only, when the receipts derived are to be wholly for the benefit of such organization and not in the whole or any part for private gain of any person. This exemption shall not apply to promoters employed by nonprofit institutions, corporations, organizations or associations; however, no license shall be required for the conduct of any entertainment concert, exhibition, or lecture on scientific, historical, literary, religious, or moral subjects when the receipts of any such entertainment, concert, exhibition, or lecture are to be appropriated to any religious or benevolent purpose within the city;

2. Any solicitor engaged in interstate commerce when a license tax casts a burden upon such interstate commerce;

3. Any person who has received an honorable discharge or release from active duty in any one of the United States Armed Services who is physically unable to obtain a livelihood by manual labor, and who is a voter of this state, distributing circulars, or hawking, peddling or rending any goods, wares or merchandise owned by him, except spirituous malt, vinous or other intoxicating liquor;

4. Any public utility which makes an annual payment to the city under a franchise or similar agreement;

5. Any agricultural district fairs or county fairs; no license tax payable pursuant to Chapter 5.32 shall be payable by any person who during the period of the fair is a participant in any way in such fair either as an entry, concessionaire, exhibitor, contractor, or otherwise; provided, that such person’s activity in connection with such participation during the period of the fair is completely limited to within the physical grounds of such fair other than appearances on the streets or through the news media for publicity purposes incident to such fair;

6. Any person of the age of sixteen years or under whose annual gross receipts from any and all business are one thousand dollars or less:

7. Every person, firm, or corporation engaged in, conducting or managing a business of publishing and/or distributing newspapers;

8. Except as may be otherwise specifically provided in this chapter, the terms hereof shall not be deemed or construed to apply to any of the following persons:

   a. Banks, including national banking associations to the extent that a city may not levy a license tax upon them under the provisions of Article XIII, Section 16, Subdivisions 1 (A) of the State Constitution,

   b. Insurance companies and associations to the extent that a city may not levy a license tax upon them under the provisions of Article XIII, Section 14-4/5 of the State Constitution,
c. Any governmental agency or subdivision and the employees thereof, to the extent they are engaged in the business of such governmental agencies or subdivisions,

d. Motor vehicle carriers, or household goods carriers operating under the jurisdiction of the Public Utilities Commission of the state or any public transportation system in the city whose definite permanent points of origin and/or termination lie outside the legal limits of the city to the extent that a city may not levy tax upon them pursuant to Section 4301 et seq. of the state Public Utilities Code,

e. Any day care facility where not more than six people are cared for on a full- or part-time basis, to the extent that a city may not levy a license tax upon them pursuant to Section 1523 of the state Health and Safety Code,

f. Any residential care facility where not more than six people are cared for on a full- or part-time basis, to the extent that a city may not levy a license tax upon them pursuant to Section 1566.2 of the state Health and Safety Code,

g. Any rental of residential real estate where the ownership of the property consists of one individual, one partnership, combination of partnerships, or corporation, any one of which owns or controls three or less units on one parcel, three or less units on separate parcels, or combination thereof, and

h. Any person the city is not authorized to license under any law or constitution of the United States or the state of California.

B. The collector may require, the filing of a verified statement from any person claiming to be excluded by the provisions of this chapter, which statement shall set forth all facts upon which the exclusion is claimed. (Ord. 428 (part), 1996)

Chapter 5.16 - LICENSE APPLICATION

Sections:

5.16.010 Licenses—Generally.
5.16.020 Application—First license—Contents.
5.16.030 Business categories—Duty to determine business class or type.
5.16.040 Compliance with building and zoning regulations required.
5.16.050 Measure of tax by gross receipts.
5.16.060 Term of License— Renewal—Due date.
5.16.070 Renewal statement—Submission and filing.
5.16.080 Statements and records.
5.16.090 Failure to submit renewal statement.
5.16.100 Additional power of collector.
5.16.010 Licenses—Generally

A. Contents of License. All licenses, unless otherwise provided in this code, shall be prepared and issued by the collector upon the payment to the city of the sum required to be paid hereunder, or upon filing of proof satisfactory to the collector of eligibility for exemption from such payment. Each license so issued shall state upon the face thereof the following:

1. The license number of the license;
2. The date of expiration of such license;
3. The persons to whom the same is issued, or where said persons are doing business under a fictitious name; both the actual and fictitious names to whom the same is issued;
4. The kind of business, profession, show, exhibition, game, occupation or enterprise licensed and the location of the same;
5. A statement that this license is issued without verification that the licensee is subject to or exempt from licensing by the state of California;
6. Any additional statement the collector may deem necessary or which the state may require.

B. Whenever the tax imposed under the provisions of Chapter 5.32 is measured by the number of vehicles, devices, machines, or other pieces of equipment used, or whenever the license tax is measured by the gross receipts from the operation of such items, the collector shall issue only one license; provided, that he may issue for each tax period for which the license tax has been paid one identification sticker, tag, plate, or symbol for each item included in the measure of the tax or used in a business where the tax is measured by the gross receipts from such items. (Ord. 428 (part), 1996)

5.16.020 Application—First License—Contents

Before any license is issued, the applicant shall make a written application to the collector, which shall contain the following information:

1. The exact nature or kind of business, profession, show, exhibition, game, occupation or enterprise for which the license is requested;
2. The place where such business, profession, show, exhibition, or enterprise is to be carried on; and if the same is not to be carried on at any permanent place of business, then the residence address, identified as such, of the owners of the same, is to be used;
3. The address where the applicant shall consent to receive mail concerning the license applied for;
4. Where any person contracts, sells or delivers any goods, wares or merchandise in the city for which sales or use tax is payable, the application shall set forth the appropriate California State Board of Equalization Permit Number:
5. Where any person employs others in the course of such business the application shall set forth the appropriate Federal and/or State Employer Identification Number;
6. Where any person conducting any business is self-employed, the application shall set forth the applicant’s Social Security Number and California Driver’s License Number:

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7. In the event that the application is made for the issuance of a license to person doing business under a fictitious name, the application shall set forth the names and address of residence (P.O. boxes are unacceptable) of those owning said business or enterprise;

8. In the event that the application is made for the issuance of a license to a person doing business as a state-licensed contractor, the application shall set forth the applicant’s State Contractor’s License Number and Specialty Classification;

9. Any further information which the collector may require to enable him to issue the type of license applied for and any further information which the state may require or any further information which the collector may deem necessary to properly identify the applicant;

10. A signed statement made under penalty of perjury that the statements therein are true and correct, which statement shall be required to be filed with the collector upon submission of any original license application, annual renewal statement, miscellaneous supplementary statement or other return of filing. Each such declaration of truth of application or statement shall have included therein, or attached thereto, a certification or declaration, which shall be substantially in the following form:

   I declare, under penalty of perjury, that this application, form or statement (including any accompanying schedules, statements, and supporting data has been examined by me, and, to the best of my knowledge, information, and belief, is a full, true and correct application, return, or statement and I accordingly so represent.

   Signature of Owner, or Partner, or officer of Corporation, or Other Authorized agent or Representative of any of the above said same.

All information specified to be set forth on any application form prescribed by the collector shall be submitted completely and accurately and the license shall be deemed based upon the information submitted and represented. The collector shall not be required to receive or consider any application, return or statement unless the above-quoted declaration, in substantially the form hereinabove set forth, is contained therein or attached thereto and properly executed by the applicant or the authorized agent or representative of the applicant, and it is unlawful and shall be deemed a misdemeanor in any such application, return or statement for such applicant or authorized agent or representative of the applicant to make any statement which is false or which is contrary to the declaration or representation made in the above-quoted form.

Any license shall be deemed valid based upon the application on file, and if the information is incomplete or inaccurate, the license shall be deemed invalid. If information submitted in an application subsequently becomes incomplete or inaccurate by reason of a change in circumstances, the license shall thereafter be deemed invalid. Upon the collector’s learning of any inaccuracy or incompleteness, notice shall be given forthwith to the licensee, at the address shown on the license where the licensee consented to receive information concerning his or her license, that the license is invalid and requesting the licensee to reapply for a re-validated license within fifteen working days.
Upon the licensee’s successful application for a re-validated license within the period hereinabove set the collector shall apply prorate to the revalidated license the remainder of the sum originally paid by the licensee.

Upon the licensee’s failure to make successful application for a re-validated license within the period hereinabove set the collector shall give notice forthwith pursuant to Section 5.36.030 that the licensee’s license is hereby suspended. Thereafter, upon denial of licensee’s appeal it shall be revoked whereupon the licensee’s original payment shall be forfeit.

Any person refusing or failing to make application or to provide information required shall be assessed an amount pursuant to Section 5.36.020, and shall be in violation of this chapter. (Ord. 428 (part). 1996)

5.16.030 Business Categories—Duty To Determine Business Class Or Type

A. The business classification categories are as follows:

1. Primary business categories:
   (a) Administrative headquarters
   (b) Manufacturing
   (c) Professions
   (d) Public Utilities
   (e) Recreation and entertainment
   (f) Rental of residential property
   (g) Rental of non-residential property
   (h) Retail
   (i) Services
   (j) Wholesaling

2. Special business categories:
   (a) Itinerant Merchants/Peddlers
   (b) Special Events
   (c) Transportation of persons and goods
   (d) Warehousing
   (e) Contractors

B. The determination of which business or type of class of business a licensee or applicant is engaged in or about to engage in shall be an administrative function of the collector. (Ord. 428 (part), 1996)

5.16.040 Compliance With Building And Zoning Regulations Required

No license shall be issued for the conduct of any business, and no permit shall be issued for any thing, or act, if the premises and building to be used for the purpose do not fully
comply with the requirements of the city, including, but not limited to, the requirements contained in the Uniform Fire Code, Uniform Building Code, Uniform Plumbing Code, and National Electrical Code. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning ordinance of the city. (Ord. 428 (part), 1996)

5.16.050 Measure Of Tax By Gross Receipts

A. If the amount of the license tax to be paid by the applicant is measured by gross receipts, he shall estimate the gross receipts for the period to be covered by the license to be issued. Such estimate, if accepted by the collector as reasonable, shall be used in determining the amount of license tax to be paid by the applicant; provided, however, the amount of the license tax so determined shall be tentative only, and the collector may require such person, within thirty days after the expiration of the period for which such license was issued, to furnish the collector with a sworn statement, upon a form furnished by the collector, showing the gross receipts during the period of such license, and the license tax for such period may then be finally ascertained and paid in the manner provided by Chapter 5.32 for the ascertaining and paying of renewal license taxes for other businesses, after deducting from the payment found to be due, the amount paid at the time such first license was issued.

B. The collector shall not issue to any such person another license for the same or any other business, until such person shall have furnished to him the sworn statement and paid the license tax as required in Chapter 5.32. (Ord. 428 (part), 1996)

5.16.060 Term of license—New—Renewal—Due date.

A. The term of an initial license shall be from the date of issue through the last day of February of the following calendar year or other ending period as determined by the collector.

B. Renewal of the license shall be based on the preceding calendar year. There shall be a grace period of thirty days from the expiration date of the last day of February of each year or other month as established by the collector for completion of the renewal application process. (Ord. 428 (part). 1996)

5.16.070 Renewal Statement—Submission And Filing

A. In all cases where the license is based on a flat rate, the applicant shall submit to the collector, for his or her guidance in ascertaining the amount of license tax to be paid by the applicant, a written statement upon a form to be provided by the collector, written under penalty of perjury, setting forth such information concerning the nature, location, intended duration, and ownership of applicant’s business as well as any additional information required by the collector to enable him or her to ascertain the amount of license tax to be paid by said applicant pursuant to the provisions of the chapter. The filing dates for the submission of renewal statements shall be determined by the collector.

B. In all cases where the license is based on gross receipts, the applicant shall submit to the collector, for his or her guidance in ascertaining the amount of the license to be paid by the applicant, a written statement upon a form to be provided by the collector written under penalty of perjury, setting forth such information concerning the nature, location, intended duration, and ownership of applicant’s business as well as applicant’s gross
receipts during the preceding year as may be required by the collector to enable him or her to ascertain the amount of license tax to be paid by said applicant pursuant the provisions of this chapter. The filing dates for the submission of gross receipts statements shall be during the period determined by the collector for the period of the preceding calendar year. (Ord. 428 (part), 1996)

5.16.080 Statements And Records
A. No statements shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable under Chapter 5.32. Such statement and each of the several items therein contained shall be subject to audit and verification by the collector, his deputies, authorized employees of the city, or an agent of the city, who are authorized to examine, audit, and inspect such books and records of any licensee or applicant for license, as may be necessary in their judgment to verify or ascertain the amount of license fee due.

B. All persons subject to the provisions of Chapters 5.04 through 5.36 shall keep complete records of business transactions, including sales, receipts, purchases, and other expenditures, and shall retain all such records for examination by the collector. Such records shall be maintained for a period of at least three years. No person required to keep records under this section shall refuse to allow authorized representatives of the collector to examine the records at reasonable times and places. (Ord. 428 (part), 1996)

5.16.090 Failure To Submit Renewal Statement
The failure to submit a renewal statement will result in the gross receipts of the previous business license tax year being increased by twenty-five percent or a flat rate business license tax being increased by twenty-five percent and a notification of business license tax due being issued. (Ord. 428 (part), 1996)

5.16.100 Additional Power Of Collector
In addition to all other power conferred upon him, the collector shall have the power, for good cause shown, to extend the time for filing any required sworn statement or application for a period not exceeding thirty days, and in such case to waive any penalty that would otherwise have accrued, except those penalties stated in Section 5.32.020. (Ord. 428 (part), 1996)

Chapter 5.20 - INFORMATION CONFIDENTIAL

Sections:

5.20.010 Requirements generally.

5.20.010 Requirements Generally
It is unlawful for the collector or any person having an administrative duty under the provisions of Chapters 5.04 through 5.36 to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and
equipment of any person required to obtain a license, or pay a license tax, or any other
person visited or examined in the discharge of official duty, or the amount or source of
income, profits, losses, expenditures, or any particular thereof, set forth in any statement
or application, or to permit any statement or application, or copy of either, or any book
containing any abstract or particulars thereof to be seen or examined by any person;
provided that nothing in this section shall be construed to prevent:

A. The disclosure to, or the examination of records and equipment by another city
official, employee, or agent for collection of taxes for the sole purpose of administering
or enforcing any provisions of Chapters 5.04 through 5.36, or collecting taxes imposed
under Chapters 5.04 through 5.36;

B. The disclosure of information to, or the examination of records by federal or state
officials, or the tax officials of another city or county, or city and county, if a reciprocal
arrangement exists, or to a grand jury or court of law, upon subpoena;

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

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

E. The disclosure of the names and addresses of persons to whom licenses have been
issued, and the general type or nature of their business;

F. The disclosure by way of public meeting or otherwise of such information as may be
necessary to the city council in order to permit it to be fully advised as to the facts when a
taxpayer files a claim for refund of license taxes, or submits an offer of compromise with
regard to a claim asserted against him by the city for license taxes, or when acting upon
any other matter; and

G. The disclosure of general statistics regarding taxes collected or business done in the
city. (Ord. 428 (part), 1996)

Chapter 5.24 - APPEAL

Sections:

5.24.010 Appeal process.
5.24.010  Appeal Process

If the owner(s) of a business disagrees with the category/classification to which they have been assigned, they may submit an appeal for a change of category/classification to the collector. The appeal must be in writing and must be received by the business license division no later than thirty working days after the receipt of their annual business license certificate. The appeal should state the name of the owner(s), the location of the business, and the reasons for requesting a reclassification.

The appointed city representatives will review the facts of the appeal and respond to the applicant not later than fifteen working days from the date of submission. (Ord. 428 (part), 1996)

Chapter 5.28 - REGULATIONS

Sections:

5.28.010  License—Nontransferable—Changed location or ownership.
5.28.020  License—Duplicate.
5.28.030  License—Posting and keeping.
5.28.040  Identifying stickers for vehicles or other equipment.

5.28.010  License – Nontransferable - Changed location or ownership.

No license issued pursuant to Chapters 5.04 through 5.36 shall be transferable; provided, that where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may, upon application therefore and paying a fee of $10.00, have the license amended to authorize the transacting and carrying on of such business under the license at some other location to which the business is or is to be moved; provided further, that transfer, whether by sale or otherwise, to another person under such circumstances that the real or ultimate ownership after the transfer is substantially similar to the ownership existing before the transfer, shall not be prohibited by this section. For the purpose of this section stockholders, bondholders, partnerships, or other persons holding an interest in a corporation or other entity defined in Section 5.04 to be a person are regarded as having the real or ultimate ownership of such corporation or other entity. (Ord. 428 (part). 1996)

5.28.020  License—Duplicate

A duplicate license may be issued by the collector to replace any license previously issued under the provisions of Chapters 5.04 through 5.36 which has been lost or destroyed upon the licensee filing statement of such fact, and at the time of filing such statement paying to the collector a duplicate license fee of $10.00. (Ord. 428 (part), 1996)
5.28.030 License—Posting And Keeping

A. Any licensee transacting and carrying on business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where such business is carried on.

B. Any licensee transacting and carrying on business but not operating at a fixed place of business in the city shall keep the license upon his person at all times while transacting and carrying on the business for which it is issued. (Ord. 428 (part), 1996)

5.28.040 Identifying Stickers For Vehicles Or Other Equipment

A. Whenever identifying stickers, tags, plates, or symbols have been issued for each vehicle, device, machine, or other piece of equipment included in the measure of a license tax, the person to whom such stickers, tags, plates, or symbols have been issued shall keep firmly affixed upon each vehicle, device, machine, or piece of equipment the identifying sticker, tag, plate, or symbol which has been issued therefore at such locations as are designated by the collector. Such sticker, tag, plate, or symbol shall not be removed from any vehicle, device, machine, or piece of equipment kept in use, during the period for which the sticker, tag, plate, or symbol is issued.

B. No person shall fail to affix as required herein any identifying sticker, tag, plate, or symbol to the vehicle, device, machine, or piece of equipment, for which it has been issued at the location designated by the collector, or to give away, sell, or transfer such identifying sticker, tag, plate, or symbol to another person, or to permit its use by an other person. (Ord. 428 (part), 1996)

Chapter 5.32 - LICENSE TAX

Sections:

5.32.010 Business license fee—When payable.
5.32.020 Notification of flat rate and gross receipts tax due.
5.32.030 Penalty for delinquent taxes—Installment payment,
5.32.040 Application of money towards delinquent taxes.
5.32.050 Refunds.
5.32.060 Rates and schedules.

5.32.010 Business License Fee—When Payable

A. New. Initial business license fees including gross receipts tax, are due and payable prior to issuance of the license for which application is made. The base service fee for the business license and gross receipts tax or flat fee shall be established by the city council. The payment of such fees and taxes shall not in any way constitute a right or permission to begin operations of said business.
B. Renewal. Unless otherwise specifically provided herein, all fees for renewal and gross receipt taxes of a business license under the provisions of this chapter shall be due and payable the day after the anniversary date on which the license expired.

C. Contractor: Builder-Owner. The base service fee portion of the gross receipts business license tax shall be collected per Sections 5.32.010 (A) and (B) above. The flat fee portion shall be collected at or prior to the time a building permit is issued, and the flat fee tax shall be determined under the provisions of Section 5.32.040. (Ord. 428 (part), 1996)

5.32.020 Notification Of Flat Rate And Gross Receipts Tax Due

Notification of business license tax due will be given by first class United States mail, provided that the licensee has submitted a timely renewal statement; provided further, that failure to receive such notification shall not exempt the licensee from all requirements under this chapter. (Ord. 428 (part), 1996)

5.32.030 Penalty For Delinquent Taxes—Installment Payment

A. For failure to pay a license tax when due, the collector shall add the following penalties: (i) ten percent of said tax on the past due date thereof; (ii) fifty percent of said tax on the first day of the second month after the past due date thereof; and (iii) one hundred percent of said tax on the first day of the third month after the due date thereof; provided that the maximum amount shall not exceed an amount equal to one hundred percent of the amount of the business license tax due.

B. Interest. In addition to the penalties imposed, any business that fails to remit the tax due shall pay interest at the rate of one percent per month, exclusive of penalties, from the date on which remittance first became delinquent until paid. Provided, however, that pursuant to Section 5.32.020 (A), penalties upon attaining a combined amount for the business license tax due are merged with the tax payable hereunder and any additional interest charged from such date on shall be charged on the combined amount delinquent until paid.

C. No license or sticker, tag, plate, or symbol 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 therefore, 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 nine percent simple annual interest upon the unpaid balance, in monthly installments, or more often, extending over a period of not to exceed one year.

D. In any agreement so entered into, such person shall acknowledge the obligation owed to the city and agree that, in the event of failure to make timely payment of any installment, the whole amount unpaid shall become immediately due and payable and that his current license shall be revocable by the collector upon thirty days’ notice. In the event legal action is brought by the city to enforce collection of any amount included in the agreement, such person shall pay all costs of suit incurred by the city or its assignee, including a reasonable attorney’s fee. The execution of such an agreement shall not prevent the prior accrual of penalties on unpaid balances at the rate provided in subsection (B) of 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. 428 (part), 1996)

5.32.040 Application Of Money Towards Delinquent Taxes

Money received during the current year for a license shall first be applied to the payment of delinquent taxes, sums, and penalties due during any preceding calendar year, any balance remaining thereafter shall be applied to the payment of the current license tax and penalties. A license issued during any prior year to the same owner, tenant or occupant for the same place of business shall be prima facie evidence in any court or administrative proceeding that the business was continuously operated by the same person or firm from said prior year to the current year. (Ord. 428 (part), 1996)

5.32.050 Refunds

A. Refunds Authorized. Any business license tax, or penalties or interest thereon, or portion thereof, may be refunded, if they were:

1. Paid more than once;
2. Erroneously or illegally collected;
3. Paid in excess of the correct amount;
4. Issued for a business that subsequently does not operate in the city, due to applicant’s inability to obtain additional permits required under any provision of this code. In such case, the applicant shall be entitled to a refund of the business license tax paid;
5. Issued for a business which subsequently becomes prohibited or illegal under any law of the state. In such case, the amount refunded shall be prorated on the basis of the proportion which the number of months remaining in the period for which the business license tax was paid bears to the number of months in the whole period.

B. Application for Refund. No refund of an overpayment of taxes imposed by the provisions of Chapters 5.04 through 5.36 shall be allowed in whole or in part unless a claim for refund is filed with the collector within a period of three years from the last day of the calendar month following the period for which the overpayment was made, and all such claims for refund of the amount of the overpayment must be filed with the collector on forms furnished by him and in the manner prescribed by him. Upon the filing of such a claim, and when he determines that an overpayment has been made, the collector may refund the amount overpaid. (Ord. 428 (part), 1996)

5.32.060 Rates And Schedules

The city council shall establish fees, rates and schedules for business licenses as authorized by this chapter by appropriate implementing resolution establishing those rates and schedules for both primary business categories with gross receipts tax basis and for special business categories with flat fee or square footage tax basis. The references implementing resolution may be changed from time to time by appropriate action of the council amending the rate structures as established by the implementing resolution. The initial implementing resolution establishing the rates and schedules shall become effective with the effective date of the within ordinance. (Ord. 428 (part), 1996)
Chapter 5.36 - ENFORCEMENT AND PENALTIES

Sections:

5.36.010 Enforcement authorized.
5.36.020 Conducting a business without first having procured a license.
5.36.030 Suspension or revocation.
5.36.040 License tax a debt.
5.36.050 Remedies cumulative.
5.36.060 Effect of provisions on past actions.
5.36.070 Penalty for violation.

5.36.010 Enforcement Authorized

A. It shall be the duty of the collector to enforce each and all of the provisions of this chapter, and the chief building official, public works director, the fire chief, and the city attorney shall render such assistance in the enforcement hereof as may from time to time by required by the collector. Each department or division of the city which issues permits or entitlement of use shall require the production of a valid unexpired business license receipt or business license exemption receipt prior to the issuance of such a permit. Provided, however, that nothing in this section shall be construed to require any person to obtain a license to do business within the city as a prerequisite for the issuance of a city permit or entitlement of use if such requirement conflicts with any applicable statutes of the United States or of the state.

B. The collector in the exercise of the duties imposed upon him hereunder, and acting through his deputies or duly authorized assistants, shall examine or cause to be examined all places of business in the city to ascertain whether the provisions of this chapter and Chapters 5.04 through 5.32 have been complied with.

C. The collector and each and all of his assistants and any police officer shall have the power and authority, upon obtaining an inspection warrant therefore, to enter, free of charge, and at any reasonable time, any place of business required to be licensed under the provisions of Chapters 5.04 through 5.32, and demand an exhibition of its license. Any person having such license heretofore issued, in his possession or under his control, who willfully fails to exhibit the same on demand, shall be guilty of a misdemeanor and subject to the penalties provided for by the provisions of Section 1.12.010. It shall be the duty of the collector and each of his assistants to cause a complaint to be filed against any and all persons found to be violating any of said provisions. (Ord. 428 (part), 1996)

5.36.020 Conducting A Business Without First Having Procured A License

Any person who shall commence, engage, transact and carry on any trade, calling, profession, occupation or business within the city without first having procured a business license from the city to do so, shall be assessed a penalty of twenty percent of the amount of the license tax owing, which amount shall be calculated for the period beginning with the calendar month in which the commencement of business activity
within the city began, and ending with the expiration of the current annual licensing period. Provided, however, that the start of such period shall not exceed three years prior to the date of notification of violation. Such penalty to be collected, and the amount thereof to be enforced, in the same manner as the other business license taxes are collected and the payment thereof enforced. (Ord. 428 (part), 1996)

5.36.030 Suspension Or Revocation

The collector, or his designated representative, shall have the power to suspend or revoke any business license whenever it appears to the business license officer that the holder of the license: (1) has violated any of the provisions of this chapter, or any rules and regulations adopted pursuant thereto; or (2) has committed any act or offense which would have constituted grounds for nonissuance of a business license;

No suspension shall be for a period of more than 180 days. Notice of suspension or revocation shall be given by either personal service to the permittee or by mail to the address on his application and to the address of his employer. In the event of such revocation or suspension of a business license, said license shall be surrendered to the business license officer, or his designated delegate, by the holder thereof.

A second suspension for the same reason or a third suspension of a business license for any reason shall operate as a revocation of such permit.

In the event of suspension or revocation of any business license, said licensee shall have a period of ten working days to request a hearing for appeal of such suspension and revocation.

If said licensee fails within the allotted ten working day period to request a hearing to show cause why his or her license should not be revoked, then and in that event the business license officer shall suspend or revoke said person’s license and give notice thereof to said person. (Ord. 428 (part), 1996)

5.36.040 License Tax A Debt

The amount of any license tax and penalty imposed by the provisions of this chapter and Chapters 5.04 through 5.32 shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction, for the amount of any delinquent license tax and penalties. (Ord. 428 (part), 1996)

5.36.050 Remedies Cumulative

All remedies prescribed in this chapter or Chapters 5.04 through 5.32 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 chapter or Chapters 5.04 through 5.32. (Ord. 428 (part), 1996)

5.36.060 Effect Of Provisions On Past Actions

A. Neither the adoption of the ordinance codified in this chapter and in Chapters 5.04 through 5.32, nor its superseding of any portion of any other ordinance of the city shall in any manner be construed to affect prosecution for violation of any other ordinance committed prior to February 21, 1996, the effective date hereof, nor be construed as a waiver of any license or any penal provision applicable to any such violation, nor be
construed to affect the validity of any bond or cash deposit required by any ordinance to be posted, filed, or deposited, and all rights and obligations thereunto appertaining shall continue in full force and effect.

B. Where a license for revenue purposes has been issued to any person by the city and the tax paid for the business for which the license has been issued under the provisions of any ordinance enacted prior to the enactment of the ordinance codified in this chapter and in Chapters 5.04 through 5.32, and the term of such license has not expired, then the license tax prescribed for the business by Chapter 5.32 shall not be payable until the expiration of the term of such unexpired license. (Ord. 428 (part), 1996)

5.36.070 Penalty For Violation

Any person violating any of the provisions of this chapter or of Chapters 5.04 through 5.32, or knowingly or intentionally misrepresenting to any officer or employee of this city any material fact in procuring the license or permit provided for in this chapter and in Chapters 5.04 through 5.32 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable as provided for in Section 1.12.010. (Ord. 428 (part), 1996)

II. BUSINESS REGULATIONS

Chapter 5.48 - BINGO GAMES*

Sections:

5.48.010 Definitions.
5.48.020 Bingo authorized.
5.48.030 License—Required.
5.48.040 License—Application—Contents.
5.48.050 License—Term—Fees.
5.48.060 Application investigation.
5.48.070 Nontransferability of license.
5.48.080 Limitations.
5.48.090 Inspection.
5.48.100 Application denial—License revocation or suspension.
5.48.110 Appeal procedure.
5.48.120 Receiving profit or wage prohibited.

* For statutory provisions authorizing cities to permit bingo games, see Penal Code § 326.5.

5.48.010 Definitions

Whenever the following terms are used in this chapter, they shall have the meanings respectively ascribed to them as follows:
A. “Bingo” is a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.

B. “Nonprofit, charitable organization” is an organization exempted from the payment of the Bank and Corporation Tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 237011 of the Revenue and Taxation Code and by mobile home park associations and senior citizens organizations; and, provided, that the proceeds of such games are used only for charitable purposes.

C. “Minor” is any person under the age of eighteen years. (Ord. 209 § 1, 1977)

5.48.020  Bingo Authorized

Notwithstanding any other provisions of this chapter, this chapter is adopted pursuant to Section 19 of Article IV of the California Constitution in order to make the game of bingo lawful under the terms and conditions of this chapter. (Ord. 209 § 2, 1977)

5.48.030  License—Required

It is unlawful for any person to conduct any bingo game in the city unless such person is a member of such nonprofit, charitable organization and has been issued a license as provided by this chapter. (Ord. 209 § 3, 1977)

5.48.040  License—Application—Contents

Application for license shall be made to the city clerk on forms prescribed by the chief of police, and shall be filed not less than ten days prior to the proposed date of the bingo game or games. Such application shall require from the applicant at least the following:

A. A list of all members who will operate the bingo game, including full names of each member, date of birth, place of birth, physical description and driver’s license number;

B. The date(s) and place(s) of the proposed bingo game or games;

C. Proof that the organization is a nonprofit, charitable organization as defined by Section 5.48.010. (Ord. 209 § 4, 1977)

5.48.050  License—Term—Fees

A. Any permit granted under the terms of this chapter shall be for one year unless a shorter time is specified in the permit when issued. Upon expiration of any permit issued under the provisions of this chapter, written application for renewal of such permit shall be made at least thirty days prior to the expiration date.

B. The city council shall establish fees, rates and schedules for bingo licenses as authorized by this chapter by appropriate implementing resolution establishing those rates and schedules. The referenced implementing resolution may be changed from time to time by appropriate action of the council amending the rate structures as established by the implementing resolution. (Ord. 429 § 1, 1996; Ord. 209 § 5, 1977)

5.48.060  Application Investigation

A. Upon receipt of an application for a license, the chief of police may send copies of such application to any office or department which the chief of police deems essential in order to carry out a proper investigation of the applicant.
B. The chief of police and every officer and/or department to which an application is referred shall investigate the truth of the matters set forth in the application, the character of the applicant, and may examine the premises to be used for the bingo game.

C. Upon approval of any application for a bingo license, the city clerk shall issue the license. (Ord. 209 § 6, 1977)

5.48.070 Nontransferability Of License

Each license issued under this chapter shall be issued to a specific person on behalf of a specific nonprofit, charitable organization to conduct a bingo game at a specific location and shall in no event be transferable from one person to another nor from one location to another. (Ord. 209 § 7, 1977)

5.48.080 Limitations

A. No bingo game or games may be played in any other location other than that listed on the application.

B. No minors shall be allowed to participate in any bingo game.

C. All bingo games shall be open to the public, not just to members of the nonprofit, charitable organization.

D. A bingo game shall be operated and staffed only by members of the nonprofit, charitable organization which organized it. Such members shall be approved by the chief of police and shall not receive a profit, wage, or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such game or participate in the promotion, supervision or any other phase of such game.

E. No individual, corporation, partnership, or other legal entity except the organization authorized to conduct a game shall hold a financial interest in the conduct of such bingo game.

F. All profits derived from a bingo game shall be kept in a special fund or account. Within thirty days after the bingo game is held, the applicant will file with the city clerk a full and complete financial statement of all moneys collected, disbursed, and the amount remaining for charitable purposes.

G. No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

H. The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars in cash or kind, or both, for each separate game which is held.

I. No bingo game shall be conducted between the hours of 12:00 midnight and 8:00 a.m.

J. An organization authorized to conduct bingo games pursuant to subsection (D) of this section shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. Nothing in this subsection shall be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.
K. With respect to organizations exempt from payment of the Bank and Corporation Tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account; such profits shall be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games pursuant to this section, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account; such proceeds shall be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes.

2. A portion of such proceeds, not to exceed ten percent of the proceeds after the deduction for prizes, or five hundred dollars per month, whichever is less, may be used for rental of property, overhead, and administrative expenses. (Ord. 209 § 8, 1977)

5.48.090 Inspection

Any peace officer of the county shall have free access to any bingo game licensed under this chapter. The licensee shall have the bingo license and lists of approved staff available for inspection at all times during any bingo game. (Ord. 209 § 9, 1977)

5.48.100 Application Denial—License Revocation Or Suspension

A. The chief of police may deny an application for a bingo license, or suspend or revoke a license if he finds the applicant or licensee or any agent or representative thereof has:

2. Violated any provisions of this chapter.

B. If after investigation the chief of police determines that a bingo license should be suspended or revoked or an application for such license denied, he shall prepare a notice of suspension, revocation or denial of application setting forth the reasons for such suspension, revocation or denial of application. Such notice shall be sent by certified mail to the applicant’s last address provided in the application or shall be personally delivered. Any person who has had an application for a bingo license denied by the chief of police may appeal the chief’s decision in the manner provided in this chapter. (Ord. 209 § 10, 1977)

5.48.110 Appeal Procedure

Whenever an appeal is provided for in this chapter, such appeal shall be filed and conducted as prescribed in this section:

A. Within fifteen calendar days after the date of any denial, suspension, revocation or other decision of the chief of police, an aggrieved party may appeal such action by filing with the city council a written appeal briefly setting forth the reasons why such denial, suspension, revocation or other decision is not proper.

B. Upon receipt of such written appeal, the city council shall schedule a hearing, before at least a majority of the council, within ten days.

C. At least one week prior to the date of the hearing on the appeal, the city clerk of the city shall notify the appellant and chief of police of the date and place of the hearing.
D. The city council is authorized to issue subpoenas, to administer oaths and to conduct the hearing on appeal.

E. At such hearing, the chief of police and the appellant may present evidence relevant to the denial, suspension, revocation or other decision of the chief of police.

F. The city council shall receive evidence and shall rule on the admissibility of evidence and on questions of law.

G. The formal rules of evidence applicable in a court of law shall not apply to such hearing.

H. At the conclusion of the hearing, the city council may uphold the denial, suspension, revocation or other decision of the chief of police, or may allow that which has been denied, reinstate that which has been suspended or revoked, or modify or reverse any other decision of the chief of police which is the subject of appeal.

I. The city council shall, within five calendar days, file with the city clerk written findings of fact and conclusions of law and their decision. (Ord. 209 § 11. 1977)

5.48.120 Receiving Profit Or Wage Prohibited

It is unlawful for any person to receive a profit, wage or salary from any bingo game authorized by this chapter. (Ord. 209 § 12, 1977)

Chapter 5.52 - CARD TABLES

Sections:

5.52.010 Licensing requirements.
5.52.020 Cardroom—Defined—Location restrictions.
5.52.030 License—Application——Contents.
5.52.040 License—Application—Investigation—Approval or denial—Appeal.
5.52.050 License—Issuance limitations.
5.52.060 License—Fees—Bond.
5.52.070 License—Nontransferability—Revocation.
5.52.080 Employees—Permit requirements.
5.52.090 Sign requirements.
5.52.100 Cardroom—Accessibility to police.
5.52.110 Cardroom under twenty-one years prohibited.
5.52.120 Cardrooms—Regulations for operation.
5.52.130 Permits—Revocation or suspension.
5.52.140 License—Revocation or suspension.
5.52.150 Appeal procedure.
5.52.010  Licensing Requirements

A. It is unlawful for any person, firm, or corporation to keep, maintain, permit, or have a financial interest in or allow to be kept or maintained in any building, place or premises owned, managed, supervised, possessed or controlled by him or it, in the city, any “cardroom” without first obtaining a license from the city clerk to do so. No more than one license shall be issued to or controlled by any one person, firm or corporation. No person shall be permitted to hold or be financially interested in more than one cardroom or cardroom license issued by the city.

B. It is unlawful for any person, firm or corporation to maintain at any time in any such place or establishment any card tables for which a cardroom license has not been obtained. (Ord. 212 § 2 (part), 9, 1977)

5.52.020  Cardroom—Defined—Location Restrictions

A. A “cardroom,” as defined in this section, refers to a single table used or intended to be used as a card table for the playing of cards and similar games, the use of which is available to the public or any portion of the public.

B. There shall be no more than three card tables in any cardroom at any one location. The location of a cardroom shall not be changed unless application therefore is made to, and approved by the chief of police. No cardroom shall be located where it may tend to become a public or private nuisance.

C. No cardroom shall be located within three hundred feet of any other cardroom. Such distance shall be measured from the public access of one cardroom to the closest public access of any other cardroom and shall be measured by the nearest sidewalk, street or alley route between such two cardrooms. This provision shall have no application to cardrooms which were actively operating under a valid cardroom license on December 21, 1977.

D. No cardroom shall be located within three hundred feet of any existing church, school, park, or playground. Such distance shall be measured from the property line of such church, park, school, or playground to the nearest public access of such cardroom. This provision shall have no application to cardrooms which were actively licensed under a valid cardroom license on December 21, 1977. (Ord. 212 § 2 (part), 1977)

5.52.030  License—Application—Contents

A written application for a cardroom license under this chapter shall be filed with the city clerk upon forms to be provided and shall contain the following information:

A. The name, occupation, business and residence address of the applicant;

B. The location and ownership of the premises for which the permit is sought;
C. The names and addresses of all persons financially interested in the business; financial interest includes anyone who shares in the profits of the business on the basis of gross or net revenue;

D. The past criminal record, if any, of the applicant, owner of the premises and/or of all persons financially interested in the business;

E. A statement that the applicant understands and agrees:

1. That the application shall be considered by the chief of police only after full investigation and report have been made and conducted by the chief of police,

2. That any business or activity conducted or operated under any license issued under such application shall be operated in full conformity of all of the laws of the state and the laws and regulations of the city applicable thereto, and that any violation of any such laws or regulations in such place of business, or in connection there with, shall render any license therefore subject to immediate suspension or revocation,

3. That the applicant has read the provisions of this chapter and particularly the provisions of this section and understands the same;

F. Any other information required by the chief of police which is reasonably related to factors to be considered by him with respect to the issuance of such license. (Ord. 212 § 3 (part), 1977)

5.52.040 License—Application—Investigation—Approval Or Denial—Appeal

A. The chief of police shall inspect the cardroom in question and investigate the moral character of the applicant and of all persons financially interested in the business. The chief of police shall not approve any application unless he is satisfied that the applicant and all persons financially interested in the business are of good moral character, and the operation of the cardroom at the premises proposed would not constitute a violation of any state law or ordinance in the city, including, but not limited to, the Building Code, Zoning Code, or any health regulations. No license shall be issued to a person who has within five years immediately preceding the date of filing the application been convicted in a court of competent jurisdiction of any offense:

1. Which relates to the operation of a cardroom or similar establishment;

2. Involving violation of any gambling law or ordinance; and

3. Any other crime involving moral turpitude, or has had any cardroom license issued within the state revoked or suspended.

A material misstatement on any application shall be a ground for denial of a license.

B. The chief of police shall make a full and complete investigation of the applicant (including its officers and members, if any, whose names and addresses are shown upon the application), and such investigation shall include such back ground investigation and credit investigation as the chief of police deems appropriate. In addition to any other business license fee levied by the city, an application fee of twenty-five dollars shall be retained by the city for the payment of the costs of investigating the applicant.
C. The chief of police may deny any such application, if, after investigating the matter, he determines that it will be injurious to the public health, safety, welfare, or morals of the people of the city. An applicant may appeal to the city council after denial if such appeal is filed within ten days of the denial action. If no appeal is filed within the ten-day period, the denial of the permit shall be final and conclusive. (Ord. 212 § 3 (part), 1977)

5.52.050 License—Issuance Limitations

A. The number of licenses issued shall be two for the first three thousand residents in the city and thereafter one additional license for each one thousand five hundred residents of the city, as determined by the last federal census, or as determined by the latest population estimate of the Department of Finance of the state; except, that such limitations shall not apply to any license issued and in effect on December 21, 1977, providing that such license was actually being used on said date. Any cardroom license heretofore issued and in effect on December 21, 1977, which was not being used in connection with the active operation of a cardroom is revoked.

B. Whenever, according to the terms of this chapter, a cardroom license may be granted, it shall be granted or denied in the chronological order in which application therefore was made; all applications are subject to the other provisions of this chapter. The city clerk shall maintain a list showing in chronological order the applications presently on file with her. Such list shall expire on December 31st of each year and a new list shall be started for the following calendar year. Any person who had a position on the priority list for the preceding year may maintain such position by renewing the application for license and paying an additional sum of twenty-five dollars and verifying that all of the information contained in the original application is still true and correct. Such renewal application and payment shall be made on or before December 31st. (Ord. 212 § 4, 1977)

5.52.060 License - Fees - Bond

A. Every person, firm or corporation engaged in, possessing or conducting the business of maintaining a cardroom used by the public for the playing of cards and for the use of which a fee or compensation is charged players, in addition to obtaining the license required by Section 5.52.010, shall pay a license fee of five hundred dollars per calendar year payable in advance for the one card table in each cardroom and thereafter, in addition thereto, a fee of one hundred dollars for each additional card table for a total of seven hundred dollars for three tables. A license fee shall not be prorated in the event application is made for a license to cover an unexpired portion of the calendar year. A calendar year will be from January 1st to December 31st and all licenses shall expire on December 31st of the year for which such license was issued or renewed.

B. Each cardroom licensee shall post with the city a cash bond in the sum of one thousand dollars, or a surety bond in the same amount furnished by a corporate surety authorized to do business in the state, payable to the city. A corporate surety posting a bond for a licensee, as required by this section, must notify the city clerk in writing, ten days prior to any cancellations or discontinuance of the bond. The bond shall guarantee that the licensee shall redeem all chips, or any other device used in the card games, for cash, and the bond shall be kept in full force and effect by the licensee throughout the term of the license. No new cardroom license shall be issued until such bond has been posted. (Ord. 212 § 5 (part), 1977)
License—Nontransferability—Revocation

Licenses issued under this chapter shall not be transferable and any attempted transfer shall render the license in question invalid. For the purpose of this section, “transfer” includes any lease or sublease of the license. The licensee must be physically present in the cardroom for, and have an active participation in, the card games for at least fifty percent of the total hours played under such license during each and every calendar month. “Active participation”, for the purpose of this chapter, means managing, supervising, or dealing. If the person to whom the license is issued is not physically present, he shall be deemed to have transferred the license and it shall be revoked. He may have a right of appeal to the city council by written application therefore within a period of ten days after revocation. If no appeal is filed within the ten-day period, then the revocation of the license shall be final and conclusive. (Ord. 212 § 7 (part), 1977)

Employees—Permit Requirements

Every employee of any person, firm, or corporation licensed to operate a cardroom open to the public for playing cards where a fee or compensation is charged to players, whose employment involves maintaining or operating the cardroom, shall, prior to his or her employment, secure a permit from the chief of police of the city. The application for the permit shall be accompanied by fingerprinting of the applicant and shall contain all information deemed relevant by the chief of police. The application shall be accompanied by a fee of twenty dollars and shall be valid for one year unless revoked; all permits shall expire on June 30th of each year and shall not be prorated. The twenty-dollar fee shall not be returned in the event the application is refused, revoked or suspended. The chief of police shall not approve any application unless he is satisfied that the applicant is of good moral character. The action of the chief of police in denying an application shall be subject to an appeal to the city council; however, if such appeal is not filed with the city clerk within ten days after the denial, the action by the chief of police in denying the application shall be final and conclusive. (Ord. 212 § 11, 1977)

Sign Requirements

Notwithstanding any provisions to the contrary, the only sign permitted with respect to the operation of any cardroom shall be a single unlighted sign no larger than six square feet; such sign shall otherwise comply with all requirements set forth in this code. Nonconforming signs which were in place on December 21, 1977, may be left in place as long as the premises are used as a cardroom and properly licensed under the provisions of this chapter, after which any such nonconforming sign shall be removed or modified to conform to the provisions of this section. There shall be a right of appeal for a variance from the limitations in this section, but subject to the general provisions for signs contained in this code. (Ord. 212 § 2 (part), 1977)

Cardroom—Accessibility To Police

No card table, whereupon card games may be played, while used in games shall be kept behind any locked or barred door. The main entrance from the street or parking area to a cardroom in any premises for which a license is required under this chapter, shall at all times remain unlocked and unbarred while any game is being played upon such premises, and every such cardroom shall at all times, while any game is being played, be kept in
such condition as to be accessible for inspection by any police officer. No license for the
conduct of any card game shall be issued for any portion of any premises unless such
portion is readily accessible by police officers. (Ord. 212 § 12 (part), 1977)

5.52.110 Cardroom—Persons Under Twenty-One Years Prohibited

No proprietor or person having charge of any cardroom open to the public for playing
cards where a fee or compensation is charged to players, in the city, shall suffer or permit
any person under the age of twenty-one years to enter, be in, remain in, or visit such
establishment. (Ord. 212 § 10 (part), 1977)

5.52.120 Cardrooms—Regulations For Operation

All cardrooms shall be subject to the following conditions:

A. Only table stakes shall be permitted in any card game.

B. Only chips and no money shall be permitted in any card game.

C. There shall be a telephone in service at all times in every cardroom.

D. Cuts of pots, or rakeoffs will not exceed a maximum often percent or less of the total
pot at the end of each game or deal.

E. If a time rate is charged, cuts of pots or rakeoffs shall not be used.

F. No person who is in a state of intoxication shall be permitted in any cardroom.

G. There shall be posted in every cardroom a sign stating the name of the game played,
the rules of play, and any time charge or percentage of pot taken by the dealer.

H. No operator nor employee may use a “shill” in any card game unless a work permit is
obtained under Section 5.52.080 and a copy of same is posted in a conspicuous place on
the premises.

I. Cardrooms shall be located on the ground floor and arranged so that card tables and the
players shall be plainly visible from the front door opening when such door is opened. No
wall, partition, screen or similar structure between the front door opening on the street
and any card table located in the cardroom shall be permitted if it interferes with such
visibility.

J. The licensee or his agents or employees shall not:

1. Extend credit to a player;

2. Accept IOU’s or other notes;

3. Loan money to any person on any ring, watch or other article of personal property for
the purpose of securing tokens, chips, or other representatives of money;

4. Purchase from any person any such article of personal property if the purchase price is
to be used for the purpose of securing tokens, chips or other representatives of money to
be used in the cardroom,

K. Each card table shall have assigned to it a person whose duty shall be to supervise the
game to see to it that it is played in accordance with the terms of this chapter and the
provisions of the Penal Code of the state.
L. No operator, nor employee, nor any other person shall be permitted to solicit participants in any card game by any means indicating a thing of value will be received to participate in the game.

M. The license for the cardroom shall be prominently displayed at the card table, along with a copy of the ordinance codified in this chapter. (Ord. 212 § 6, 1977)

5.52.130 Permits—Revocation Or Suspension

Permits under this chapter may be suspended or revoked by the city council upon conviction for a violation of any of the provisions of this chapter or when, in the opinion of the city council, the continued operation of such place or establishment will be injurious to the public health, safety, welfare or morals of the people of the city. (Ord. 212 § 7 (part), 1977)

5.52.140 License—Revocation Or Suspension

The chief of police of the city shall have the right to cause to revoke or suspend any cardroom license or cardroom work permit issued under this chapter and to take possession of such licenses. Grounds for revocation or suspension of a license shall include the following:

A. The failure of the licensee to comply with the provisions of this chapter;

B. The giving of false or misleading information by the licensee in making application for a licensee in connection with an investigation conducted by the city;

C. The conviction of the licensee of a felony, theft, or any crime in which a weapon was used, or of moral turpitude

D. The keeping, permitting or maintaining, in conjunction with a licensed cardroom, of any disorderly house or place in which people abide or to which people resort, to the disturbance of the neighborhood, or in which people abide or to which people resort for purposes which are injurious to the public morals, health, or safety, including, but not limited to, activities such as prostitution, soliciting for prostitution, the selling or exchanging of stolen property, and the unlawful selling, furnishing, or using of narcotics and dangerous drugs;

E. Any cause for denying an original license application as set forth in this chapter. (Ord. 212 § 8 (part), 1977)

5.52.150 Appeal Procedure

The action of the chief of police in revoking or suspending a license shall be subject to an appeal to the city council. Notice of such appeal shall be filed with the city clerk within ten days after the revocation or suspension of the license. Upon failure to file such notice within the ten-day period, the action of the chief of police shall be final and conclusive. (Ord. 212 § 8(part), 1977)

5.52.160 Games Prohibited By State Law Not Permitted

The city council declares that it is not the intention of this chapter to permit the licensing of any cardroom for the playing of any game prohibited by the laws of the state,
including, but not limited to, those games enumerated in Section 330 of the Penal Code of the state, which section includes banking and percentage games. (Ord. 212 § 13, 1977)

5.52.170 Fraternal, Social, Or Religious Groups Exempted

A. The provisions of this chapter shall not apply to the cardrooms of recognized fraternal organizations operating under the charter from the head of such organizations, not open to the general public and whose membership is restricted to those persons regularly and formally elected to membership therein and paying regular dues to such organization, but such exceptions shall not extend to any organization operated and maintained principally for the purpose of conducting or permitting the conduct of card games.

B. The provisions of this chapter shall not apply to any occasional card game sponsored by any fraternal, religious or social group in an establishment which is not primarily used by the public for the playing of cards; no such license for such establishment shall be issued by the city clerk unless and until the applicant therefore has a valid permit in effect covering the specific location in question. (Ord. 212 § 5(part), 1977)

Chapter 5.56 - COMMUNITY ANTENNA TELEVISIONS SYSTEMS*

Section 1. Preamble

This ordinance provides policy direction governing award and operation of cable television franchises. Individual franchises may differ subject to their respective franchise agreements. This ordinance and individual franchise agreements are intended to complement each other and to be read together in a consistent manner. Where there is a direct inconsistency between the provisions of this ordinance and a franchise agreement, the provision of the franchise agreement shall prevail. To the extent that the public interest can be reasonably served, the Grantor intends to rely wherever possible on competitive factors and the marketplace to oversee cable franchises. However, the Grantor reserves all rights under federal and state law to regulate its cable franchises.

Section 2. Definitions

For the purpose of this ordinance, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense and the singular number and words in the singular number include the plural number:

(a) “City” shall mean the City of Live Oak, a municipal corporation of the State of California in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

(b) “City Council” shall mean the present governing body of the Grantor or any future board constituting the legislative body of the Grantor.

(c) “Community Television Authority, CTA and JPA” shall mean a Joint Powers Authority established in cooperation with other governmental agencies to jointly administer designated portions of this ordinance.
(d) “Chief Administrative Officer” shall mean the Grantor’s Manager, Administrator, or other designation of the Grantor’s Chief Executive Office, or any designee thereof.

(e) “Franchise” shall mean an initial authorization, or renewal thereof, issued by the Grantor which authorizes the construction or operation of a cable system. Any such authorization, in whatever form granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the City as required by other ordinances and laws of this City.

(f) “Grantee” shall mean the person, firm or corporation granted a franchise by the Grantor under this ordinance, and the lawful successor, transferee or assignee of said person, firm or corporation.

(g) “Grantor” shall mean the City.

(h) “Street” shall mean the surface, the air space above the surface and the area below the surface of any public street, other public right-of-way or public place, including public utility easements under control of the Grantor.

(i) “Property of Grantee” shall mean all property owned, installed or used in the jurisdiction by a Grantee in the conduct of a cable television system business in the jurisdiction under the authority of a franchise granted pursuant to this ordinance.

(j) “Subscriber” shall mean any person or entity who elects to subscribe to, for any purpose, a service provided by a Grantee by means of or in connection with the cable system, and who pays the charges therefore.

(k) “Cable television system” or “system,” also referred to as “cable communications system,” “CATV,” “CTV” or “cable system,” means a facility or facilities consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment, that is designed to provide cable service which includes video programming and which is provided to one or more subscribers within the franchise area, but such term does not include:

1. A facility that serves only to transmit television signals of one (1) or more television broadcast stations;

2. A facility that serves subscribers without using any public right-of-way;

3. A facility of a common carrier, except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers unless the extent of such use is solely to provide interactive on-demand services;

4. Any facilities of any electric utility used solely for operating its electric utility system; or

5. An “open video system” which complies with Section 653 of the Telecommunications Act of 1996

(l) “Gross Revenues” shall mean the gross revenues derived annually from the operation of the cable system to provide cable services.
“Basic cable services,” “basic services,” or “basic service tier” shall mean any service tier which includes the retransmission of local television broadcast signals.

Section 3. Franchise To Operate

(a) A non-exclusive franchise to construct, operate, and maintain a cable television system within the entire City may be granted by the City by ordinance, to any person, firm or corporation, whether operating under an existing franchise or not, who or which offers to furnish and provide such system under and pursuant to the terms and provisions of this ordinance.

A franchise granted under the provisions of this ordinance shall encompass the following purposes:

1. To engage in the business of providing cable television service, and such other services as may be permitted by law, including but not limited to data services, which Grantee chooses to provide to subscribers within the designated service area.

2. To erect, install, construct, repair, rebuild, reconstruct, replace, maintain, and retain, cable lines, related electronic equipment, supporting structures, appurtenances, and other property in connection with the operation of the cable system in, on, over, under, upon, along and across streets or other public places within the designated service area.

3. To maintain and operate said franchise properties for the origination, reception, transmission, amplification, and distribution of television and radio signals and for the delivery of cable services, and such other services as may be permitted by law, including but not limited to data services.

4. To set forth the obligations of a Grantee under the franchise.

(b) Grantor specifically reserves the right to grant, at any time, such additional franchises for a cable television system as it deems appropriate, subject to applicable state and federal law. Grantor may grant an additional franchise only after conducting a public hearing on the grant of the additional franchise(s).

Section 4. Public, Educational And Government Programming Service

(a) General Channel Requirement. Subject to the specific terms of a franchise agreement, including conditions under which one or more public, education and government (PEG) channels shall be activated for PEG use, there shall be a minimum of one channel dedicated for exclusive PEG use. The channel, in the sole discretion of the Grantor, or the Community Television Authority, may be utilized in any PEG combination and may be shared with other communities or designated for exclusive use within the Grantor’s jurisdiction.

(b) Subject to the specific terms of a franchise agreement and technical feasibility, upon 120 days written notice, Grantee shall provide the capability for its system to accept video and audio signals from up to two locations within the geographical boundaries of the Grantor and distribute them on the PEG channel(s) designated by the Grantor or the CTA. Grantee, at no charge to the Grantor or the CTA, shall be responsible for the facilities, maintenance, and operation necessary to transport the signals to its head end and through to subscribers. Not more frequently than once every three (3) years, the
Grantor or the CTA may change or re-designate the locations for video and audio signal acceptance.

Section 5. System Design Standards

Grantee shall construct, install, operate and maintain its system in a manner consistent with all applicable laws, ordinances, construction standards, governmental requirements and FCC technical standards. In addition, the Grantee shall provide to Grantor, upon request, a written report of the results of Grantee’s periodic proof of performance tests conducted pursuant to the FCC standards and guidelines.

Section 6. Subscriber Complaints

In addition to other service regulations adopted by the Grantor, and excepting circumstances beyond Grantee’s control, such as Acts of God, riots and civil disturbances, and in providing the foregoing services, the Grantee shall:

(a) Limit system failures to minimum time duration by locating and correcting malfunctioning promptly, but in no event longer than twenty-four (24) hours after occurrence, irrespective of holidays or other non-business hours.

(b) Upon a complaint by a subscriber, make a demonstration satisfactory to the Chief Administrative Officer that a signal is being delivered to the subscriber which is of sufficient strength and quality to meet the standards set forth in the regulations of the Federal Communications Commission.

(c) Render efficient service, making repairs promptly and interrupting services only for good cause and for the shortest time possible. Planned interruptions, insofar as possible, shall be preceded by notice given to subscribers no less than twenty-four (24) hours in advance and shall occur during period of minimum use of the system.

(d) Maintain an office in the City or at a location which subscribers may call without incurring added message or toll charges and which office shall be open during all the usual business hours, with its telephone listed in directories of the telephone company serving the Grantor, and be so operated that complaints and requests for repairs or adjustment may be received at any time, day or night, seven (7) days a week, or provide a local telephone directory listing and “toll free” telephone service maintained on a seven (7) day, twenty-four (24) hour basis for the receipt of consumer complaints.

(e) Maintain a written or electronic record, “Log” or written complaint file listing date of complaints, identifying the subscriber and describing the nature of the complaint, and when and what action was taken by Grantee in response thereto; said record shall be kept at Grantee’s local office, for a period of two (2) years from the date of complaint, and shall be available for inspection during regular business hours without further notice of demand, by the Chief Administrative Officer (or his designee).

(f) Within sixty (60) days of acceptance of the grant of a franchise, Grantee shall establish written procedures for receiving, acting upon and resolving subscriber complaints without intervention by the Grantor. The written procedures shall prescribe the manner in which a subscriber may submit a complaint either orally or in writing specifying the subscriber’s grounds for dissatisfaction. The procedures shall include a requirement that the Grantee respond to any written complaint from a subscriber within
thirty (30) days of its receipt. Grantee shall file a copy of these procedures with the Grantor. The Grantee shall provide to each subscriber upon commencement of the subscriber’s service and at least annually thereafter, a copy of the complaint procedure.

Section 7.  Subscriber Complaints; Failure To Remedy

In addition to any other penalty provisions in the franchise, if a subscriber files in writing with the Grantor a complaint for a service problem which is preventable and reasonably within the Grantee’s control, and if such Grantee fails within a reasonable period following receipt of written notice by the Grantor to remedy the problem, the Grantor may levy a penalty of up to Five Hundred and no/100ths Dollars ($500.00) for any occurrence or series of related occurrences, unless the Grantee has fewer than five thousand (5,000) subscribers (in the Grantor) in which case the penalty shall not exceed Two Hundred and no/100ths Dollars ($200.00). If the Grantee objects to the penalty in writing to the Grantor, within a reasonable period, the Grantee and Grantor may, upon mutual agreement, conduct arbitration in accordance with the rules of the American Arbitration Association. The decision of the arbitrator shall be final.

Section 8.  Government Services

(a) With respect to providing programming on the community programming channels and as set forth in a franchise agreement, the Grantor and the Grantee may agree that Grantee shall provide, at the request of the Chief Administrative Officer, use of the Grantee’s studio, equipment and technical services for production of live and video-taped municipal programs, subject to scheduling requirements of the Grantee.

(b) The Grantee shall provide all basic subscriber services and connections without cost, to all public and non-profit schools and community colleges within the Grantor, and to all buildings owned and/or controlled by the Grantor, including fire stations and police stations, used for public purposes and not (exclusively) for residential use. Such buildings may be designated by the Chief Administrative Officer from time to time; provided, however, that such buildings shall be located within the franchise area. Grantee shall install, without charge to Grantor or such public or private schools, up to two hundred fifty (250) feet of service connection from the transmission cable otherwise maintained or required to be maintained by Grantee for the service of paying subscribers of Grantee. The Grantor or any such public or private school shall pay to the Grantee the costs of all labor and materials supplied by Grantee for the installation of any service connection in excess of the initial two hundred fifty (250) feet.

Section 9.  Interconnection

Grantee’s system distribution plant shall be constructed such that the public service and local origination channels can be reasonably connectable with all adjoining present or future systems. The Grantor, the Grantee, and the CTA shall work both among themselves and with other political jurisdictions to encourage and facilitate the interconnection of this system with those of adjoining jurisdictions on a composite or exclusive basis. Grantee shall design the system to provide the ability to interconnect with other systems via either microwave and/or direct trunk transportation line extending from the system head-in or nearest hub to a point at the edge of the franchise area adjacent to each neighboring jurisdiction. The CTA is hereby authorized and encouraged
to devote a portion of its funding to programs which encourage and facilitate inter-jurisdictional programming.

Section 10. Uses Permitted

(a) Any franchise granted pursuant to the provisions of this ordinance shall authorize and permit the Grantee to engage in the business of operating and providing a CATV system in the Grantor’s jurisdiction, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any public street such poles, wires, cables, conductors, ducts, conduit, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and appurtenant to the CATV system; and in addition, so to use, operate and provide similar facilities or properties rented or leased from other persons, firms or corporations, including, but not limited to, any public utility or other Grantee franchised or permitted to do business in the jurisdiction.

(b) The granting of a franchise pursuant to this ordinance shall not be construed as permission or authority to enter on, occupy or otherwise use private property without the express consent of the owner or agency in possession thereof.

Section 11. Duration Of Franchise

No franchise granted under this ordinance shall be for a term longer than fifteen (15) years following the date of acceptance of such franchise by the Grantee or the renewal thereof unless the Grantor determines that it is in the public interest to grant a franchise with a term longer than fifteen (15) years.

Any franchise granted under this ordinance may be terminated prior to its date of expiration by the Grantor in the event that Grantor shall have found, after no less than thirty (30) days notice of any proposed termination and following a public hearing at which Grantee shall have the right to present testimony and cross examine witnesses, that:

(a) The Grantee has knowingly, and willingly failed to comply with any material provision of this ordinance or, by act or omission, has knowingly, and willingly violated any material term or condition of any franchise or permit issued hereunder; or

(b) The Grantor acquires the Cable System of the Grantee.

Section 12. Renewal

Any renewal of an existing franchise shall be in accordance with the requirements of federal law. An application for renewal shall be accompanied by a renewal application deposit in the amount of $7,500.00. The applicant shall pay the reasonable costs of the Grantor for the renewal application as set forth in the last paragraph of Section 30 (c).

Section 13. Franchise Payments

(a) Immediately upon execution of the franchise, the Grantee shall pay to the Grantor, quarterly within sixty (60) days of the end of each quarter, the sum of five percent (5%) of gross revenues as defined in Section 2, received for operations in the City for the preceding quarter. No other fee, charge or consideration shall be imposed except such
business license fees, construction, development and inspection, and permit fees as set by the Grantor and applicable to qualifying businesses and individuals in the community.

(b) The Grantee shall file with the Grantor, within ninety (90) days after the expiration of any calendar year or portion thereof during which this franchise is in force, either an audited financial statement prepared by an independent certified public accountant or certified by an officer of Grantee, certifying under penalty of perjury, and in a form satisfactory to the Grantor’s Financial Officer, showing in detail the gross annual receipts, as defined herein, of Grantee. The statement shall fully reconcile any and all discrepancies in the fees paid in the preceding twelve (12) months. The Statement shall be prepared in accordance with generally accepted accounting standards, Upon reasonable notice and during regular business hours, Grantor shall have the right to inspect the Grantee’s record, and make copies thereof, covering its gross subscriber revenues under the franchise and the right of audit and recomputation of any and all amounts payable under this ordinance; the cost of said audit shall be borne by Grantee when the same results in increasing by more than five (5%) percent the Grantee’s annual payment to the Grantor. No acceptance of any payments shall be construed as a release or as an accord in satisfaction of any claim the Grantor may have for further or additional sums payable under this ordinance or for the performance of any other obligation hereunder.

Section 14. Limitations Of Franchise

(a) Any franchise granted under this ordinance shall be non-exclusive,

(b) No privilege or exemption shall be granted or conferred by any franchise granted under this ordinance except those specifically prescribed herein.

(c) Any privilege claimed under any franchise by the Grantee in any street or other public property shall be subordinate to any prior lawful occupancy of the street or other public property.

(d) Transfer and Assignment.

1. Except as otherwise expressly provided herein, the rights granted under this franchise shall not be sold, transferred, assigned, leased, sublet or otherwise encumbered for any purpose whatsoever, nor shall title thereto, either legal or equitable or any right, interest or property therein, pass to or vest in any person without the prior written consent of the Grantor.

2. Notwithstanding the foregoing, the franchise may be transferred without Grantor’s consent to a wholly-owned subsidiary of Grantee which expressly agrees, in writing, to assume responsibility for the obligations under the franchise and to comply with all provisions of the franchise if, after completion of the transfer, the subsidiary of Grantee has an asset value equal to or greater than the existing Grantee. At least sixty (60) days prior to such transfer, Grantee shall notify Grantor in writing of the proposed transfer. The notice to Grantor shall describe the proposed transfer or assignment, the asset value of the proposed transferee or assignee and the corporate structure proposed upon completion of the transfer or assignment. Grantor may request additional information regarding the transfer and Grantee shall provide the additional information promptly upon receipt of the request. Grantee shall notify Grantor in writing, within ten (10) days
of the completion of the transfer or assignment, that the transaction has been completed and shall provide documentation of the transaction and the name and address of the chief executive officer of the new transferee or assignee.

3. The Grantee shall notify the Grantor of any actual or proposed change in, or transfer of, or acquisition by any other party of, control of the franchise. The word “control” as used herein is not limited to major stockholders but includes actual working control in whatever manner exercised amounting to or exceeding twenty-five percent (25%) ownership. For the purpose of determining whether it shall consent to such change, transfer, or acquisition of control, the Grantor shall, consistent with federal law, only consider the legal, financial and technical qualifications of the proposed transferee to operate the Cable System. The notice and request for approval of a transfer or change in control under this section shall be accompanied by a deposit in the amount of $5,000.00. The Grantee shall pay reasonable costs of Grantor incurred in reviewing and acting upon the transfer or change in control.

4. The consent or approval of the Grantor to any transfer of the franchise shall not constitute a waiver or release of the rights of the Grantor in and to the Streets, and any transfer shall by its terms, be expressly subordinate to the terms, provisions and conditions of this franchise.

5. In any absence of extraordinary circumstances, the Grantor will not approve any transfer or assignment of the franchise other than to a wholly owned subsidiary, prior to substantial completion of construction of the upgraded Cable System, unless the transferee expressly agrees to assume the responsibility for the completion of the rebuild as provided for in this franchise agreement. In no event shall a transfer of ownership or control be approved without the successor in interest becoming a signatory and obligor to this franchise agreement.

6. Time shall be of the essence of any franchise granted under this ordinance. The Grantee shall not be relieved of its obligation to comply promptly with any of the provisions of this ordinance or by any failure of the Grantor to enforce prompt compliance.

7. Any right or power in, or duty impressed upon, any officer, employee, department or board of the Grantor shall be subject to transfer by the Grantor to any other officer, employee, department or board of the Grantor with the exception of the power to fine and/or revoke Grantee’s franchise.

8. The Grantee shall have no recourse whatsoever against Grantor for any loss, cost, expense or damage arising out of any provision or requirement of this ordinance or of any franchise issued hereunder or because of its enforcement.

9. The Grantee shall be subject to all provisions, rules, regulations, and conditions prescribed by federal, state, City, county and local law heretofore or hereafter enacted or established during the term of any franchise granted under this ordinance.

10. Any franchise granted under this ordinance shall not relieve the Grantee of any obligation involved in obtaining pole or conduit space from any department of the Grantor, from any utility company, or from others maintaining poles or conduits in streets.
11. Any franchise granted under this ordinance shall be in lieu of any and all other rights, privileges, powers, immunities and authorities owned, possessed, controlled or exercisable by the Grantee, or any successor to any interest of the Grantee, of or pertaining to the construction, operation of maintenance of any CATV system in the Grantor’s jurisdiction; and the acceptance of any franchise granted under this ordinance shall operate, as between Grantee and the Grantor, as an abandonment of any and all such rights, privileges, powers, immunities and authorities within the Grantor’s jurisdiction, to the effect that, as between Grantee and the Grantor, any and all construction, operation and maintenance by any Grantee of any CATV system in the Grantor’s jurisdiction shall be, and shall be deemed and construed in all instances and respects to be, under and pursuant to said franchise, and not under or pursuant to any other right, privilege, power, immunity or authority whatsoever.

Section 15. Rights Reserved To The Grantor

(a) Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of Grantor to acquire the property of the Grantee, through the exercise of the right of eminent domain, at a fair market value, which if the franchise expires or is terminated in accordance with Section 11, shall not include any amount for the franchise itself or for any of the rights or privileges granted, and nothing herein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the Grantor’s right of eminent domain.

(b) There is hereby reserved to Grantor every right and power which is required to be herein reserved or provided by any ordinance of the Grantor, and the Grantee, by its acceptance of any franchise, agrees to be bound thereby and to comply with any action or requirements of Grantor in its exercise of such rights or power, heretofore or hereafter enacted or established.

(c) Neither the granting of any franchise under this ordinance nor any of the provisions contained herein shall be construed to prevent Grantor from granting any identical or similar franchise to any other person, firm or corporation within all or any portion of the Grantor.

(d) Grantor retains the power to amend any section or part of this ordinance so as to reasonably require additional bonding, insurance or greater standards of construction, operation, maintenance or otherwise on the part of the Grantee; provided, however, that any requirements in addition to those set forth at the time a franchise agreement was effective and applicable only to Grantees under this ordinance shall only be effective as to a particular Grantee upon renewal of that Grantee’s franchise or with the consent of the Grantee.

(e) Neither the granting of any franchise under this ordinance nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the Grantor.

(f) The Grantor may do all things which are necessary and convenient in the exercise of its jurisdiction under this ordinance and may determine any question of fact which may arise during the existence of any franchise granted under this ordinance. The Chief Administrative Officer is hereby authorized and empowered to adjust, settle, or
compromise any controversy or charge arising from the operations of the Grantee. Either the Grantee or any member of the public who may be dissatisfied with the decision of the Chief Administrative Officer may within ten (10) days of the decision appeal the matter to the City Council for hearing and determination. Except as otherwise herein expressly provided, the City Council may accept, reject or modify the decision of the Chief Administrative Officer, and the City Council may adjust, settle or compromise any controversy or cancel any charge arising from the operations of the Grantee or from any provision of this ordinance. The Chief Administrative Officer prior to rendering a decision may refer the matter to the CTA for advice. Nothing herein may be construed to restrict or otherwise interfere with any right of appeal available to Grantee under federal or state law.

(g) Any Grantee licensed under this ordinance is authorized to serve the Grantor’s entire geographic area now existing and any new territory annexed thereto in the future. Grantee must provide service to all residential dwellings requesting service, subject to Grantee’s line extension policy as approved by Grantor as part of the franchise agreement.

Section 16. Location Of The Property Of Grantee

(a) Any poles, wires, cable lines, conduits or other properties of the Grantee to be constructed or installed in streets, shall be so constructed or installed only at such locations and in such manner as shall be approved by the Public Works Director acting in the exercise of his reasonable discretion.

(b) The Grantee shall not install or erect any facilities or apparatus in or on other public property, places or rights-of-way, or within any privately owned area within the Grantor’s jurisdiction which has not yet become a public street on any tentative subdivision map approved by the Grantor, except those installed or erected upon public utility facilities now existing, without obtaining the prior written approval of the Public Works Director.

(c) The developer or property owner of new construction or development shall give sixty (60) days notice to Grantee of that new construction or development. Grantee agrees to participate in any joint trench coordinating committee established within the franchise area by Grantor for the purpose of participating in joint trench projects for the franchise area.

(d) Grantee may participate in joint trench opportunities where new development’s dwelling units, when occupied, will not meet the line extension policy approved in the franchise agreement, but Grantee shall participate where the new development’s dwelling units, when occupied, would meet the line extension policy approved in the franchise agreement. Grantee may be involved in all design aspects of the new construction or development that relate to the infrastructure required for cable service, including the provision of specifications and engineering assistance prior to construction. The costs of easements, trenching, and construction of the conduits required to bring cable service to the new construction or development will be borne by the Grantee, the developer, or the property owner, as may be agreed upon between them. Grantee will bear all costs of installing cable, amplifiers, and other equipment required to construct and operate the cable system.
Section 17.  Removal And Abandonment Of Property Of Grantee

(a) In the event that the use of any part of the CATV system is discontinued for any reason for a continuous period of six (6) months, or in the event such system or property has been installed in any street or public place without complying with the requirements of Grantee’s franchise or this ordinance, or the franchise has been terminated, canceled or has expired, the Grantee, upon being given sixty (60) days notice, shall promptly at no expense to the Grantor remove from the streets or public places all such property and poles of such system other than any which the Public Works Director may permit to be abandoned in place. In the event of such removal, the Grantee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the Public Works Director. Removal of abandoned property if not performed by Grantee, may be done by the Grantor and billed to the Grantee at Grantor’s option.

(b) Any property of the Grantee remaining in place thirty (30) days after the termination or expiration of the franchise shall be considered permanently abandoned. The Public Works Director may extend such time not to exceed an additional thirty (30) days.

(c) Any property of the Grantee to be abandoned in place shall be abandoned in such a manner as the Public Works Director shall prescribe. Subject to the provisions of any utility joint use attachment agreement, upon permanent abandonment of the property of the Grantee in place, the property shall become that of the Grantor and the Grantee shall submit to the Public Works Director an instrument in writing, to be approved by the City Attorney, transferring to the Grantor the ownership of such property.

(d) Any and all streets and public ways disturbed or damaged during the construction, operation, maintenance, or reconstruction of the system, shall be promptly restored by the Grantee, at its sole expense, to their original condition unless otherwise authorized in writing by Grantor.

Section 18.  Continuity Of Service

It shall be the right of all subscribers to receive all available services insofar as their financial and other obligations to the Grantee are honored. System interruptions or disruptions in excess of twenty-four (24) consecutive hours or for forty-eight (48) total hours during any month shall entitle subscriber(s) upon approval by Grantor in accordance with Section 15 to pro rata rebates for the disrupted period. In the event of a change of Grantee, the current Grantee shall cooperate with the Grantor to operate the system for a temporary period to maintain continuity of service to all subscribers.

Section 19.  Changes Required By Public Improvements

The Grantee, at its expense, shall protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place any property of the Grantee when required by the Public Works Director by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installations of sewers, drains, water pipes, power lines, signal lines, tracks or any other type of structures or improvements by public agencies; provided, however, that the Grantee in all cases shall have the privileges and be subject to the obligations to abandon any property of the Grantee in place, as provided in Section 17.
of this ordinance. If the Grantee protests any requirements of the Public Works Director, the matter shall be referred to the Chief Administrative Officer, whose decision shall be final and binding.

Nothing hereunder shall be deemed a taking of the property of Grantee and Grantee shall not be entitled to any surcharge or other compensation by reason of anything hereunder.

Section 20.  Failure To Perform Street Work

Upon failure of the Grantee to commence, pursue or complete any work required by law or by the provisions of this ordinance or by its franchise to be done in any street or other public place, within the time prescribed, and to the satisfaction of the Public Works Director. The Public Works Director, at his option, may cause such work to be done and the Grantee shall pay to the Grantor the cost thereof in the itemized amounts reported by the Public Works Director to the Grantee within thirty (30) days after receipt of such itemized report. Except for emergencies when, in Grantor’s judgment, there is a likelihood of serious risk of injury to the public, Grantor agrees to give Grantee written notice of no less than 30 days, of any alleged work failure and provide for a reasonable period to cure.

Section 21.  Faithful Performance Bond

(a) The Grantee, concurrently with the filing of an acceptance of award of any franchise granted under this ordinance, shall furnish to the Grantor and file with the Grantor’s Clerk, and at all times thereafter maintain in full force and effect for the term of such franchise or any renewal thereof, at Grantor’s sole cost and expense, a corporate surety bond issued by a company approved by the Grantor’s Finance Officer and in a form approved by the Grantor’s Attorney, in an amount to be determined by Grantor and established in the franchise agreement but not to exceed One Million and no/100ths Dollars ($1,000,000.00) renewable annually, and conditioned upon the faithful performance of the Grantee of all of the Grantee’s obligations under this ordinance and any franchise agreement, and upon the further condition that in the event Grantee shall fail to comply with any one or more of the material provisions of this ordinance or of any franchise issued to the Grantee under this ordinance, there shall be recoverable jointly and severally from the principal and surety of such bond any damages or loss suffered by the Grantor as result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the Grantee as prescribed hereby which may be in default, plus a reasonable allowance for attorneys’ fees and costs, up to the full amount of the bond; said condition to be a continuing obligation for the duration of such franchise and any renewal thereof and thereafter until the Grantee has liquidated all of its obligations with the Grantor that may have arisen from the acceptance of said franchise or renewal by the Grantee or from its exercise of any privilege therein granted. The bond shall provide that thirty (30) days prior written notice of intention not to renew, cancellation, or material change, to be given to the Grantor. At the end of the first two (2) years of the term of this franchise, the amount of the aforesaid corporation surety bond which the franchise holder shall maintain in full force and effect for the remainder of the term of the franchise shall be in an amount to be determined by Grantor but not to exceed Two Hundred and Fifty Thousand and no/100ths
Dollars ($250,000.00) but shall correspond in all other particulars to the bond required during the first two (2) years of the term as required hereinabove.

(b) Neither the provisions of this section, nor any bond accepted by the Grantor pursuant hereto, nor any damages recovered by the Grantor pursuant hereto, nor any damages recovered by the Grantor thereunder, shall be construed to excuse faithful performance by the Grantee or limit the liability of the Grantee under any franchise issued under this ordinance or for damages, either to the full amount of the bond or otherwise.

Section 22.  Customer Service And Reception Quality

(a) Customer Service. Grantor reserves the right to enforce the FCC customer service standards, as now codified at 47 C.R.R. § 76.309, or hereafter amended.

(b) Letter of Credit for Customer Service. Grantor may require the posting of a letter of credit to guarantee the quality of Grantee’s service to customers, subject to restrictions (if any) agreed upon between Grantor and Grantee in the franchise agreement. In no case shall Grantor require a letter of credit without affording Grantee a hearing to present its views on imposing such letter of credit,

(c) Reception Quality

1. The FCC Rules and Regulations, including Part 76, Subpart K (Technical Standards), and any amendments or supplements thereto, will apply to the Grantee’s operations to the extent permitted by applicable law.

2. The head-end of the cable system, satellite earth stations, and any hubs must be equipped with an emergency power system in order to maintain continuous power in the event of a local power outage. The standby emergency power system must be capable of providing emergency power for a minimum of three hours.

3. The cable system must be designed, installed, and operated so as to comply with the following general requirements:

   (a) Continuous 24-hour daily operation.

   (b) Avoid causing interference with the reception of off-the-air signals by non-subscribers.

   (c) Operate in a wide range of outdoor temperatures that typically occur within the franchise service area.

   (d) Assure that all subscribers will receive standard color and monochrome signals on the FCC-designated Class 1 channels without noticeable picture degradation or visible evidence of color distortion, or other forms of interference that may be attributable to deficiencies in the cable system.

Section 23.  Indemnification Of Grantor

(a) The Grantee, concurrently with the filing of an acceptance of award of any franchise granted under this ordinance shall indemnify and save harmless Grantor, its officers, boards, commissions, agents and employees from all claims, actions, suits, liability, loss expense or damages of every kind and description (including, without limitation, antitrust claims relating to the granting, operation or administration of a franchise if and when
available), and including investigation cost, court costs, and attorneys’ fees which may accrue to or be suffered or claimed by a person or persons arising out of the negligence, wrongful acts, errors or omissions of Grantee in the ownership, construction, repair, replacement, maintenance and operation of said cable television system and by reason of any license, copyright, property right or patent of any article or system used in the construction or use of said system.

(b) Grantee shall provide and maintain in full force and effect for the term of such franchise or any renewal thereof, at Grantee’s sole cost and expense, general comprehensive liability insurance coverage, automobile coverage and workers’ compensation in amounts and in forms established herein or in the franchise agreement and protecting Grantor, its officers, boards, commissions, agents against liability for loss or damage for bodily injury, personal injury, death and property damage, occasioned by the operations of Grantee under such franchise, with minimum liability limits of One Million and no/100ths Dollars ($1,000,000.00), for personal injury or death of any person and Five Hundred Thousand and no/100ths Dollars ($500,000.00), for damage to property resulting from any one occurrence. Workers’ compensation and employer’s liability insurance shall be maintained at the statutory limits.

(c) Proof of Insurance, Policies mentioned in the foregoing paragraph shall designate the Grantor, its officers, boards, commissions, agents and employees, as additional insured and shall contain a provision that a written notice of cancellation or reduction in the limits of coverage of said policy shall be delivered to the Grantor sixty (60) days in advance of the effective date thereof; if such insurance is provided by a policy which also covers Grantee or any other entity or person other than those above named, then such policy shall contain the standard cross-liability endorsement.

Section 24. Inspection Of Property And Records

There shall be kept in the Grantee’s office records which shall show the things hereafter set forth. The Grantee shall provide such information in such form as may be required by the Grantor for said records and provide copies thereof:

(a) The true and entire cost of construction of plant and facilities, of equipment, of maintenance and of the administration and operation thereof; the amount of stock issued, if any; the amount of cash paid in, the number and par value of shares, the amount and character of indebtedness, if any; the rate of taxes; the dividends declared; the character and amount of all fixed charges; the allowance, if any, for interest, for wear and tear and for depreciation; and all amounts and sources of income.

(b) The amount collected annually from subscribers within the Grantor’s jurisdiction and the character and extent of the services rendered therefore.

(c) The amount collected annually from other users of service and the character and extent of the service rendered therefore to them.

(d) The Grantee at all times shall make and keep full complete plans and records showing the exact location of all CATV system equipment installed or in use in streets and other public places in the Grantor.

(e) The Grantee shall file with the Public Works Director, on or before the last day in March of each year, a current map or set of maps drawn to a scale specified by the Public
Works Director, showing the location of all cable lines installed and in place in streets and other public places of the Grantor’s jurisdiction on base maps provided by the Grantor. The Grantee shall make available to Grantor upon request, as-built drawing and maps showing the location of all CATV system equipment installed and in place in the streets and other public places within the jurisdiction; however, such as-built drawings and maps shall not become the property of the Grantee and shall not be public record. Except in cases of emergency when Grantee shall make the as-built drawings and maps available immediately upon request, Grantee shall make the as-built drawings and maps available to Grantor within three (3) business days of the request.

The information required to be provided pursuant to this section, in addition to any further data which may be required by the Grantor, shall be furnished by the Grantee to the Grantor at the Grantee’s own cost and expense. The Grantor shall have the right to inspect any records, receive copies of all books, records, maps, construction plans, financial statements, and other like material which are kept by the Grantee on his premises at any time during normal business hours, and any Grantee record kept at another place shall, within ten (10) days of Grantor’s request, be made available at Grantee’s premises within the franchise area for Grantor’s inspection and/or copying.

Section 25. Operational Standards

(a) The performance of Grantee’s cable television system shall meet the technical standards as set forth in Section 76.605 or any such other Federal Communications Commission Rules or Regulations pertaining to operating standards, or any successor section of the Federal Communications Rules, as those standards may exist from time-to-time.

(b) Grantee shall conduct performance tests in accordance with the requirements of Section 76.601 or any successor section of the Federal Communications Commission’s Rules, as these requirements may apply or be extended from time-to-time.

Section 26. Emergency Use Of Facilities

(a) Grantee shall comply with all FCC rules and regulations relating to the national Emergency Alert System (EAS). In the event of any conflict between the federal EAS and these requirements, the federally mandated EAS shall have priority.

(b) Grantee shall provide the capability to enable Grantor’s public safety personnel and designated public officials to remotely activate the local component of the EAS so as to provide emergency information to subscribers residing in Grantor’s jurisdiction. This capability shall include the ability to interrupt and override the audio signals of all cable channels using remote coded access activation devices. Grantor acknowledges that subscribers in an adjoining jurisdictions commonly served by the cable system may receive any such emergency notifications.

(c) The equipment necessary to remotely activate the local component of the EAS shall be provided by Grantee at no expense to the Grantor.
Section 27. Regulation Of Rates And Service

Grantor retains the right, at any time during the term of any franchise granted hereunder, to institute regulation of rates and charges, as such regulation may be permitted or authorized under then current state or federal law.

Section 28. Modifications

If any party to a franchise agreement determines that there have been any modifications of the applicable provisions of the rules and regulations of the Federal Communications Commission or act of Congress which, in that party’s opinion, materially affects the terms of a franchise, that party may, in writing, request that the parties meet and confer to determine what, if any, modifications are required to be incorporated into the franchise to bring the franchise into compliance with the rules, regulation or act of Congress.

Section 29. Use Of Utility Poles And Facilities Agreement

When any portion of the CATV system is to be installed on public utility poles and facilities, certified copies of the agreements such joint use of poles and facilities shall be filed with the Grantor’s Clerk.

Section 30. Application For An Initial Franchise

(a) Application for an initial franchise hereunder shall be in writing, shall be accompanied by an application deposit in the amount of Fifteen Thousand and no/100ths Dollars ($15,000.00) non-refundable, and shall be filed with the Grantor’s Clerk for transmission to the Grantor and shall contain the following information:

1. The legal name and the structure of the entity or entities proposed to hold the franchise and the address of the applicant. If the applicant is a partnership, the application shall state the name and address of each partner. If the applicant is a corporation or limited liability company, the application shall state the names and addresses of its directors, main officers, major stockholders or members, and associates having ten percent (10%) or greater financial interest in the corporation, and the names and addresses of parent and subsidiary companies. In all cases, the application shall show the percentage of ownership.

2. A statement and description of the CATV system proposed to be constructed, installed, maintained, or operated by the applicant; the proposed location of such system and its various components; the manner in which the applicant proposes to construct, install, maintain or operate such system and operate any CATV equipment or facilities; a detailed description of the equipment or facilities proposed to be constructed, installed, maintained or operated therein; and the proposed specific location thereof.

3. A map specifically showing and delineating the proposed service area or areas within which applicant proposes to provide CATV services and for which a franchise is requested if said area is less than the entire Grantor,

4. A statement or schedule setting forth the number of channels and all of the television or radio stations proposed to be received, transmitted, conducted, relayed or otherwise conveyed over the CATV system, clearly stating those services included as “Basic Services.”
5. A statement or schedule in a form approved by the Chief Administrative Officer of proposed rates and charges to subscribers for installation and services, and a copy of the proposed service agreement between the Grantee and its subscribers shall accompany the application.

6. A copy of any contract, if existing, between the applicant and any public utility providing for the use of facilities of such public utility, such as poles, lines or conduits.

7. A statement setting forth all agreements and understandings, whether written, oral or implied, existing between the applicant and any person, firm or corporation with respect to the proposed franchise or the proposed CATV operation. If a franchise is granted to a person, firm, or corporation posing as a front or as the representative of another person, firm or corporation, and such information is not disclosed in the original application, such franchise shall be deemed void and of no force and effect whatsoever.

8. A current (within twelve (12) months) financial statement prepared by an independent certified public accountant, or person otherwise satisfactory to the Grantor showing applicant’s financial status and its financial ability to construct, install, operate and maintain proposed CATV system.

9. Such supplementary, additional or other information as the Grantor may demand at any time, and the applicant shall provide, and which the Grantor may deem reasonably necessary to determine whether the requested franchise should be granted.

(b) Upon consideration of any such application, the Grantor may refuse to grant the requested franchise or the Grantor, by resolution, may grant a franchise for a CATV system to any such applicant as may appear from said application to be in its opinion best qualified to render proper and efficient CATV service to the television viewers and subscribers in the Grantor. The Grantor’s decision in the matter shall be final. If favorably considered, the application submitted shall constitute and form a part of the franchise as granted. It is the intention of this ordinance that the franchise shall not be granted upon a cash auction bid, but that the Grantor shall consider those factors set forth in California Government Code Section 53066 in granting the franchise, including but not limited to the following:

1. Quality of service offered;
2. Rates to the subscriber;
3. Experience and financial responsibility of the applicant;
4. Applicant’s proposals for providing service to local schools and City installations;
5. Whether applicant has a contract with a public utility providing for use of facilities such as poles, lines or conduits of such public utility in the Grantor; and
6. Such other factors as the Grantor considers necessary in protecting the public interest.

(c) Any franchise granted under this ordinance shall include the following condition:
“The cable franchise granted under this Ordinance shall be used for the provision of cable services.”
Inclusion of the foregoing statement in any such franchise shall not be deemed to limit the authority of the Grantor to include any other reasonable condition, limitation, restriction or authorization which it may deem necessary to impose or include in connection with such franchise pursuant to the authority conferred by this ordinance.

The applicant for a franchise shall pay the reasonable costs of the Grantor incurred in the processing, reviewing and awarding of the franchise, including but not limited to staff costs, legal costs and consultant costs, if any. The applicant shall submit with its application a deposit, as set forth above, towards payment of these costs, and shall submit additional deposits if notified by Grantor that the prior deposits have been expended by the Grantor and that additional Grantor incurred costs are anticipated. The Grantor will not formally consider the application unless all requested deposits have been made prior to the time of the City’s consideration. All of Grantor’s costs shall be paid by the applicant prior to the franchise becoming effective. Should Grantor determine not to grant a franchise, applicant shall only be entitled to a refund of any deposit in excess of the costs incurred by Grantor in reviewing the application.

Section 31. Acceptance And Effective Date Of An Franchise

(a) No franchise granted under this ordinance shall become effective unless and until the resolution granting the franchise has become effective and, in addition, unless and until all things required in this section and Section 22, subsections (a) and (b), Section 23, subsections (a) and (b), and Sections 29 and 30 of this ordinance are done and completed, all of such things being hereby declared to be conditions precedent to the effectiveness of any such franchise granted under this ordinance. In the event any of such things are not done and completed in the time and manner required, the Grantor may declare the franchise null and void.

(b) Within thirty (30) days after the effective date of the resolution awarding a franchise, or within such extended period of time as the Grantor in its discretion may authorize the Grantee shall file with the City Clerk its written acceptance of the franchise together with the bond and insurance policies required by Section 22, subsections (a) and (b), and Section 23, subsections (a) and (b), of this ordinance, and this agreement to be bound by and to comply with to do all things required of him by the provisions of this ordinance and the franchise. Such acceptance and agreement shall be acknowledged by the Grantee before a notary public, and in form and content shall be satisfactory to and approved by the Grantor’s Attorney.

Section 32. Construction Schedule

(a) Within ninety (90) days after acceptance of this franchise, the Grantee shall file all necessary applications to receive permits and authorizations which are required in the conduct of its business including, but not limited to, any utility joint-use attachment agreements, microwave carrier licenses and any other permits, licenses, and authorizations to be granted by duly-constituted regulatory agencies having jurisdiction over the operation of the cable television system, or associated microwave transmission facilities. In connection therewith, copies of all petitions, applications and communications submitted by the Grantee to the Federal Communications Commission, Securities and Exchange Commission or any other federal, state or regulatory commission or agency having jurisdiction with respect to any matters affecting Grantee’s
cable television operations shall also be submitted simultaneously to a Chief Administrative Officer.

(b) Within two (2) years after the commencement of construction pursuant to subsection (b) of this section, unless the Grantor in its discretion designates a shorter time in the franchise, Grantee shall complete construction and installation of the entire cable television system and proceed to render service to all residents of the Grantor who desire cable television service.

(c) The Grantor may in its sole discretion levy a penalty not to exceed Five Hundred and no/100ths Dollars ($500.00) per day for each day the Grantee exceeds the construction and installation timetable pursuant to subsections (a) and (b) of this section.

Section 33. Line And Service Extensions; Tree Trimming

(a) Line Extensions. Within the franchise area, the Grantee shall extend its trunk and distribution system to serve subscribers requesting service where the density of potential subscribers to be inhabited households passed by such extension is equal to or greater than thirty (30) households per mile in areas passed by overhead cable or fifty (50) households per mile in areas passed by underground cable, provided that all such permission as may be required from the owner of the property is reasonably available, and that service to multiple dwelling units need be provided only on terms acceptable to Grantee and property owner. In new housing districts, areas with occupancy densities of occupied homes with densities of more than fifty (50) households per mile which are contiguous to the main trunk line of the cable system will be provided with access to service to the extent service is economically feasible and technically possible. In areas with less than thirty (30) households per mile aerial or fifty (50) households per mile underground, service shall be offered in conformance with Grantee’s service extension policies. Grantee shall not be required to extend its trunk and distribution system where the area is already served by another person franchised by the Grantor.

(b) Non-Standard Installation, A Grantee’s maximum standard length for a service drop shall be no more than one hundred twenty-five (125) aerial feet. For underground drops which require the cutting of pavement curbs, sidewalk, or similar surfaces, and for all drops greater than one hundred twenty-five (125) feet, Grantee may charge an installation fee equal to its cost of time and materials plus customary overhead.

(c) Tree Trimming. Grantee or its designees are authorized to trim trees on public property, at its own expense, as may be necessary to protect its wires, facilities, and cable equipment. Grantee, in order to maintain its facilities, including its overhead wires and cables or its underground conduits, may trim trees on public property. Except in cases of emergencies, at least twenty-four (24) hours prior to beginning any work that will affect any tree on public property or any street tree, Grantee shall notify Grantor’s Public Works Department and obtain permission from Grantor’s Public Works Department. Grantee shall not begin work until its plans and procedures have been approved by the Public Works Department. Grantee and Grantor may agree to other procedures different from those set forth herein or may agree to a blanket permit to expedite tree trimming.
Section 34. Community Television Authority

(a) Intent. At Grantor’s sole option, Grantor may provide that the public television and other community channels will be governed by Joint Powers Authority together with other governmental agencies, termed the Community Television Authority, such that these channels may be free of unlawful censorship, open to all residents and available for all lawful forms of public expression, community information, and debate on public issues.

(b) Functions of the Community Television Authority. If formed, the Community Television Authority shall have the following functions:

1. Responsibility for program production, for management of public access channels, the community channels, and all other channels as may in the future be designated for community based programming;

2. To assure that the public access and community channels are made available to all residents of the Grantor on a non-discriminatory basis;

3. To assure that no unlawful censorship or control over program content exists, except as necessary to comply with FCC regulations or to prohibit material that is obscene, or constitutes a lottery;

4. To devise, establish, and administer all rules, regulations, and procedures pertaining to the use and scheduling of the public television and community channels;

5. To prepare, in conjunction with the Grantee, such regular or special reports as may be required or desirable by Grantor;

6. To hire and supervise staff;

7. To make all purchase of materials and equipment that may be required;

8. To develop additional sources of funding to further community programming, and receive, administer, and expend such funds; and

9. To perform such other functions relevant to the public and community channel(s) as may be appropriate.

(c) Establishment of the CTA. The initial Board of Directors of a CTA shall be determined by parties to the JPA.

(d) Funding for the CTA. It is the intent of the Grantor that the CTA obtain funding from the franchise fee, imposed pursuant to Section 13 of this ordinance.

(e) Grantee support for the CTA. The Grantee shall provide ongoing cooperation with and support to the CTA, with the detailed requirements to be specified in the franchise. As a minimum, the following shall be provided:

1. The Grantee shall provide a high quality studio facility for the use of the CTA as specified in this ordinance and the franchise agreement.

2. The Grantee shall provide operational and technical personnel to support the CTA in its cable casting activities, with the minimum level of support as specified in this ordinance and in the franchise.
3. If the CTA is formed, the Grantor, together with the other members of the CTA, shall determine the level of monetary support that shall be provided to fund the CTA and its operations.

(f) CTA reports. The CTA shall provide a report to the Grantor at least annually, indicating CTA achievements in community-based programming and services in the form and detail specified by the Grantor. The CTA also shall provide a special report to the Grantor each time the Grantee increases its rates indicating the level and quality of Grantee’s support to the CTA since any previous rate increase was implemented.

(g) Public access rules. Within one hundred twenty (120) days after the creation of a CTA, the Board of Directors shall complete a set of rules for the use of the public television and community channels which shall be promptly forwarded to the Grantor. The rules shall be prepared in cooperation with the Grantee, and confirmed by a contractual agreement between the CTA and the Grantee. The rules shall, at a minimum, provide for:

1. Access on a non-discriminatory basis for all residents of the franchise area;
2. Prohibition of any presentation of lottery information, or obscene or indecent material;
3. Public inspection of a log of producers, which shall be retained by the Grantee for a period of two (2) years;
4. Procedures by which individuals or groups who violate any rule may be prevented from further access to the channel; and
5. Free use of such reasonable amounts of channel time, cablecasting facilities, and technical support as are provided in the agreement between CTA and the Grantee.

Section 35. Cable Casting Facilities

The franchise agreement may provide for the use of Grantee’s cable casting facilities by Grantor. The agreement may also provide that Grantee will provide cable casting facilities to Grantor for use in providing programming for the PEG channel(s).

Section 36. Subscriber Protection

(a) Discriminatory practices prohibited. The Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, programmers, or others on the basis of race, color, religion, national origin, sex, or age. The Grantee shall strictly adhere to the equal employment opportunity requirements of federal, state, or local governments and shall comply with all applicable laws and executive and administrative orders relating to non-discrimination.

(b) Privacy. The Grantee shall maintain constant vigilance with regard to possible abuses of the privacy or constitutional rights of any subscriber, programmer, or citizen resulting from any device, signal, or service associated with the system. The Grantee shall not utilize any capability of the system for acquisition of information not a normal part of a Grantor-approved service.

(c) Permission of the property owner required. No equipment owned by the Grantee shall be installed by the Grantee without first securing the written permission of the owner of
any premises involved. If such permission is later revoked, the Grantee upon request of owner shall remove forthwith any of its equipment which is both visible and movable.

(d) Sale of subscriber lists. Grantor shall comply with all requirements of state and federal laws in the sale of subscriber lists, including but not limited to the requirements to delete a subscriber from the lists sold upon the subscriber’s request.

(e) Unlawful monitoring and tapping prohibited. Neither the Grantee, nor any other person, agency, or entity, shall unlawfully tap, or arrange for the tapping, of any cable, line, signal device, signal or subscriber outlet or receiver for any purpose whatsoever, except to monitor compliance with FCC standards and for the purpose of determining any unlawful act in violation of Section 41 of this ordinance or any state or federal law, regulation, or court order. Monitoring and tapping shall not include the receipt and/or processing of signals and/or information as a normal and necessary aspect or requirement of a service approved by Grantor.

Section 37. Service Standards

(a) Information to the public. It is the Grantor’s policy that the public shall have access to accurate and current information on presently and potentially available cable services. Grantee shall make an effective effort to provide such information utilizing both its system and other media.

(b) Services to be provided. A franchised system shall provide, as a minimum, the services listed in the franchise agreement.

(c) Changes in services. Grantee shall inform Grantor at least thirty (30) days in advance of making any substantial change in service. Upon request, Grantee will confer with Grantor’s representative before taking any such action, and shall give due consideration to any recommendations Grantor may make, either in response to Grantee’s statement of intention, or on Grantor’s own initiative.

(d) Non-discrimination. All services shall be available to all subscribers who are willing to pay the charges at the rates established. Except as provided in federal law, Grantee shall not discriminate between subscribers within one type or class in the availability of services at either standard or differential rates according to published and Grantor approved rate schedules. No charges may be made for services except as listed in published schedules which are available to inspection by anyone at Grantee’s office, quoted by Grantee on the telephone, and displayed or communicated to all potential subscribers prior to their signing a written order for service.

(e) Refunds When a subscriber voluntarily discontinues service, Grantee shall refund the unused portion of any advance payments in excess of Two and no/100ths Dollars ($2.00) after deducting any charges currently due, Unused payment portions shall be the percentage of time for which subscriber has paid for service and will not receive it because of his discontinuation of service.

(f) Service orders. Prior to any installation or delivery of services, all subscribers shall sign and deliver to Grantee a written order for service. Said order shall describe in detail all charges for installation and services, the method of payment and schedule of payment, and any grace periods, late charges, or any other information which will affect the total amount subscriber is to be charged.
(g) Complaint advice. Grantee shall advise each subscriber as may be set forth in the franchise that the Grantor’s representative is the official to whom complaints of poor service should be made if such complaints of poor service are not resolved by Grantee to the satisfaction of each subscriber.

(h) Payment schedules. Grantee may, at its option, charge subscribers for service and installation no more than two (2) months in advance. Billing periods shall not exceed two (2) months. Bills may be due and payable upon mailing and shall not be delinquent sooner than twenty (20) days after mailing. Grantee may offer subscribers various prepayment schemes at discounts not to exceed reasonable interest on the subscriber’s money for the period of prepayment.

(i) Disconnect for cause. Grantee may disconnect a subscriber only for cause, which shall be limited to:

1. Payment delinquency in excess of fifteen (15) days;
2. Willful damage to or misappropriation of Grantee property;
3. Refusal, for more than ten (10) days, to admit Grantee to the subscriber’s premises to service Grantee’s equipment; and
4. Theft of service, or monitoring, tapping, or tampering with Grantee’s system, signals, or services.

(j) Reconnection. Grantee shall, upon subscriber’s written request, reconnect service which has been disconnected for payment delinquency when payment has removed the delinquency. A published standard charge may be made for reconnection. Grantee shall not be required to make more than three (3) reconnections for the same subscriber if the disconnections involved were caused by payment delinquency within the past twelve (12) months.

(k) Installations.

1. Subject only to any limitations in its franchise, Grantee shall promptly provide and maintain service to all structures in the service area upon request of the lawful occupant or owner.
2. Grantee shall advise each subscriber that he has the right to require his installation be done over any route on his property, to any location within any building thereon, and in any manner he may elect, which is technically and practically feasible, consistent with Grantee’s standard practices. Grantee may, if he so elects, require that any such request be made in writing.

Section 38. Equal Opportunity Employment

In carrying out the construction, maintenance, and operation of the cable television system, the Grantee shall not discriminate against any employee or applicant for employment because of race, creed, color, sex, or national origin.

The Grantee shall ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates
of pay or other forms of compensation, and selection for training, including apprenticeship.

The Grantee shall post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this nondiscrimination clause. The Grantee shall, in all solicitations or advertisements for employees placed by or on behalf of the Grantee, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.


(a) When not otherwise prescribed herein, all matters herein required to be filed with the Grantor shall be filed with the City Clerk.

(b) No person, firm or corporation in the existing service area of the Grantee shall be arbitrarily refused service; provided, however, that the Grantee shall not be required to provide service to any subscriber who does not pay the applicable connection fee or monthly service charge, except as otherwise provided in this ordinance.

Section 40. Violations

(a) From and after the effective date of this ordinance, it shall be unlawful for any person to construct, install or maintain within any public street in the Grantor’s jurisdiction, or within any other public street in the Grantor’s jurisdiction, or within any other public property of the Grantor, or within any privately-owned area within the Grantor which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the Grantor, any equipment or facilities for distributing any television signals through a cable television system, unless a franchise authorizing such use of such street or property or area has first been obtained pursuant to the provisions of this ordinance, and unless such franchise is in full force and effect.

(b) It shall be unlawful for any person, firm or corporation to make or use any unauthorized connection whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised cable television system within this Grantor for the purpose of enabling himself or others to receive or use any television signal, radio signal, picture, program or sound, without payment to the owner of said system.

(c) It shall be unlawful for any person, without the consent of the Grantee, to willfully tamper with, remove or injure any cables, wires, or equipment used for distribution of television signals, radio signals, pictures, programs or sound.

Section 41. Violations: Penalties

Any person violating any of the provisions of Section 40 of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred and no/100ths Dollars ($500.00) or be imprisoned in jail for a period not to exceed six (6) months or be both fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
Section 42. Severability
If any material section or provision of this ordinance relating to rates, system design, public access, the Community Television Authority (CTA), line-extension, service mix or levels, amendment, franchise fees, definition of basic service, duration of franchise, inner-activity of system, and studio and other production facilities, or franchise awarded under it, is held to be invalid or unenforceable by a court of competent jurisdiction, Grantor shall thereupon make a determination of the effect upon the public interest caused thereby.

Section 43. Waiver
Grantor may, upon the affirmative vote of not less than a majority of the Grantor, grant a written waiver of any provision of this ordinance; provided, however, that the Grantor first shall find that the intent and purpose of this ordinance will be met with the granting of any such waiver. Upon granting of a waiver of the provisions of this ordinance, the Grantor may approve substitute or alternative requirements in any franchise agreement necessary to satisfy the intent and purpose of this ordinance.

Chapter 5.60 - GARAGE SALES

Sections:

5.60.010 Definition
“Garage sale” means the casual or occasional sale of miscellaneous household goods, furniture, equipment, tools, clothing, or the like, on the premises of a family dwelling residence. (Ord. 187 § 1, 1975)

5.60.020 Garage Sales
Any person shall be allowed to conduct a maximum of six (6) garage sales per year at a maximum of forty-eight hours per sale. The first two (2) sales will have a no fee license issued and the remaining four (4) sales will be issued a license for a fee of $12.00. Once the forty-eight hours has expired all evidence of the garage sale shall be removed from the sale site, failure to remove all evidence from the sale site may subject the property owner to a code enforcement action by the City. (Ord. 408 § 1, 1994; Ord. 187 § 2, 1975; Ord. 515 §1, 2008, Ord. 520 §1, 2009)

5.60.030 Penalty For Failure to Obtain License
Any person who conducts a garage sale without obtaining a license as required by Section 5.60.020 shall be guilty of an infraction, punishable by a fine in the amount of $55.00 (in addition to the no fee or fee license required by Section 5.60.020). (Ord. 408 § 2, 1994; Ord. 515 §1, 2008, Ord. 520 §1, 2009)
TITLE 6 - ANIMALS*

Chapters:

6.04 License Tax on Dogs and Regulations Pertaining to Dogs and Other Animals
6.12 Killing Animals
6.16 Keeping of Dangerous Animals
6.18 Keeping Bees in Residential Areas

* For statutory provisions authorizing cities to impose a license fee on dogs, see Gov. Code § 38792; for provisions on rabies control, see Health and Safety Code § 1900 et seq.; for provisions on estrays within cities, see Food and Agric. Code § 17003.
Chapter 6.04 - REGULATIONS PERTAINING TO DOGS AND OTHER ANIMALS

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6.04.400 Muzzling

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6.04.500 Duty of Animal Control Services to Seize and Impound Strays
6.04.510 Entering Upon Premises
6.04.520 Stray Dogs-Running At Large Unlawful
6.04.530 Sale, Gift, or Destruction of Dogs
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6.04.780  Exemptions to Chapter Applicability
6.04.790  Permit - Application - Period of Validity
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ARTICLE ONE

GENERAL

6.04.010 Purpose

The purpose of this Chapter is to provide for the health, safety, and general welfare of the citizens of the City of Live Oak through disease control of animals as a public nuisance.

6.04.020 Authority

(a) Authority for this Chapter derives from applicable sections of the following California Codes: Business and Professions Code, California Code of Regulations, Civil Code, Fish. & Game Code, Food and Agricultural Code, Government Code, Health and Safety Code and the Penal Code.

(b) The City Council hereby appoints the Community Services Director of Sutter County who, under its direction, will oversee the administration of the provisions of this Chapter and all applicable statutes of the State of California. and shall thereupon have charge of the public animal shelter established in Sec. 6.04.070. The Community Services Director shall employ Animal Control Officers as needed to carry out the provisions of this Chapter, which shall constitute Animal Control Services.

6.04.030 Authority As Peace Officers

Animal Control Officers are not peace officers but may exercise the powers of arrest of a peace officer as specified in Penal Code Section 836 and the power to serve warrants as specified in Penal Code Sections 1523 and 1530 during the course of, and within the scope of their employment, after completing a course in the exercise of those powers pursuant to Penal Code Section 832.

6.04.040 Uniforms And Badges

(a) Animal Control Officers employed in Animal Control Services while engaged in the execution of their duties, shall each wear a uniform as determined by the Community Services Director.

(b) Animal Control Officers employed in Animal Control Services, while engaged in the execution of their duties, shall each wear in plain view a badge having the words, “Animal Control Officer” engraved thereon. No person who is not a duly appointed and qualified Animal Control Officer shall represent himself or herself to be, or shall attempt to act as an Animal Control Officer.

6.04.050 Enforcement
It shall be the duty of the Community Services Director to enforce the provisions of this Chapter, and it shall be the duty of every City officer to cooperate with employees of the Community Services Department in the enforcement of their duties related to this Chapter.

6.04.060 Duty Of General Public

It shall be unlawful for any person to resist, hinder, molest, or obstruct any duly authorized representative of the Community Services Director in the performance of his or her duty as provided in this Chapter.

6.04.070 Establishment Of Public Animal Shelter

A public animal shelter is hereby provided and the same, and any branches thereof, shall be located, and established at such places in the County of Sutter as shall be fixed from time to time by the City Council.

6.04.080 Delivery To Animal Control Services

Every person taking up any animal under the provisions of this Chapter and every person finding any lost, strayed or stolen animal shall, within 24 hours thereafter, give notice thereof to Animal Control Services.

Any person into whose custody such animal may in the meantime be placed, shall be required to either:

(a) deliver such animal to Animal Control Services without fee or charge, or

(b) deliver such animal to a society for the prevention of cruelty to animal’s shelter, humane society shelter, or rescue group approved by, and registered with, the Community Services Department.

6.04.090 Care Of Animals By Animal Control Services

Animal Control Services shall provide all animals in their custody with necessary and prompt veterinary care, nutrition, and shelter, and treat them humanely.

6.04.100 Diseased Animals To Be Destroyed

Every animal taken, into custody by Animal Control Services, which by reason of age, injury, disease or other good cause, should be destroyed, or which is dangerous to keep impounded, shall be forthwith destroyed by Animal Control Services in a humane manner.

6.04.110 Penalty For Violation
Any person who violates or causes the violation of any provision of this Chapter is guilty of a misdemeanor and, upon conviction, shall be punished by a fine up to the maximum amount allowed for a misdemeanor by Penal Code Section 19, or by imprisonment in the Sutter County Jail for a period of up to the maximum period allowed for a misdemeanor by Penal Code Section 19, or by both such fine and imprisonment. At the discretion of the District Attorney, any case which, in his opinion may not result in imprisonment or probation may be prosecuted as an infraction.

6.04.120 Animal Control Policies And Procedures

Animal Control Services shall maintain a manual of policies and procedures implementing this code and any other applicable Ordinances duly adopted by the City of Live Oak. The manual of policies and procedures shall detail the records to be kept and the manner in which they are to be kept.

6.04.130 Deposit Of Funds

Animal Control Services shall deposit all fees and all fines collected under the provisions of this Chapter with the Suffer County Treasurer in a timely manner.

6.04.140 Definitions

(a) “Assistance dogs” are dogs specially trained as guide dogs, signal dogs, or service dogs.

(b) “Nuisance” is anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by a community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin or any public park, square, street, or highway.

(c) “Potentially dangerous dog” shall have the same definition as contained in Section 31602 of the Food and Agricultural Code.

(d) “Quarantine” as used in this section, means the strict confinement, upon the private premises of the owner, under restraint by leash, closed, cage, or paddock, of all animals specified in the order for quarantine.

(e) “Rabies” as used in this chapter, includes rabies, and any other animal disease dangerous to human beings that may be declared by the State of California Health Department as coming under Health and Safety Code.

(f) “Rat proofing” shall consist of adequately covering or sealing all holes or means of ingress to such premises by which rats can enter in and upon such premises, save and except properly conducted, constructed and protected doors, windows, and
ventilating shafts. With regard to open land, rat proofing shall consist of eliminating the harborage of the rat population. All costs of eliminating rats and rat proofing shall be borne by the person owning or in lawful possession of the premises rat proofed or from which rats are to be eliminated.

(g) “Vicious dog” shall have the same definition as contained in Section 31603 of the Food and Agricultural Code.

### 6.04.150 Severability

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

## ARTICLE TWO: RABIES

### 6.04.200 Duty To Report

(a) It shall be the duty of any person having knowledge of the whereabouts of an animal showing symptoms of rabies or acting in a manner which would lead to a reasonable suspicion that it may have rabies, to report that fact immediately to the Health Officer, the Environmental Health Division of Sutter County, or Animal Control Services with full information about the animal.

(b) It shall be the duty of any person having knowledge of any person or animal that has been bitten by a rabid or suspected rabid animal, to report the incident immediately to the Health Officer, the Environmental Health Division, or Animal Control Services with full information about the incident.

(c) When either the Environmental Health Division, or Animal Control Services is notified pursuant to paragraphs (a) or (b) of this section, the information shall be reported immediately to the Health Officer and thereafter any directions from the Health Officer regarding the control of disease or other quarantine of any animals, or any other directions shall be carried out by Animal Control Services.

### 6.04.210 Rabies Investigation

(a) When rabies are suspected the Health Officer shall make or cause an inspection or examination of such animal to be made by a licensed veterinarian until the existence or non-existence of rabies in such animal is established by such veterinarian. Such animal shall be kept isolated in a shelter, veterinary hospital, or other adequate facility in a manner approved by the Health Officer, and shall not be killed or released for at least ten (10) days after the onset of symptoms suggestive of rabies, after which time such animal may be released by the Health Officer.
Upon presentation of proper credentials, duly authorized representatives of the Health Officer or Community Services Director, or any peace officer, may enter at reasonable times upon any premises where any dog or other animal is kept, or believed by him to be kept, for the purposes of taking up, seizing, or impounding any dog or other animal, for the purposes of ascertaining whether such dog or other animal is afflicted or infected with rabies or other contagious disease.

**6.04.220 Rabies Quarantine**

If rabies is known to exist within an area, the Health Officer may establish a rabies quarantine and shall define the boundaries of the quarantine area and specify the animals subject to quarantine, and all such animals within the quarantined area shall be kept in strict confinement upon the private premises of the owner, keeper, or harborer at all times until the quarantine is terminated by the Health Officer.

**6.04.230 Failure To Quarantine Or Produce Animal**

No person shall violate, after notice, any order of the Health Officer concerning the isolation or quarantine of an animal, or species subject to rabies, that has bitten or otherwise exposed a person to rabies; nor, after such order, fail to produce such animal upon demand of the Health Officer of his duly authorized representative.

**6.04.240 Isolation Of Rabid Animals Or Clinically Suspected Rabid Animals**

Any rabid animal, clinically suspected rabid animal, or biting animal shall be isolated in strict confinement as follows:

(a) In the Sutter County Animal Shelter, a veterinary hospital, or other adequate facility, under proper care and under the observation of a licensed veterinarian, in a manner approved by the Health Officer, and shall not be killed or released for at least ten (10) days after the onset of symptoms suggestive of rabies.

(b) At the discretion of the Health Officer, in a place and manner approved by the Health Officer and observed for at least fourteen (14) days (or 10 days for dogs and cats) after the day of infliction of the bite. As an alternative to the 10-day isolation of dogs and cats, dogs or cats which have been isolated in strict confinement in a veterinary hospital or other adequate facility, in a manner approved by the Health Officer, under proper care and under observation of a licensed veterinarian maybe released from isolation by the Health Officer after five (5) days of veterinary observation if upon conducting a thorough physical examination on the fifth day or more after the infliction of the bite, the observing veterinarian certifies that there are no clinical signs or symptoms of any disease. Notwithstanding the foregoing provisions, the Health Officer may authorize, with the permission of the owner and other legal requirements permitting, the euthanasia of a biting animal for the purpose of laboratory examination for rabies using the fluorescent rabies antibody (FRA) test in an approved public health laboratory.
6.04.250 Isolation Of Animals Bitten By A Known Rabid Or Suspected Rabid Animal

Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal, or has been in intimate contact with a rabid or suspected rabid animal shall be quarantined in a place or manner approved by the Health Officer, for a period of six (6) months, or destroyed after ten (10) days from the onset of symptoms, with the exception that the following alternatives are permitted in the case of dogs and cats:

(a) If a dog over one year of age has been vaccinated against rabies within 36 months but not less than 30 days with a rabies vaccine of a type approved by the State Department of Health Services for a maximum immunity duration of at least 36 months, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the Health Officer for a period of 30 days following revaccination.

(b) If a dog under one year of age has been vaccinated against rabies within 1.2 months but not less than 30 days with a rabies vaccine of a type approved by the State Department of Health Services, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and a manner approved by the Health Officer for a period of 30 days.

6.04.260 Rabies Vaccination Required

It shall be unlawful for any person owning, harboring, or having the care, custody, or possession of any dog to keep or maintain such dog in any place in the City of Live Oak, unless such dog has been vaccinated as provided herein.

(a) The vaccination of dogs four (4) months of age or older is required and shall be held a requisite to licensing. Completion of the licensing procedure consists of issuance of a license tag bearing the license data and shall be carried out only after presentation of a current valid official vaccination certificate. Vaccination certificates shall show all of the following:

(1) the name, address and telephone number of the dog’s owner or custodian;
(2) the description of the dog, including breed, color, age and sex;
(3) the date of immunization;
(4) the expiration date of the vaccination;
(5) the type of rabies vaccine administered;
(6) the name of the manufacturer; and the number of the vaccine used.

Vaccination certificates shall bear the signature of the veterinarian administering the vaccine or a signature authorized by him, and in addition such certificate shall be legibly stamped, printed, or typed with his name, address and telephone number, with the
exception that at dog vaccination clinics conducted pursuant to State of California Health and Safety Code Section 1920(f), vaccination certificates approved by the Health Officer may be used provided that the specific clinic is identified upon the vaccination certificate and records are maintained containing the information specified under (5) and (6) above.

(c) Every duly licensed veterinarian, after vaccinating any dog, shall immediately present the original certificate to the owner or harborer of the dog, and shall deliver the duplicate copy of the certificate to Animal Control Services, and shall retain the triplicate copy thereof.

(d) No person who owns or harbors any dog shall fail or refuse to exhibit the certificate required by this section upon demand of any person charged with its enforcement.

6.04.270 Revaccination Intervals

Dogs shall be considered to be properly vaccinated when injected at four (4) months of age or older with an approved canine rabies vaccine and revaccinated in accordance with the following conditions:

(a) Primary Vaccination. Primary vaccination shall be defined as the initial inoculation of an approved canine rabies vaccine administered, to young dogs between the ages of 4 to 12 months.

(b) Revaccination. Dogs shall be revaccinated one year (12 months) after the primary vaccination with an approved type of rabies vaccine. Dogs receiving vaccination after primary vaccination or any dog receiving its initial rabies vaccination over 12 months of age shall be revaccinated thereafter at least once every three years (36 months) with an approved type of rabies vaccine.

6.04.280 Laboratory Examination Of Rabid Animals, Clinically Suspected Rabid Animals Or Biting Animals Which Die Or Have Been Killed

If any rabid animal, clinically suspected rabid animal or biting animal dies or has been killed, adequate brain specimens shall be obtained and examined in a public health laboratory approved by the State Department of Health. No person shall destroy or allow to be destroyed the brain of an animal of a species subject to rabies that has bitten or otherwise exposed a person before the destruction of such brain has been authorized by the Health Officer.

6.04.290 Dog Licenses Required

(a) Except as provided in Section 6.04.370, any person who owns, harbors, keeps, or controls any dog over the age of four (4) months shall obtain a dog license from the City of Live Oak. The license shall be obtained not later than either thirty (30) days after the dog attains the age of four (4) months or thirty (30) days after the dog is first brought into
the City of Live Oak. Dog licenses may be issued for a term of one, two, or three years at the option of the owner, subject to compliance with Sections 6.04.260 and Sec. 6.04.270.

(b) Animal Control Services shall not license any dog until it has been vaccinated with a State-approved vaccine, by injection or other method approved by the Health Officer, and the owner or person in possession of said dog submits a certificate of vaccination for such dog. In no instance shall a dog license be issued for a period beyond the date upon which revaccination expires.

6.04.300 Dog License Fees

License fees shall be established by the City Council by resolution. Except as provided in Sec. 6.04.360, each dog license shall be issued upon payment of all required fees and penalties, and upon compliance with all conditions required for the issuance of a dog license. Each dog license shall expire on the expiration date of the anti-rabies vaccination required pursuant to Sec. 6.04.260 and Sec. 6.04.270 (or similar enactment of another jurisdiction). The resolution adopted by the City Council shall specify that:

(a) If the license applicant presents a certificate from a licensed veterinarian demonstrating that the dog has been neutered or spayed, the fee for the license shall be reduced by one-half or more.

(b) Upon presentation of adequate documentation showing that the owner or custodian is sixty (60) years of age or older, the fee for the license shall he reduced by one-half or more.

(c) These reductions are cumulative; the fee for a neutered or spayed dog owned or in the custody of a person over the age of sixty (60) shall be one-fourth the normal fee or less.

6.04.310 Dog License Penalties

In the event the owner or person having custody of a dog fails to obtain a license, or fails to renew a license within thirty (30) days after its expiration date, he or she shall pay a penalty, established by the City Council by resolution, which shall be applicable to all owners or persons having custody regardless of age and whether the dog is spayed or neutered.

6.04.320 Certificate To Owner And Tags

(a) Animal Control Services shall be the issuing authority for dog licenses. Upon payment of the license fee pursuant to Sec. 6.04.300, and upon presentation of a valid vaccination certificate pursuant to Sec. 6.04.260 and Sec. 6.04.270, there shall be issued a license certificate showing the following:

(1) the name, address and telephone number of the dogs owner or custodian;
(2) the description of the dog, including breed, color, age, and sex;
(3) the expiration date of the vaccination;
(4) the name of the veterinarian administering the vaccine; and the number of the vaccine used.

Such certificate shall be delivered to the person paying such license fee and one copy shall be retained by Animal Control Services. Animal Control Services shall at the same time issue and deliver to the person receiving such a certificate a tag of such form and design as the Sutter County Director of Community Services shall designate, with the words “Sutter County Dog License”, and a serial number and the expiration date plainly inscribed thereon. The license tag shall be securely affixed to a collar, harness or other device, which shall be at all times worn by the licensed dog.

(b) The Director of Community Services may, by contract, authorize any duly qualified and licensed veterinarian or employee of the City of Live Oak to license any dog, collect the license fee thereon, and issue to the person paying said fee, the dog tag provided for in paragraph (a) at the same time said dog is vaccinated and the certificate of vaccination is issued. Any person so authorized by the Director of Community Services to perform the aforementioned acts shall account to the Director of Community Services not less than once each month for all dogs so licensed and all license fees collected. The City may charge an administrative fee when collecting license fees. Said fees will be adopted by resolution of the City Council.

6.04.330 Transfer Of License At Change Of Ownership

Upon presentation of a valid vaccination certificate as required in Sec. 6.04.320, and after payment of the fee established by a resolution of the City Council, a current dog license may be transferred from one owner to another by making application to Animal Control Services in a form required by the Community Services Director. At a minimum, the previous owner shall provide Animal Control Services with the name, address, and telephone number of the owner to whom the dog is transferred.

6.04.340 Tag Prohibitions

It shall be unlawful for any person to do any of the following:

(a) Remove any tag from any dog not owned by him, or not lawfully in his possession or under his control.

(b) Attach a license tag to the collar of any dog except the dog, which is described in the license certificate for such license tag.

(c) Place on any dog, or to make, or to have in his possession, any counterfeit or imitation of any license tag provided for in this Chapter.

6.04.350 Duplicate License Tag Issued
If any license tag is lost or stolen, the person owning, possessing or having control of the
dog for which the license was issued shall be entitled to receive a duplicate of such tag by
presenting to Animal Control Services the original certificate showing ownership of said
tag and subscribing to an affidavit sufficiently showing that such tag was stolen or lost.
Animal. Control Services, upon receipt of the fee determined by resolution of the City
Council, shall issue a properly numbered duplicate tag and shall keep on file the original
affidavit upon which said duplicate tag was issued..

6.04.360 Exceptions To Dog Licensing Requirements

The provisions of this Chapter requiring the licensing of dogs shall not apply to the
following:

(a) Dogs under the age of four (4) months if kept within, a sufficient
enclosure.

(b) Dogs owned by or in custody or under the control of persons who are non-
residents of the City of Live Oak traveling through said City or temporarily sojourning
therein for a period, not exceeding thirty (30) days.

(c) Dogs brought to the City of Live Oak exclusively for the purpose of
entering the same in any dog show or exhibition, and which are actually entered in and
kept at such show or exhibition..

(d) Dogs under the treatment, in the custody or control of animal hospitals.

Dogs on sale in duly licensed pet shops, provided that such dogs are kept enclosed within
such pet shops.

6.04.370 Exemption From Payment Of Dog License Fees

The provisions of Sec. 6.04.300 requiring payment of dog license fees shall not apply in
the following cases. Nonetheless, all such dogs shall be licensed as required by Sec.
6.04.290, and shall comply with all other provisions of this Chapter, including the
penalties for failure to have a license pursuant to Sec. 6.04.310. The exemptions provided
for in this Section are a privilege that may be revoked for persons or organizations not
complying with the provisions of this Chapter.

(a) Assistance Dogs.

(1) Whenever a person applies for a dog license for an assistance dog, the
person shall sign an affidavit stating as follows:

“By affixing my signature to this affidavit, I hereby declare I fully understand that
Section 365.7 of the Penal Code prohibits any person to knowingly and fraudulently
represent himself or herself, through verbal or written notice, to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide dog, signal dog, or service dog, as defined in subdivisions (d), (e), and (f) respectively, of Section 365.5 of the Penal Code and paragraph (6) of subdivision (b) of Section 54.1 of the Civil Code, and that a violation of Section 365.7 of the Penal Code is a misdemeanor, punishable by imprisonment in a City jail not exceeding six (6) months, by a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

(2) Upon the death or retirement of an assistance dog, the owner or person in possession of the assistance dog identification tag shall immediately return the tag to Animal Control Services.

(b) Foster Care Dogs.

(1) Bona fide humane societies approved by the Community Services Director may register with Animal Control Services their representatives providing foster care homes to dogs. Representatives so registered may apply for a one-year non-renewable license under the provisions of this Section for each foster care dog housed at their residence.

(2) Upon the adoption of each foster care dog licensed under the provisions of this Section, the tag shall be returned immediately to Animal Control Services along with the name and address of the person by whom the dog was adopted. The address shall be the address where the dog will be located.

6.04.380 Potentially Dangerous And Vicious Dogs

If an Animal Control Officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the Director of Community Services, or his or her designee, or the Police Chief or his or her designee, or the Sheriff, or his or her designee, shall petition the court for a hearing to determine whether or not the dog in question should be declared potentially dangerous or vicious. The hearings shall be pursuant to Sections 31621-31626 of the Food and Agricultural Code of the State of California.

A potentially dangerous dog, while on the owner’s property, shall, at all times, be kept indoors, or in a securely fenced yard from which the dog cannot escape, and into which children cannot trespass. A potentially dangerous animal may be off the owner’s premises only if it is restrained by a substantial leash, of appropriate length, muzzled, and under control.

6.04.390 Impounding Of Biting Dogs

Upon written notice by a duly authorized representative of the Health Officer or Community Services Director, the owner or person having the control of any dog which
has, within the preceding ten (10) days, bitten any person or animal shall, upon demand, and in the discretion of the Health Officer as directed by the Health Officer, follow one of the following procedures:

(a) confine such dog to his own premises; or

(b) surrender such dog to Animal Control Services who shall impound and keep such dog at the public animal shelter in a separate kennel for a period of not less than ten (10) days; or

(c) surrender such dog to a licensed veterinarian, as designated by the Health Officer; or

(d) surrender the dog to Animal Control Services for quarantine at any other location or facility designated and approved by the Health Officer. If the dog is quarantined, on the premises of the owner, Animal Control Services shall post a quarantine sign on such premises, and it shall be unlawful for any person to remove the sign during the term of such quarantine without the consent of the Health Officer. Any quarantine provided in this section shall be for a term of not less than ten (10) days unless otherwise specified by the Health Officer. During the quarantine period it shall be the duty of the Health Officer, upon being notified by Animal Control Services that such dog has been impounded, to determine whether or not such dog is suffering from any disease.

(1) If a duly licensed veterinarian designated by the Health Officer shall determine that such dog is diseased and by reason of such disease is dangerous to persons or to other animals, the Health Officer shall notify Animal Control Services in writing, to destroy such dog. A copy of said notice shall also be served upon the owner or person having control of such dog.

(2) If said veterinarian shall determine that such dog is not so diseased, and if the license required for such dog shall have been duly paid for in the then current year, Animal Control Services shall notify by mail the person to whom the license for such dog was issued and at the address from which the dog was surrendered to Animal Control Services and shall, upon demand, release such dog to the owner or person lawfully entitled thereto, upon payment of any charges provided therefore, including expenses of quarantine and veterinary care; provided, however, that if no person lawfully entitled to such dog shall within seventy-two (72) hours after the date of giving said last mentioned notice, appear at the public shelter and request the release of such dog, and pay said charges, such dog may be sold or destroyed by Animal Control Services in the same manner as set forth elsewhere in this chapter.

**6.04.400 Muzzling**

No person shall be compelled to muzzle any dog except pursuant to Sec. 6.04.400, and in cases of emergencies. Such emergencies shall be deemed to exist only when, the Health Officer shall determine and report to the City Council that there is in the City, an
epidemic of rabies. When and if the Health Officer so reports then any person who owns or has the charge, care, control, or custody of any dog shall cause such dog to be muzzled and to remain muzzled, except when such dog is eating, until the Health Officer shall, declare publicly and officially that such epidemic is at an end.

ARTICLE THREE: DOGS

6.04.500 Duty Of Animal Control Services To Seize And Impound Strays

It shall be the duty of Animal Control Services to seize and impound, subject to the provisions of this Chapter, all stray, unleashed or unrestrained dogs found within the City of Live Oak, regardless of whether the dogs are licensed or unlicensed; and for that purpose the duly authorized employees of Animal Control Services may go upon private property to enforce this Chapter, or to collect and impound dogs.

6.04.510 Entering Upon Premises

(a) Upon presentation of proper credentials, duly authorized representatives of the Health Officer or Community Services Director, or any peace officer may enter at reasonable times upon any premises where any dog is kept, or believed by him to be kept, for the purpose of taking up, seizing, or impounding any dog running at large, or for the purpose of ascertaining whether such dog is licensed as required by this Chapter, or for the purpose of inspecting the premises to ascertain whether by law of the City, or the County, or the State relating to the care, treatment, or impounding of dogs is being violated, or for the purpose of enforcing any other provisions of this Chapter.

(b) Notwithstanding any other provision of law or ordinance of the City of Live Oak, Animal Control Officers shall not seize or impound a dog for the violation requiring a dog to be leashed or issue citations for violation of such leash requirements when the dog has not strayed from, and is upon, private property owned by the dog owner or the person who has a right to control the dog, or upon private property to which the dog owner or person who has the right to control the dog has a right of possession.

(c) A dog that has strayed from but then returned to the private property of his owner or the person who has a right to control the dog shall not be seized or impounded, but in such a case a citation. may be issued provided, however, that if in such a situation the owner or person who has a right to control the dog is not home, the dog may be impounded but Animal Control Officers shall post a notice of such impounding on the front door of the living unit of the owner or person who has a right to control the dog. Such notice shall state the following: that the dog has been impounded, where the dog is being held, the name, address, and telephone number of Animal Control Services, and an indication of ultimate disposition of the dog if no action to regain it is taken within a specified period of time by its owner or the person who has a right to control the dog.
(d) This section shall not otherwise affect existing authority to seize or impound a dog or issue citations, as a result of a dog’s being on property other than that owned by its owner or the person who has the right to control the dog.

6.04.520 Stray Dogs - Running At Large Unlawful

It shall be unlawful for any person owning, having interest in, harboring, or having charge, care, control, custody or possession of any dog, licensed, or unlicensed, to allow, cause or permit such dog to be in or on any public road, highway, street, alley, square, park, school, ground or other public place, or in or upon any lot, premises, or property of another without the permission of the property owner. Any dog found running at large in violation of the provisions of any law of the State of California or of the City of Live Oak shall be deemed a stray dog, and for all purposes shall be immediately seized and impounded.

6.04.530 Sale, Gift Or Destruction Of Dogs

At any time after the expiration of the holding period required by Food and Agricultural Code Section 31108, Animal Control Services may, without further notice, and without advertising in any manner, sell, give away, or humanely destroy any dog not claimed or redeemed. Any dog having been released to a nonprofit animal rescue or adoption organization pursuant to Section 31108(b) of the Food and Agricultural Code shall, upon its return to the custody of Animal Control Services, be deemed to have completed the holding period required by Section 31108(a). Provided, however, that Animal Control Services may not transfer title to any living animal to any institution, engaged in the diagnosis or treatment of human or animal disease, or in research for the advancement of veterinary, dental, medical, or biologic science, or in the testing or diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals, or drugs.

6.04.540 Return Of Dog By Animal Control Services

If there is a valid license tag attached to any dog surrendered to Animal Control Services as provided herein, and such dog has not been redeemed by its owner within one hundred twenty (120) hours from the time of impounding such dog, Animal Control Services may return such dog to the person who surrendered the dog, provided that such person procures a license for such dog pursuant to the requirements of this Chapter, and pays all other appropriate shelter charges.

6.04.550 Unlawful Acts

It shall be unlawful for any person owning, having interest in, harboring, or having charge, care, control, custody, or possession of any dog, licensed or unlicensed, to permit such dog:
(a.) In or upon any public street or other public place in the City or in or upon any property belonging to the City unless such dog is restrained by a leash and is under the complete control of the person owning or at the time in possession of such dog. Such leash shall not be more than eight (8) feet in length. Notwithstanding anything set forth in this section to the contrary, no person shall be compelled to keep any dog in his possession on a leash while in or upon any public street or other public place in the City if, at the time, such dog is confined securely within an automobile.

(b) To trespass on private property.

(c) To commit a nuisance on improved private property other than that of the person who owns or has charge, care, control, or custody of the dog.

(d) By any sound or cry, to disturb the peace, quiet, and comfort of any neighborhood or to interfere with any person in the reasonable and comfortable enjoyment of life or property, and every such animal shall be deemed to be a public nuisance and shall be subject to abatement as such, and, in addition, the owner thereof, after personal service of a notice and citation of the condition, shall be guilty of a misdemeanor if the nuisance continues after the service of such notice and citation.

(e) To suffer or permit the same to run at large on private or public property whereon livestock or domestic fowl are kept without the consent of the owner.

6.04.560 Dogs: Spay/Neuter Deposit Required

Animal Control Services shall not sell, give away, or transfer any dog except as provided for in Chapter 1.5, commencing with Section 30520 of Division 4 of the Food and Agricultural Code.

6.04.570 Redemption Of Licensed Dogs By Owner

Whenever any licensed dog is impounded under the provisions of this Chapter, the owner or person entitled to custody of any such dog may, at any time prior to the sale or other disposition thereof, during the regular office hours of the animal shelter, redeem the same, subject to the following provisions:

(a.) Animal Control. Services shall keep any dog so impounded for the holding period required by Food and Agricultural Code Section 31108.

(b) The person wishing to redeem the dog must exhibit to Animal Control Services the unexpired license certificate or license tag issued for the dog being redeemed.

(c) The person wishing to redeem the dog must pay all outstanding fees and charges owing to the animal shelter as required by the City Council either in ordinance or resolution.
(d) If the dog being redeemed is not spayed or neutered, the person wishing to redeem the dog must pay the deposit required by Section Sec. 6.04.560.

If the person wishing to redeem the dog exhibits an expired license certificate, the dog may be redeemed by paying all requisite fees and charges owing, and, within 15 days from the redemption date, obtain a valid license as required by the provisions of this Chapter. If a valid license has not been obtained within 15 days of the redemption date, Animal Control Services shall issue a citation to the person owning, harboring, or having charge, care, control, custody, or possession of such dog and indicate that if a valid license has not been obtained within 30 days from the redemption date, the dog may be subject to impound.

6.04.580 Redemption Of Stray And Other Impounded Dogs

Whenever any stray dog not bearing a license tag is impounded under the provisions of this Chapter, and such dog is not claimed by the owner within the holding period required by Food and Agricultural Code Section 31108, any person may, at any time prior to the sale or other disposition thereof, during the regular office hours of the animal shelter, redeem the same, subject to the following provisions:

(a) The person wishing to redeem the dog must pay all outstanding fees and charges owing to the animal shelter as required by the City Council in either ordinance or resolution.

(b) If the dog being redeemed is not spayed or neutered, the person wishing to redeem the dog must pay the deposit required by Sec. 6.04.560.

(c) The person wishing to redeem the dog must, within 15 days of the redemption date, obtain a valid license as required by the provisions of this Chapter. If a valid license has not been obtained within 15 days of the redemption date, Animal Control Services shall issue a citation to the person owning, harboring, or having charge, care, control, custody, or possession of such dog and indicate that if a valid license has not been obtained within 30 days from the redemption date, the dog may be subject to impoundment.

6.04.590 Cleanliness Of Premises

Every person owning or occupying premises where any dog is kept shall keep the place in which such dog is kept in a clean, and sanitary condition.

ARTICLE FOUR: OTHER ANIMALS

6.04.600 Animals, Poultry, And Household Pets

As used in this ARTICLE. the word “animal” shall include all animals, poultry, or household pets except dogs.
6.04.610  Cleanliness Of Premises

Every person owning or occupying premises where any animal, is kept shall keep the place in which such animal is kept in a clean and sanitary condition.

6.04.620  Control

It shall be unlawful for any person who owns or has the charge, care, control, or custody of any animal to permit such animal upon any public street or other public place in the City of Live Oak or upon any property belonging to the City unless such animal is under the complete control of the person owning or at the time in possession of such animal.

6.04.630  Trespassing Prohibited

It shall be unlawful for any person who owns or has the charge, care, control, or custody of any animal to permit such animal to trespass on private property.

6.04.640  Trespassing Animals

Any animal found trespassing on any private property in the City of Live Oak may be taken up by any person at interest and delivered to Animal Control Services. Any dog found running at large on the lands of another, where poultry or livestock are kept, without the permission of the owner or person in charge of such lands may be taken up by any person and delivered to Animal Control Services.

6.04.650  Commission Of Nuisances Prohibited

It shall be unlawful for any person who owns or has the charge, care, control, or custody of any animal to permit such animal to commit a nuisance on improved private property other than that of the person who owns or has the charge, care, control, or custody of the animal.

6.04.660  Disturbing The Peace

It shall be unlawful for any person who owns, has the charge, care, control, or custody of any animal or who allows any animal to remain upon his property, to permit such animal, by any sound or cry, to disturb the peace, quiet and comfort of any neighborhood or to interfere with any person in the reasonable and comfortable enjoyment of life or property. Every such animal shall be deemed to be a public nuisance, and shall be subject to abatement as such. In addition, the owner thereof, or person who has the charge, care, control, or custody of the animal, after personal service of a notice and citation of the condition, shall be subject to the penalties prescribed in Sec. 6.04.110 if the nuisance continues after the service of such notice and citation.

6.04.670  Entering Upon Premises
Upon presentation of proper credentials, duly authorized representatives of the Health Officer or Community Services Director or any peace officer or deputy sheriff, may enter at reasonable times upon any premises where any animal is kept for the purpose of taking up, seizing, or impounding any animal running at large or staked, herded, or grazed thereto contrary to the provisions of this Chapter, or for the purpose of inspecting the premises to ascertain whether any law of the City or the State relating to the care, treatment, or impounding of animals is being violated, or for the purpose of enforcing any other provisions of this Chapter.

6.04.680 Cost Of Capture

In the event it is necessary for Animal Control Services to cause the impoundment of any large animal there shall be collected from the owner of such animal in addition to all other fees, a capture fee which shall be the actual cost of the capture including but not limited to, the salaries of City or County personnel utilized in effectuating the capture.

6.04.690 Expense Borne By Owner

The cost of feeding, keeping, and treating an animal, impounded in accordance with the provisions of this chapter shall be borne by the person who owns or has the charge, care, control, or custody of such animal at the time such animal is taken into custody. The cost may be recovered by the City from the owner or person having legal custody of such animal at the time such animal is taken into custody in any action at law or in equity.

6.04.700 Redemption, Sale, Gift, Or Destruction Of Impounded Cats

Whenever any cat has been impounded under the provisions of this Chapter, at any time during the holding period required by Section 31752 of the Food and Agricultural Code, subject to the provisions for owner redemption contained therein, any person may at any time prior to the sale or other disposition thereof, during the regular office hours of the animal shelter, redeem the same by:

(a) paying all outstanding fees and charges owing to the animal shelter as required by the City Council in either ordinance or resolution, and

(b) paying the deposit required by Section Sec. 6.04.750, if the cat being redeemed is not spayed or neutered.

At any time after the expiration of the holding period, required by Section 31752 of the Food and Agricultural Code, Animal Control Services may, without further notice, and without advertising in any manner, sell, give away, or humanely destroy any cat not claimed or redeemed. Any cat having been released to a nonprofit animal rescue or adoption organization pursuant to Section 31752(b) of the Food and Agricultural Code shall, upon its return to the custody of Animal Control Services, be deemed to have completed the holding period required by Section 31752(a). Provided, however, that
Animal Control Services may not transfer title to any living animal to any institution engaged in the diagnosis or treatment of human or animal disease, or in research for the advancement of veterinary, dental, medical, or biological science, or in the testing or diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals, or drugs.

6.04.710 Redeeming Impounded Animals Other Than Dogs And Cats

(a) When Animal Control Services, under the provisions of this Chapter, has impounded any animal for at least seventy-two (72) hours and the animal has not been redeemed, Animal Control Services shall be free to dispose of such animal. If, in the opinion of Animal Control Services, the value of the animal will exceed the expense of keeping it, an advertisement shall be placed in a newspaper of general circulation that such animal is for sale. If the animal is not redeemed prior to the sale, the animal shall be sold for cash to the highest bidder.

(b) When any animal is impounded, the owner or any person interested therein may redeem the animal upon paying to Animal Control Services a fee as determined and set by resolution of the City Council, together with a further sum that is equal to the actual cost per day for the keep of such animal for each day such animal is impounded. If the animal has been offered for sale through public advertising, the owner or the person redeeming such animal shall pay the advertising costs in addition to the redemption fees set forth in this Section.

6.04.720 Extermination Of Rats

Whenever, in the opinion of the Health Officer, it is determined that any building or property in the City contains rats in a number or of a kind dangerous to the health and welfare of the citizens of the City, such building shall be deemed to be a public health nuisance within the meaning of this article and the person upon whose premises such rats are located shall be required to exterminate them and shall be required further, upon order of the Health Officer, to rat proof the premises designated by such Health Officer to be a public health nuisance.

6.04.730 Isolation Of Infected Animals

Any person that owns or has possession or control of any animal which is affected by any contagious or infectious disease, shall keep the animal within an enclosure, or herd the animal in a place where it is secure from contact with other animals of like kind that are not so affected.

6.04.740 Disposal Of Carcasses Of Infected Animals

Any person that has the care or control of any animal that dies from any contagious disease shall immediately cremate or bury the animal. An animal which has died from any contagions disease shall not he transported, except to the nearest crematory.
6.04.750    Cats: Spay/Neuter Deposit Required

Animal Control Services shall not sell, give away, or transfer any cat over six months of age except as provided for in Chapter 2 commencing with Section 31760 of Division 14.5 of the Agricultural Code.

ARTICLE FIVE: ANIMAL SANCTUARIES

6.04.760    Definitions

(a) Health officer: Whenever the term “health officer” is used in this section, it means a person designated by the city’s community services department to perform code enforcement functions or animal inspections.

(b) Small animals: Whenever the term “small animals” is used in this chapter, it means dogs, cats, rabbits, pigeons, or other small animal as determined by the community services department and approve by the city manager.

(c) Animal control officer: “Animal control officer” means any person authorized by the city manager, by designation, delegation, or contract, to administer or enforce the provisions of this chapter and applicable state laws and regulations pertaining to animal control or rabies control.

(d) Animal shelter: A facility operated by a public jurisdiction or by an accredited, tax-exempt humane organization for the purpose of impounding, harboring, selling, placing or destroying seized, stray, distressed, homeless, abandoned or unwanted animals.

(e) Building: A fully enclosed permanent structure that is constructed with permits that conform to standards of the building, electrical, fire, mechanical, plumbing and zoning codes.

(f) Director: the city manager or the head or director of the department designated by the city manager to enforce and administer the provisions of this chapter.

(g) Licensing authority: the city manager or person authorized by the city manager by designation, delegation or contract, to administer and enforce the provisions of this chapter and applicable state laws and regulations pertaining to dog, cat, or small animal licensing.

(h) Owner: An owner is defined as any person who acknowledges ownership of an animal or who harbors or keeps an animal in his or her possession for five or more consecutive days.
(i) Private kennel: A person who maintains within or adjoining his private residence four but not more than six dogs over four months of age, four or more cats over four months of age, or three or more small animals over four months of age or more than a combined total of three dogs and three cats, such animals to be for that person’s recreational use or for exhibition in conformation shows, field or obedience trials and where the sale of offspring is not the primary function of the kennel. The maintenance of more than two dogs or cats used for breeding purposes for which compensation is received, or the parturition or rearing of more than two litters of dogs or cats in any one calendar year from the total number of females owned or maintained by that person on the premises shall be a rebuttable presumption that such animals are owned or maintained for the purpose of commercial breeding and the owner and the premises shall be subject to the permit requirements of a commercial kennel.

(j) Dog: A domestic dog (Canis familiaris).

(k) Cat: A domestic cat (Felis catus).

(l.) PIGEON: Racing or homing pigeons (Columba Livia)

6.04.770 Permit - Requirements General

No person shall have in his possession or control, on any premises in the city any, rabbit, dog, cat, pigeon, bird, or other small animal, hereinafter referred to in this chapter as “animals or fowl”, unless he shall have obtained and have in his possession a permit from the health officer, which permit shall be issued only after inspection of the premises and approval of the sanitary condition and sanitary facilities thereof, and such enclosure(s) exist as may be reasonably necessary to secure any such animal or fowl. No permit shall be required if no more than a maximum of six small animals are maintained in any combination thereof. Except as to the provisions regarding issuance, renewal and revocation of permits, all other provisions of this chapter shall he applicable to those persons maintaining six or less small animals.

6.04.780 Exemptions To Chapter Applicability

The provisions of this chapter shall not apply to circuses, carnivals, agricultural shows or exhibits and other similar enterprises which operate for limited periods only, where a permit to conduct such enterprises has been granted in accordance with the chapter of this code relating to the operation of such enterprises, nor to any pet shop, pet grooming parlor, or animal menagerie.

6.04.790 Permit - Application - Period Of Validity

All applications for permits for the keeping of any such animals or fowl shall be filed with the health officer, on forms to be provided by him or her. Every permit issued
pursuant to such application shall be valid for a period of one year from date of issue, unless revoked in the manner as hereinafter provided by this chapter.

6.04.800 Permit - Fees

The fee for each biennial permit for the keeping of any such animals or fowl shall be as set forth in the master schedule of fees established by resolution of council.

6.04.810 Permit - Renewal Procedures

Upon the expiration of any permit, the same may be renewed by the person to whom it has been issued by filing an application for a renewal thereof with the health officer. Approval of such application for renewal of permit shall be issued and the permit endorsed for the succeeding annual period in the same manner as prescribed for the first renewal.

6.04.820 Permit - Transfer Prohibited

Permits issued under this chapter shall not be sold, assigned or transferred and shall cover the premises designated and the person to whom issued only. Permits shall be revoked, for violation of this provision.

6.04.830 Permit Privilege - Revocation Conditions - Note

Every such permit, so issued, or every privilege to keep six or less small animals shall be subject to revocation. The health officer shall revoke permits or revoke the privilege to keep six or less small animals without a permit for violations of the provisions of this chapter, regulations of the city, or the health laws and regulations of this state, by notice in writing delivered personally or by mail to the holder of such permit or person. maintaining six or less small animals.

6.04.840 Removal Of Animals Following Permit Or Privilege Revocation - Time Limit

In the event of the revocation of any such permit, or in the event that there is a revocation of the privilege to maintain six or less small animals, the holder of such permit or that person maintaining six or less small animals shall remove all animals or fowl from the premises covered by the permit or from the premises maintaining six or less small animals within fifteen days after receipt of notice of revocation. If a written appeal to the health officer is made, the period of time for removal of such animals or fowl shall be extended until ten days after affirmation of the revocation by the health officer. The decision of the health officer shall be final.

6.04.850 Side Setback Area
No person shall keep any animals or fowl as designated in Section 6.16.020 within any side or rear setback area as defined by Live Oak Municipal Code chapters 17.16, 17.18, 17.20, or 17.22.

6.04.860 Premises To Be Fenced Or Enclosed

Any person maintaining any such animals or fowl within the city shall keep the premises upon which they are kept fenced or enclosed so as to keep them from leaving the premises, and shall not permit such animals or fowl to run at large upon the streets, or upon the property of other persons; provided, however, homing pigeons may be released for flying.

6.04.870 Sanitary Enclosures Required

A. All premises, enclosures, or structures wherein said animals or fowl are kept shall be kept in a clean and sanitary condition, free from all obnoxious smells or substances.

B. The presence of numerous flies or the presence of fly larvae in the vicinity of any such premises, enclosures or structures shall be evidence of a lack of sanitary maintenance of the premises.

C. Any unnecessary accumulation of debris, refuse, manure or other removable material upon any surface within any such enclosed area or premises, or within, any structure used or intended to be used for the housing of such animals or fowl, shall be evidence of a lack of sanitary maintenance of the premises.

D. Any obnoxious odor or allergen arising from any condition existing within the enclosure or within any structure used or intended to be used for the housing of such animals or fowl shall be evidence of a lack of sanitary maintenance of the premises.

E. All premises, enclosures or structures used or intended to be used for the keeping or housing of any such animals or fowl shall be thoroughly cleaned and all debris, refuse, manure or other removable material removed, there from as often as may be necessary to effect satisfactory compliance with the provisions of this section. Enclosures housing small animals shall be cleaned of all debris, refuse, offal, manure, and filth on a daily basis.

6.04.880 Refuse Container Requirements

All refuse and manure and any material conducive to the breeding of flies or which would create any obnoxious odor removed from such premises, enclosures or such structures, shall be placed in suitable tight containers, which containers must be covered with a tightly fitted fly proof cover.

6.04.890 Number Of Animals - Restrictions
From and after the effective date of this chapter, not more than six (6) small animals shall be kept on any premises within the city, unless the premises involved is operated under a City issued permit as a private kennel or animal shelter, or to engage in the handling of such animals or fowl on a commercial basis and where the conducting of such a business is in accordance with the city’s zoning ordinance.

6.04.900 Noisy Animals Prohibited

No person shall keep or permit to remain on any premises within the city any animal that habitually disturbs the peace and quietude of any neighborhood or person, by howling, barking, crying, baying or making any other noise.

6.04.910 Inspection Of Premises Authorized When

The health officer and any other employee authorized by the city manager or the director of the department community services are authorized to enter upon any premises, to the extent permitted and in the manner provided by law, other than a dwelling, for the purpose of inspecting the same to ascertain if any of the provisions of this chapter are being violated. Neither the health officer nor any such other employee of the community services department shall exercise the right of inspection granted by this section unless he has reasonable cause to believe that such inspection is reasonably necessary to carry out or enforce the provisions of this chapter.

Every person who keeps an animal, confined in an enclosed area shall provide it with an adequate exercise area. If the animal is restricted by a leash, rope, or chain, the leash, rope, or chain, shall be affixed in such a manner that it will prevent the animal from becoming entangled or injured and permit the animal’s access to adequate shelter, food, and water. Violation of this section constitutes a misdemeanor. This section shall not apply to an animal that is in transit, in a vehicle, or in the immediate control of a person.

6.04.920 Inspection By Health Officer Or Animal Control Officer

A. An animal control officer shall have the power to enter upon and inspect any premises where any animal is kept or harbored when such entry is necessary to enforce the provisions of this chapter. A search warrant or an inspection warrant shall be obtained whenever required by law.

B. Such entry and inspection shall be made only after the occupant of the premises has been given written or oral notice of the inspection by the administrator and/or an animal control officer. If the land is unoccupied, the administrator and/or animal control officer shall make a reasonable effort to give such notice to the owner or other person having control of the property before making entry.

C. Notwithstanding the foregoing, if the administrator and/or an animal control officer has reasonable cause to believe the keeping or maintaining of any animal is so
hazardous as to require an immediate inspection to save the animal or protect public health or safety, he or she shall have the power to immediately enter and inspect the property without the use of unreasonable force. If the property is occupied, the administrator and/or an animal control officer shall first attempt to notify the occupant and demand entry.

6.04.930 Conditions Relating To Animal Facilities

Every person who owns, conducts, manages, or operates any pet shop, commercial kennel, private kennel, pet grooming parlor, or animal shelter shall comply with each of the following conditions:

A. Housing.

1. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury and restrict entrance of other animals or the escape of animals so contained therein.

2. Every building or enclosure wherein animals are maintained shall be properly ventilated to prevent drafts and to remove odors; heating and cooling shall be provided as required, according to the physical needs of the animals, with sufficient light to allow observation of animals.

3. All animal rooms, cages, kennels, runs, and stalls shall be of sufficient size to provide adequate and proper accommodation and protection from the weather for the animals kept therein.

4. All animal facilities shall be constructed and operated in a manner that reasonably protects public health and safety and the safety of the animals.

B. Sanitation: All animal facilities shall be maintained and operated at all times in a clean and sanitary condition, and in a manner that avoids causing odors or attraction of flies and vermin, and excessive noise.

C. Care of Animals.

1. All animals shall be supplied with a quantity of wholesome food suitable for the species and age of the respective animals, as often as the feeding habits of such animals require, sufficient to maintain a reasonable level of nutrition. All animals shall have available to them sufficient potable water. Food and water shall be served in separate, clean receptacles.

2. No animal, except those animals in a pasture provided with adequate food and water, shall be without attention for more than twenty-four consecutive hours. The name, address, and telephone number of a person responsible for the animal shall be posted in a conspicuous place, visible from outside the facility or at the main gate of a pasture where
animals are kept, unless the owner or attendant of the animal(s) is immediately available on the premises.

3. All sick, diseased, or injured animals shall be isolated from healthy animals at all times and shall be given proper medical treatment. The administrator may order the operator of the facility to immediately seek licensed veterinarian treatment for any animal.

4. All animals shall be treated in a humane manner.

D. Compliance.

1. The health officer shall have the authority to enter the animal facility except by means of force when the health officer has reason to believe that the provisions of any permit or this chapter applicable state law or the rules and regulations of the health officer are being violated. The failure of the operator to consent to the entry shall be grounds for the revocation of the permit.

2. Failure of an applicant or a permit holder to comply with any of the provisions of the permit, this chapter, or applicable state law, or the rules and regulations of the health officer shall be deemed just cause for the denial of any permit, either original or renewal, or for revocation of a permit.

E. Additional Conditions Relating to Pet Shops. In addition to all the conditions stated in this section, every person who owns, conducts, manages, or operates any pet shop shall comply with each of the following conditions:

1. Housing facilities for animals shall be within a wholly enclosed structurally sound building, as defined in title 15 of the Live Oak Municipal Code. Such building shall have valid building permits and comply with all applicable building, electrical, fire, mechanical, plumbing and zoning codes.

2. Every pet shop shall include a heating and cooling system and a ventilation system that has been properly installed and meets all permit requirements, to regulate the temperature therein within a range suitable for the size and species of each animal, to prevent drafts and to remove odors; and shall also include an electrical system that has been properly installed and meets all permit requirements to support the required ventilation, heating and cooling systems.

3. All animal housing facilities including, but not limited to, animal rooms, cages, runs, and stalls shall provide a means to keep animals out of direct sunlight.

4. All pet shops shall include a properly installed and permitted hot and cold running water system which is connected to sanitary sewer facilities.

6.04.940 Expiration And Renewal Of Permit
Any permit issued under this part shall expire twelve months from the date of issuance. The procedure for the renewal of a permit shall be the same as for an original permit. Failure to make application for the renewal of a permit within thirty days of the expiration of a permit, or prior thereto, the applicant shall pay in addition to the permit a penalty for late renewal as set forth in the master schedule of fees established by resolution of council.

6.04.950 Inspection

As a condition to the issuance or renewal of a permit under this chapter, the health officer or his authorized representative shall have the authority to inspect at any reasonable time the animal facility.

6.04.960 Denial Or Revocation Of Permit

The city manager or designee may deny or revoke any permit issued pursuant to this chapter in the following situations:

A. Whenever he determines by inspection that any animal facility fails to meet any of the conditions of the permit, this chapter, or applicable state law.

B. Whenever he has reason to believe that the applicant or permit holder has willfully withheld, or falsified any information required for a permit.

C. If the applicant or permit holder has been convicted by a court of law of one or more violations of this chapter in any twelve-month period, or state laws relating to animals or public nuisance caused by animals, or has been convicted of cruelty to animals in this or any other state within the previous five years. For the purpose of this section, a forfeiture of bail shall be deemed to be a conviction of the offense charged.

6.04.970 Permit Not Transferable

Permits issued pursuant to the provisions of this chapter shall not be transferable.

Chapter 6.12 - KILLING ANIMALS

Sections:

6.12.010 Generally.

6.12.010 Generally.

It is unlawful and an infraction for any person to kill, slaughter or dress any animal or fowl in the city unless the activity is carried on in a reasonable manner and is not injurious to the public health, and/or is not indecent or offensive to the public. Nothing in
Chapter 6.16 - KEEPING OF DANGEROUS ANIMALS

Sections:

6.16.010 Definitions

6.16.020 Keeping dangerous animals without special permit prohibited.

6.16.030 Special permit—Application requirements.

6.16.040 Special permit—Issuance conditions.

6.16.050 Special permit—Liability insurance or cash deposit required.

6.16.060 Special permit—Consent to entry for inspection.

6.16.070 Special permit—Limit on number of animals.

6.16.080 Special permit—Fee.

6.16.090 Special permit—Not required when.

6.16.100 Appeal—Fee for council review.

6.16.110 Violation—Penalty.

6.16.010 Definitions

For purposes of this chapter:

A. “Dangerous animal” means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristic, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters. The term “dangerous animal” also means and includes any domestic mammal, reptile or fowl which, because of its size or vicious propensity or other characteristic, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters.

B. “Sheriff” means the sheriff of Sutter County or the sheriff’s designated representative. (Ord. 276 § 1, 1983)

6.16.020 Keeping Dangerous Animals Without Special Permit Prohibited

Except as hereinafter provided in this chapter, no person owning or having charge, custody, control or possession of any “dangerous animal,” as defined in Section 6.16.010, within the city limits of Live Oak shall permit or allow the same to run at large upon any highway, street, lane, alley, court or other public place, or upon any private property, or on or within the premises or personal property of such person in such manner as to endanger the health or safety of any person lawfully upon or in the vicinity of any such
premises without first applying for and receiving a permit from the city clerk to harbor said dangerous animal, (Ord. 276 § 2, 1983)

6.16.030 Special Permit—Application Requirements

An application for any permit required pursuant to this chapter shall be made to the city clerk in writing and upon a form furnished by the city clerk if so required. Said application shall be verified under penalty of perjury by the person who desires to have, keep, maintain or have in his possession or under his control, in the city of Live Oak, the dangerous animal for which a permit is required, and shall set forth the following:

A. Name, address and telephone number of the applicant;
B. The applicant’s interest in such dangerous animal;
C. The proposed location, and the name, address and telephone number of the owner of such location, and of the lessee, if any;
D. The general description of the dangerous animal for which the permit is sought;
E. Any information known to the applicant concerning vicious or dangerous propensities of such animal;
F. The housing arrangements for such animal, with particular details as to the safety of the structure, locks, fencing, etc.;
G. Safety precautions proposed to be taken;
H. Noises or odors anticipated in keeping of such animals;
I. Prior history or incidents involving the public health or safety involving said animal;
J. Any additional information required by the city clerk at the time of filing such application or thereafter. (Ord. 276 § 3(a), 1983)

6.16.040 Special Permit—Issuance Conditions

The city clerk shall issue a special permit for the keeping or maintenance of a dangerous animal if it appears from the application that adequate safety precautions have been taken by the applicant for the preservation of health, life and property of others. (Ord. 276 § 3(b), 1983)

6.16.050 Special Permit—Liability Insurance Or Cash Deposit Required

Prior to the issuance of a special permit for the keeping or maintenance of a dangerous animal, and at all times during the duration of such permit, the applicant shall maintain liability insurance in a minimum amount of one hundred thousand dollars for bodily injury to or death of any person or persons or for property damage owned by any other person which may result from the ownership, keeping or maintenance of such animal. A certificate of insurance showing the maintenance of such policy and providing that at least thirty days’ prior notice of cancellation of such policy must be filed with the city clerk prior to the issuance of the special permit. In lieu of providing the certificate of insurance, an applicant may post other good and sufficient security in the form of a cash deposit or surety bond which will be liable for the payment of any damages caused by the maintenance of such dangerous animal during the period of the permit. (Ord. 276 § 3(c), 1983)
6.16.060  Special permit—Consent to entry for inspection,

By application for the dangerous animal permit, the applicant specifically consents to a reasonable inspection of all of the premises and personal property governed by the permit by the city of Live Oak, sheriff or designated official in order to verify compliance with the conditions for the issuance of the permit and to verify the existence of the information set forth in the application. In the event that any false statements are discovered to have been made by the applicant, or in the event that the conditions actually existing do not adequately provide for public safety, the city clerk may refuse to issue such permit or may revoke such permit in the event that the violation is not corrected within a reasonable period of time as designated by the city clerk. (Ord. 276 § 3(d), 1983)

6.16.070  Special Permit—Limit On Number Of Animals

In no event shall a permit be issued pursuant to Section 6.16.040 for the keeping of more than two dangerous animals at any single location, (Ord. 276 § 3(e), 1983)

6.16.080  Special Permit—Fee

For the application for a new permit pursuant to Section 6.16.040, or for the annual renewal of such permit, the city clerk shall charge a processing and investigation fee of twenty-five dollars. (Ord. 276 § 3(f), 1983)

6.16.090  Special Permit—Not Required When

The provisions of Sections 6.16.030 through 6.16.090 shall not apply to the keeping of dangerous animals in the following cases:

A. The keeping of such animals in zoos, bonafide educational or medical institutions, museums, or any other place where they are kept as live specimens for the public to view or for the purpose of instruction or study;

B. The keeping of such animals for exhibition to the public of such animals by a circus, carnival, or other exhibit or show;

C. The keeping of such animals in a bona fide, licensed veterinary hospital for treatment. (Ord. 276 § 3(g), 1983)

6.16.100  Appeal—Fee For Council Review

Any person aggrieved by the implementation of any provisions of this chapter may, upon payment of an appeal fee of twenty-five dollars, have such action taken reviewed by the city council. (Ord. 276 § 5, 1983)

6.16.110  Violation—Penalty

Each day that this chapter is violated constitutes a separate and distinct violation which shall be punishable as an infraction, for which a fine of not more than two hundred fifty dollars may be imposed for each such violation. (Ord. 276 § 4, 1983)

Chapter 6.18 - KEEPING BEES IN RESIDENTIAL AREAS

Sections:

6.18.010  Definitions.
6.18.020  Prohibition.

6.18.110  Violation—Penalty.

6.18.010  Definitions
For the purposes of this chapter, the following words shall have the following meanings:

A. “Bees” means and includes any of a large number of broad-bodied, four-winged hairy insects that gather pollen or nectar, especially honey bees.

B. “Keeping bees” means and includes the maintaining of hives or colonies of bees for any purpose and also includes the maintaining of boxes and/or beehive boxes where bees, including wild bees, are allowed or encouraged to move in and congregate for any purpose. (Ord. 329 § I (part), 1989)

6.18.020  Prohibition
No person shall keep bees and/or allow the keeping of bees or provide for the keeping of bees on parcels of land less than one acre in size, nor shall hives or colonies of bees or boxes or beehive boxes where bees are allowed and/or encouraged to move in and congregate, be kept and/or permitted within five hundred feet of two or more residences in any residential zone within the city. (Ord. 329 § 1 (part), 1989)

6.18.110  Violation—Penalty
For each day that any provision of this chapter is violated shall constitute a separate and distinct violation which shall be punishable as an infraction for which a fine of not more than two hundred fifty dollars may be imposed for each such violation, (Ord. 329 1 (part), 1989)
TITLE 7 (RESERVED)
# TITLE 8 - HEALTH AND SAFETY

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Chapter 8.01

MASSAGE ESTABLISHMENTS AND MASSAGE PRACTITIONERS

Sections

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8.01.160 Operational Requirements
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8.01.170 Facility Requirements
8.01.180 Inspection for Compliance
8.01.190 Violation - Misdemeanor

8.01.010 Purpose and Intent

It is the purpose and intent of this chapter to provide for the orderly regulation of offices and establishments providing massage and/or bodywork services and home visit and/or outcall massage/bodywork services in the interests of the public health, safety and welfare by providing certain minimum building, sanitation, and operation standards for such businesses, and by providing certain minimum qualifications for the owners and
operators of such businesses and for massage and/or bodywork practitioners. It is the further intent of this chapter to facilitate the ethical practice of massage and/or bodywork

8.01.020 Definitions

For the purpose of this chapter, unless the context requires a different meaning, the words, terms, and phrases set forth on this section shall have the meanings given them in this section:

(a) “Applicant” means any person, as defined in subsection (j) of this section, who is the owner or operator of a massage establishment, or a massage practitioner, and is required to apply for and maintain a valid massage establishment permit, massage practitioner permit, or annual renewal thereof, pursuant to this chapter.

(b) “For compensation” means the exchange of massage for money, goods or services, and shall include the offer of free massage in conjunction with other services or goods provided for compensation.

(c) “Massage” means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the human body with the hands or any other parts of the body or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without the use of oils, creams, tonics, lotions, antiseptics, tanning products, or other similar preparations. Massage shall further include baths, including aromatherapy, vapor, shower, electric tub, sponge, hot towels, sauna, steam, or any other type of bath where the essential nature of the service involves any method of pressure or friction against, or stimulating the external parts of the human body with the hands or any other parts of the body.

(d) “Massage establishment” means an establishment having a fixed place of business, vehicle or vessel where any person engages in, conducts, carries on or otherwise permits or provides massage for compensation. For purposes of this chapter, the term “massage establishment” shall include any establishment which arranges, schedules or otherwise manages or oversees the provision of off—premises massage by more than one (1) massage practitioner.

(e) “Massage practitioner” means any person who, for any type of compensation, practices massage, whether in or at a massage establishment, or as off-premises massage.

(f) “Off-premises massage” means practicing massage for compensation at a location other than at a massage establishment which has been permitted pursuant to this chapter.

(g) “Operator” means any person, as defined in subsection (j) of this section, who operates and/or is responsible for the day-to-day activities of the massage establishment.

(h) “Owner” means any person, as defined in subsection (j) of this section, who has any ownership interest in a massage establishment.
(i) “Permit” means a written document authorizing the holder to engage in the business or activity specified in the document. Three types of permits are issued pursuant to this chapter are massage establishment permits, massage practitioner permits, and annual renewal permits.

(j) “Person” means any individual, firm, association, partnership, corporation, joint venture, or combination of individuals.

(k) “Recognized school of massage” means any school or institution of learning which teaches the theory, method, ethics, history, practice and work of massage, and which has been approved by the state in which it is located. Any school or institution of learning offering or allowing correspondence or internet course credit not requiring actual attendance at class shall not be deemed a “recognized school of massage” for purposes of this chapter.

(l) “Sheriff” means the sheriff of the County of Sutter, or his/her designee, including any Deputy Sheriff who is responsible for receiving applications and required fees, and conducting the investigation necessary to the processing of applications for permits required by this chapter.

8.01.030 Permit Required

(a) It is unlawful for any person, including a corporation, partnership or other legal entity, to have an ownership interest in or to operate a massage establishment without a valid, current massage establishment permit duly issued as provided in this chapter.

(b) It is unlawful for any person to practice massage, whether in or at any massage establishment, or as an off-premises massage service, without a valid, current massage practitioner permit duly issued as provided in this chapter.

(c) It is unlawful to employ as a massage practitioner in a massage establishment any person who does not possess a valid, current massage practitioner permit duly issued as provided in this chapter.

(d) It is unlawful for the holder of a massage establishment permit to operate a massage establishment at any location other than the location specified in the permit.

8.01.040 Educational Requirements

(a) Educational requirements. All applicants for a massage establishment permit or a massage practitioner permit must meet one of the following educational standards in order to qualify for such permit:

(1) Completion of a course of instruction at a recognized school of massage, or a state approved and regionally accredited college, junior college or university, which includes
at least 200 hours of a non-repetitive curriculum in anatomy, physiology, hygiene, sanitation, and the theory, history, ethics and practice of massage; or

(2) Certification by the National Certification Board for Therapeutic Massage and Bodywork.

(b) Exemption from educational requirement. An applicant for a massage establishment permit may be exempted from the educational requirement if the applicant signs a declaration under penalty of perjury that he/she will not personally engage in the practice of massage.

8.01.050 Exemption

No massage establishment permit or massage practitioner permit shall be required of the following persons when practicing massage within the scope of his or her license, nor shall the premises where such persons practice massage be subject to the Operational Requirements of Section 8.01.160 or the Facility Requirements of section 8.01.170:

(a) Physicians, surgeons, chiropractors, osteopaths, physical therapists, nurses or any other person licensed to practice any healing art under the provisions of Division 2 of the California Business and Professions Code (Business and Professions Code § 500 et seq.).

(b) Any barber, cosmetologist, esthetician, manicurist, electrologist, apprentice, barber instructor or cosmetology instructor licensed under the California Barbering and Cosmetology Act (Business and Professions Code § 7301 et seq.).

8.01.060 Application for Massage Establishment Permit or Massage Practitioner Permit

Written application for a massage establishment permit or massage practitioner permit required by this chapter, and any annual renewal thereof, shall be filed with the Sheriff’s office. Such application shall be accompanied by a fee as prescribed by resolution of the City Council.

The following information concerning the applicant, if an individual; and concerning each officer and each director, and each stockholder holding more than ten percent (10%) of the stock of the corporation, if the applicant is a corporation; and concerning each partner, including limited partners, if the applicant is a partnership; and concerning the operator of the proposed massage establishment; shall be provided with the application:

(a) Name, present residential and business address(es), telephone number(s), and birth date.

(b) All other names previously used by the applicant, and the dates of use of each such name.
(c) The applicant’s weight, height, and color of hair and eyes.

(d) One set of the applicant’s fingerprints as prescribed by the sheriff. Any fee required for such fingerprinting shall be paid by the applicant, in addition to any other fees provided for in this chapter.

(e) Two (2) photographic prints, at least two (2) by two (2) inches in size, of a recent portrait photograph.

(f) The previous residence address(es) of the applicant for a period of five (5) years immediately prior to the date of application, and the dates of residence at each.

(g) Business, occupation or employment history of the applicant for the five (5) years immediately prior to the date of the application, and the inclusive dates of same.

(h) California driver’s license, if any, or other photographic identification issued by a state or federal agency confirming the applicant’s age as eighteen (18) years or older.

(i) A listing and general explanation of any convictions for any felonies or non-traffic misdemeanors within five (5) years immediately prior to the date of application.

(j) Whether the applicant is currently required to register under the provisions of section 290 Of the California Penal Code.

(k) Whether the applicant has ever had an ownership interest in, operated or been employed by any business which has been the subject of an abatement proceeding under the California Red Light Abatement Act (California Penal Code § 11225-11325) or any abatement laws in other jurisdictions.

(l) Documented proof that the applicant has met the educational requirements set forth in 8.01.040(a).

(m) The name under which, and the address where the applicant proposes to operate a massage establishment, as well as the assessor’s parcel number for such property. The applicant shall also provide the street address where the applicant has conducted any business providing massage, relaxation, “hot tub,” “towel wraps,” “baths,” “health treatments,” or “tanning” services within any of the 24 months immediately preceding the date of the application, and the name under which such business was conducted.

(n) A statement that the applicant either:

1) Owns the premises where the massage establishment shall be located; or

Leases such premises, in which event the name, address, and telephone number of the owner of the premises shall be specified, and the date and term of the lease shall be set forth.
(o) A statement describing the massage services to be offered.

(p) Such other and further information as may be required by the sheriff in order to determine compliance with eligibility requirements under this chapter, or by federal, state or local law.

8.01.070  Renewal Application

Every holder of a permit required by this chapter shall make application for a three (3) year renewal of his or her permit. Written application for renewal of any massage establishment or massage practitioner permit must be submitted at least sixty (60) days before the permit expiration date. Except as otherwise provided in this chapter, a renewal application shall be in the same form, and shall be subject to the same requirements, as an initial permit application. The sheriff shall have the authority to extend the time period of any massage establishment or massage practitioner permit while a renewal application is being processed.

8.01.080  Permit Fee

An application for a massage establishment permit, massage practitioner permit, or annual renewal thereof, shall be accompanied by a nonrefundable fee in an amount established by resolution of the City Council.

8.01.090  Permit Referral

The Sheriff shall investigate the background of any applicant for any massage establishment, massage practitioner permit, or renewal thereof. Additionally, the sheriff shall refer an application for a massage establishment permit to the City Planning Department to ensure compliance with applicable zoning and permitting requirements. The sheriff may also refer an application for any permit under this chapter to other persons, entities or agencies as deemed appropriate.

8.01.100  Permit - Criteria for Granting and Denying Permits

(a) The sheriff shall either issue or deny a permit within sixty (60) calendar days following receipt of a completed application. In taking such action, the sheriff shall consider the recommendations of the County/City officials investigating the application pursuant to Section 8.01.090, along with any other relevant evidence.

(b) The Sheriff may deny a massage establishment permit, a massage practitioner permit or the renewal thereof on any of the following grounds:

(1) The applicant, within (5) years of the date of application, has been convicted in a court of competent jurisdiction of a violation of Penal Code § 266, 266h, 266i, 311.1-
(2) The applicant, within five (5) years of the date of application, has been convicted in a court of competent jurisdiction of any offense involving the use of a controlled substance, other than marijuana, specified in Health and Safety Code § 11054, 11055, 11056, 11057 or 11058, or equivalent offenses under the laws of another jurisdiction.

(3) The applicant is subject to a permanent injunction against conducting or maintaining a nuisance pursuant to section 11225 through 11235, inclusive, of the California Penal Code, or any equivalent provisions under the laws of another jurisdiction.

(4) The applicant is required to register under the provisions of California Penal Code § 290.

(5) The applicant, within five (5) years of the date of the application, has been convicted in a court of competent jurisdiction of any crime in conjunction with or directly relating to the operation of a massage establishment, or the practice of massage.

(6) The applicant knowingly made a material misstatement of fact in the application required under this chapter.

(7) The applicant has not met the educational requirements set forth in this chapter.

(8) The applicant, if an individual, has not attained the age of eighteen (18) years of age.

(9) The applicant, within five (5) years of the date of application, has had a massage establishment or massage practitioner permit, or renewal thereof, issued under this chapter revoked under the authority of Section 8.01.130.

(c) The Sheriff may grant a massage establishment or massage practitioner permit, or annual renewal thereof, provided the requirements of Sections 8.01.040, 8.01.060, 8.01.080, 8.01.160, 8.01.170 are satisfied, unless the applicant is disqualified pursuant to subsection (b), above, or the massage establishment would not comply with all other applicable laws and regulations, including without limitation, the building, zoning and health regulations of the City of Live Oak.

(d) If a permit or a renewal thereof is approved, the Sheriff may include such restrictions and conditions in the permit as he or she deems reasonable and necessary under the circumstances to ensure compliance with the purposes and intent of this chapter. Upon approval of a permit or renewal thereof, the Sheriff shall prepare and forward to the applicant written notice that the permit has been granted or renewed, and a statement of any conditions attached thereto. No decision of the Sheriff upon an application for a permit or renewal thereof shall become final until the 15-calendar-day
period in which an appeal may be made to the City Council has elapsed without an appeal having been file. Notice of the Sheriff’s decision shall be given to the permit applicant by personal delivery or by certified mail.

(e) If a permit or renewal thereof is denied, the Sheriff shall serve a written notice of denial upon the applicant by personal delivery or by certified mail. Such notice shall specify the ground(s) of denial, and shall include information concerning appeal rights and procedures, as provided in Section 8.01.140.

8.01.110 Issuance of Permit

Following the granting of a massage establishment or massage practitioner permit, or renewal thereof, and the lapse of the (fifteen) 15 day appeal period set forth in section 8.01.140, the Sheriff’s office shall issue the permit. Each massage establishment permit and massage practitioner permit shall be valid for a period of three (3) years following issuance thereof, unless sooner suspended or revoked as provided in Section 8.01.120. Permits issued hereunder may be renewed for successive 3 year periods as provided in Section 8.01.070.

The permit shall specify the full legal name of the permittee and the date the permit expires. A massage establishment permit shall specify the name and address of the business location.

8.01.120 Suspension or Revocation of Permit

(a) Any permit issued pursuant to this chapter may be suspended or revoked by the Sheriff, or his/her designee, after a duly noticed hearing as provided in Section 8.01.130, upon a finding by clear and convincing evidence that:

(1) The permit was obtained by fraud.

(2) Any person making use of such permit is violating or has violated any requirements or conditions of such permit.

(3) The permittee has violated, or permitted any other person under his/her control or supervision to violate, any provision of this chapter, or of state or federal law, in connection with the practice of massage or operation of a massage establishment; or

(4) The permittee has committed any offense which would be grounds for denial of an application, or employees of the massage establishment owned or operated by the permittee have committed such offenses in the course of their employment. For purposes of this subsection, a permittee shall be responsible for the actions of employees or independent contractors whose off-premises massage services he or she arranges, schedules or otherwise manages or oversees.

8.01.130 Hearing by Sheriff on Suspension or Revocation of Permit
(a) Prior to suspending or revoking any permit issued pursuant to this chapter, the Sheriff, or his/her designee, shall provide the permittee at least fifteen (15) days written notice of the date and time of a hearing to consider such suspension or revocation, and of the grounds thereof.

(b) The Sheriff, or his/her designee, shall consider all relevant evidence introduced at such hearing, and shall make written findings of fact based upon the evidence submitted, and based thereupon, decide whether, and subject to what conditions, if any, the permit shall be suspended or revoked.

(c) The written decision shall be served on the permittee within thirty (30) days of the conclusion of the hearing by personal delivery or certified mail, and in the case of suspension or revocation of the permit, shall include information concerning appeal rights and procedures, as provided in Section 8.01.140.

8.01.140 Appeal Rights and Procedures

(a) Any applicant for a permit, or a permittee, shall have the right to appeal a decision to deny a permit application or renewal application, or the requirements or conditions thereof, or a decision to suspend or revoke a permit, by filing a written notice of appeal with the Clerk of the City Council, specifying the grounds of the appeal, within fifteen (15) days after the decision has been served on the applicant or permittee.

(b) Such appeal shall be heard by the City Manager, or such other hearing officer as he or she may designate, upon not less than fifteen (15) days written notice to the appellant. The City Manager, or designated hearing officer, shall consider all relevant evidence introduced at such hearing, and may continue the hearing for good cause and require such legal briefing as may be required to address any issues raised in the appeal.

(c) Within a reasonable time, but in no event later than thirty (30) days following the conclusion of the hearing, the City Manager, or designated hearing officer, shall issue a written decision affirming, denying or modifying the decision from which the appeal was taken, supported by factual findings and determinations referenced to supporting evidence.

(d) The decision of the City Manager, or designated hearing officer, shall be final, and shall be served on the appellant as provided in Code of Civil Procedure Section 1094.6(b), with a copy submitted to the Clerk of the City Council. The written decision shall include a notice to the appellant that the decision is subject to judicial review according to the provisions and time limits set forth in Code of Civil Procedure Section 1094.6.

In the event the City Manager, or designated hearing officer, decides to issue or to renew a permit upon appeal hereunder, the City Manager shall issue the permit within ten (10) days of such decision, for a period up to three (3) years, subject to such terms and
conditions as the City Manager deems reasonable and necessary under the circumstances to ensure compliance with the purposes and intent of this chapter impose.

In the event a suspension or revocation of a permit is overturned upon appeal hereunder, the original permit shall be valid for the remainder of its term, subject to such additional terms and conditions as the City Manager may impose. In the event the original term of such permit has expired, the City Manager shall issue a new permit within ten (10) days of such decision, for a period up to three (3) years, subject to such terms and conditions as the City Manager deems reasonable and necessary under the circumstances to ensure compliance with the purposes and intent of this chapter.

**8.01.150  Prohibited Acts**

(a) No permittee or any other employee of a massage establishment shall place either his/her hands upon, or touch with any part of his/her body, a sexual or genital part of any other person in the course of a massage, or massage a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, pubic area, anus or perineum of any person or the vulva or the nipples of a female.

(b) No permittee or any other employee of a massage establishment shall uncover or expose the sexual or genital parts, as defined above of a client or themselves in the course of practicing massage or other health treatment before or after a massage. This subsection does not prohibit a client from turning over in the course of a massage, so long as the therapist holds a drape over the client to protect his/her privacy.

**8.01.160  Operational Requirements**

All massage establishments shall comply with the following operating requirements.

(a) Exterior signs. A recognizable and legible sign shall be posted at the main entrance identifying the business as a massage establishment. Such sign shall comply with any applicable ordinance requirements.

(b) Maintenance of permits. A copy of the massage establishment permit and each massage practitioner’s permit shall be kept on the premises and available for inspection. A passport-size photograph of the permittee or a photocopy of the permittee’s driver license shall be affixed to each permit.

(c) Posting of services offered. Each service offered, the price thereof, and the minimum length of time such service shall be practiced shall be posted legibly on a list located in a conspicuous public place within the premises. No service other than those set forth on the list shall be provided.

(d) Payment. All payments for massage services shall be made at the designated reception area exclusively.
(e) Alcohol prohibited. No alcoholic beverages shall be sold, served, furnished, kept or possessed in any part of a massage establishment. The owner and/or operator shall be responsible to ensure that no person possesses alcoholic beverages inside the massage establishment.

(f) Written records. Every massage establishment shall maintain written records which include the date and hour of each service provided, the full name of each client and type of service received, as well as the name of the massage practitioner administering the service. These records shall be kept on the premises and shall be open to inspection by officials upon request, including the Sheriff and any other official charged or empowered with enforcement of this chapter. These records shall be kept for a period of at least six months.

(g) Dress code for employees. The holder of the massage establishment permit, massage practitioners and all other employees of the massage establishment shall remain fully clothed in clean outer garments while on the premises of the massage establishment. At a minimum such clothing shall be made of non-transparent material and shall cover the entirety of the torso area from the chest to mid-thigh.

(h) Operating hours. No massage establishment shall be kept open for business and no massage practitioner shall administer massages before the hour of 8:00 a.m. or after the hour of 10:00 p.m. More restrictive hours may be stipulated by the Sheriff where appropriate.

(i) Recording or scanning devices prohibited. No audio or video recording device shall be used by the operator or any employee of the massage establishment to monitor the practice of a massage, or any conversation or other sounds in massage rooms without the expressed consent of the client. No device of any kind shall be installed or used which would operate in any way to detect or interfere with law enforcement surveillance or communication equipment.

(j) Advertising. All advertisements for massage establishments and the services offered therein shall reflect the professional nonsexual nature of the business. No massage establishment granted a permit under this chapter shall distribute or cause to be distributed any advertising matter that depicts any service is available other than those services authorized by this chapter.

8.01.165 Home Occupation Exception

(a) An exception to the requirements of Section 8.01.160(e), which prohibits keeping or possessing alcoholic beverages on the premises of a massage and/or bodywork office or establishment, shall be permitted where a massage and/or bodywork office or establishment is in the applicant’s residence, and the applicant has complied with the provisions of Chapter 17.10 of this code pertaining to home occupations. When a home exception is granted under this section, the portions of the home or residence subject to
the requirements of Section 8.01.100 shall be only those portions that are used at any
time by the patron or customer.

(b.) An exception to the requirements of Section 8.01.160(a) Exterior signs: Where a
massage and/or bodywork office or establishment is in the applicant’s residence, and the
applicant has complied with the provisions of Chapter 17.10 of this code pertaining to
home occupations, then no exterior sign shall be required.

8.01.170  Facility Requirements

All massage establishments shall comply with the following requirements:

(a) A minimum of one tub or shower, and one toilet and one wash basin shall be
provided.

(b) Massage establishments shall be equipped with clean and sanitary towels, sheets
and linens in sufficient quantity. Towels, sheets and linens shall not be used by more
than one person. Reuse of such linen is prohibited unless it has been laundered. Heavy
white paper may be substituted for sheets, provided that such paper is discarded after
each use.

(c) Cabinets or other covered space shall be provided for the storage of clean linen.
Receptacles shall be provided for all soiled linen and paper towels.

(d) All rest rooms or wash basins shall be provided with hot and cold running water,
soap, and single-service towels in wall-mounted dispensers.

(e) All walls, floors, ceilings, pools, showers, bathtubs and all other physical facilities
must be in good repair and maintained in a clean and sanitary condition. Wet and dry
heat rooms, steam or vapor rooms, or vapor cabinets, shower compartments and rooms
shall be thoroughly cleaned and disinfected each day the business is in operation.

(f) All other components of a massage establishment, including appliances, furniture
and apparatus shall be maintained in a sanitary and operational condition at all times.

(g) Disinfecting agents and sterilizing equipment shall be provided for any
instruments used in practicing acts of massage and instruments shall be disinfected and
sterilized after each use.

(h) Pads used on massage tables shall be covered with durable, washable plastics or
other acceptable waterproof material.

(i) All doors, except rest room doors, shall be kept unlocked during business hours.
Locking devices shall not be allowed on any interior doors within the establishment, with
the exception of rest room doors.
(j) Secure deposit devices capable of being locked by the client, or a security bag that may be carried by the client shall be available to the client for the protection of valuables.

(k) A single mirror, whose dimensions do not exceed three feet wide (horizontal) and five feet tall (vertical), may be installed within a room. No other mirrors shall be allowed.

(l) Massage establishments must be well lighted at all times during business hours.

8.01.180 Inspection for Compliance

As a condition of a massage establishment permit, investigating officials of the City shall have the right to enter the massage establishment during regular business hours to conduct reasonable inspections to observe and enforce compliance with the provisions of this chapter, as well as any other applicable requirements including but not limited to building, fire, planning and health requirements. A warrant shall be obtained whenever required by law.

8.01.190 Violation — Infraction or Misdemeanor

Any person who violates any provision of this chapter, including without limitation the prohibitions set forth in Sections 8.01.030 and 8.01.150, and the operational and facility requirements set forth in Sections 8.01.160 and 8.01.170, shall be deemed guilty of an infraction or a misdemeanor. Upon conviction thereof, such person shall be fined an amount not to exceed Five Hundred Dollars ($500), or by imprisonment for not more than six (6) months, or by both said fine and said imprisonment.

Chapter 8.05 - REFUSE COLLECTION AND DISPOSAL*

Sections

8.05.010 Definitions.
8.05.020 Collection by the city.
8.05.030 Use of city’s collection service required.
8.05.040 Appeals.
8.05.050 Owner responsible for refuse collection.
8.05.060 Prohibition.
8.05.070 Responsibility for providing container.
8.05.080 Failure to initiate service or to provide sufficient refuse containers.
8.05.090 Garbage and refuse container requirements.
8.05.100 Placement of containers for collection.
8.05.110 Cuttings.
8.05.120  Content of containers.
8.05.130  Prohibited materials.
8.05.140  Accumulation limitation.
8.05.150  Administration of collection service.
8.05.160  Removal of building scraps.
8.05.170  Payment for services rendered.
8.05.180  Agreement, rules and regulations.
8.05.190  Violation a misdemeanor.

* For statutory provisions authorizing cities to contract for garbage and rubbish disposal, and to prescribe terms for such services, see Health and Safety Code Section 4250.

Editor’s Note: Prior ordinance history: Section 3 of Ordinance 411 of 1994 was previously codified in this chapter, and was not specifically repealed by the adoption of Ordinance 432.

8.05.010  Definitions.
For purposes of this chapter, certain words and phrases used herein are defined as follows:

(a) “Collector” means the refuse disposal company with whom the city has contracted to provide the residents and property owners of the city with refuse collection.

(b) “Nuisance” shall mean the accumulation and existence of refuse on any private premises, on, in, or upon any street, alley or other public place within the city and which may be declared to be a nuisance. No person who owns, controls, or occupies any premises in the city shall cause, permit or allow any such nuisance to exist thereon.

(c) “Owner” means and shall conclusively be deemed to be the legal owner of any property subject to this chapter.

(d) “Refuse” means garbage and other refuse including, without limitation: (i) accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruits, or vegetables, and containers originally used for foodstuffs; (ii) lawn and garden refuse such as leaves, grass cuttings, roots and weeds from which the soil has been removed, trimmings from trees or shrubs, plants and similar materials; (iii) rubbish and trash such as paper, rags, cardboard, fiber, metal, glass, cartons, containers, boxes, bottles or jars, and other articles or materials of a similar nature normally discarded as household or business refuse; and (iv) other trash and rubbish other than sod, rocks, concrete, bricks and similar solid material, plaster or dirt.

“Refuse” shall not include large appliances or furniture or chemicals of a type which must be disposed of in a Class I dump.

(e) “Refuse collection area” shall mean that space on the premises where refuse is deposited by occupants and where said refuse is stored until it is transferred into or onto a collection vehicle and removed from the premises,
(f) “Standard container” shall mean a can made of metal or other nonbreakable watertight material with a close-fitting cover, cover handle and side handles, of not more than thirty-five gallons net capacity.

(g) “Cart” shall mean an eighty-five-gallon or larger container with wheels supplied by the collector. (Ord. 432 § 1, 1996)

8.05.020 Collection By The City

All refuse accumulated in the city shall be collected, conveyed and disposed of by the city, its duly authorized agents and employees, or by the collector with whom the city may contract or have contracted for the collection, conveyance and disposal of refuse. The city and such contractor or contractors and their employees shall, except as otherwise provided in this chapter, have the exclusive right to collect, convey and transport in, along or over the public streets, alleys and highways in the city all refuse. This section shall not prohibit transportation of refuse over public ways within the city by collectors authorized by the Sutter County health officer to serve county areas adjacent to the city limits. (Ord. 432 § 2, 1996)

8.05.030 Use Of City’s Collection Service Required

The periodic collection of refuse from all places in the city benefits all occupants of places and premises in the city and promotes and protects the health, safety and welfare of all residents of the city. Therefore, refuse collection services provided by the collector, city or its authorized agents, are mandatory for all owners of property within the city in or from which refuse is created, accumulated or produced; provided, however, that there may be joint or multiple use of refuse containers, subject to securing a permit therefore from the city, pursuant to rules and regulations therefore established by the city.

It is unlawful for any person other than the collector or employees of the city for compensation to collect, remove or dispose of refuse within the city on a regularly scheduled basis; provided, however, that nothing contained herein shall prevent the use of garbage disposal devices as provided in the Uniform Plumbing Code. (Ord. 432 § 3, 1996)

8.05.040 Appeals

(a) An owner may appeal the mandatory collection of refuse in accordance with Section 8.05.030 by filing with the city manager a written request within fifteen days of receiving notice from the city or its authorized agent or collector that refuse service is required on the owner’s property. The appeal shall set forth a statement of the action desired by the owner and list the reasons for the desired action. Qualifying criteria for an appeal would include low refuse generator with legal method of disposing of refuse or complete recycler, an alternative disposal method with legal method of disposing of refuse not including hauling to the landfill, or physically incapable of transporting refuse containers to curbside for collection. Sections 8.05.060 and 8.05.140 of this chapter shall also be included as part of the criteria in evaluating an appeal from mandatory collection. The appeal shall be acted upon by the city manager within ten days after the date of filing.

(b) Any person who shall be dissatisfied with the action of the city manager may appeal to the city council. In the event of such an appeal, the city manager shall transmit to the city council a report setting forth the reasons for the action taken. (Ord. 432 § 4, 1996)
8.05.050 Owner Responsible For Refuse Collection

The owner of any property within the city in or from which refuse is created, accumulated or produced shall subscribe to and pay for refuse collection service rendered to such property by the collector and shall provide at a location specified in the city’s agreement with the collector an adequate container or containers for deposit of refuse. The necessity for and type of refuse collection service required, the type of containers to be utilized and the rates to be charged for refuse collection services shall be established by agreement between the city and the collector or by resolution adopted by the city council.

Nothing in this section is intended to prevent an arrangement, or the continuance of an existing arrangement, under which payments for refuse collection service are made by a tenant or tenants, or any agent, on behalf of the owner. However, any such arrangement will not affect the owner’s obligation to the city or to the collector for such service. (Ord. 432 § 5, 1996)

8.05.060 Prohibition

(a) No person who owns, controls, or occupies any premises shall permit refuse to accumulate for a period in excess of the period provided in this chapter or in rules and regulations adopted pursuant hereto and no such person shall, following notice thereof, fail, refuse or neglect to place refuse within refuse containers as provided in this chapter and in accordance with the rules and regulations established pursuant to this chapter.

(b) No person shall throw, deposit, or leave any refuse, or permit the same to be thrown, deposited, or left on the property or premises of another without the knowledge and prior permission of the owner thereof.

(c) No owner of real property located in the city shall knowingly permit or countenance his tenants while in occupation of such property to throw, deposit or leave any refuse upon the property or premises of another.

(d) No person shall throw, deposit, or leave any refuse, or, being in possession or control of any refuse, shall permit the same to be thrown, buried without being properly licensed to do so, deposited, or left in or upon any street or other public place in violation of this chapter or the rules and regulations established pursuant to this chapter. (Ord. 432 § 6, 1996)

8.05.070 Responsibility For Providing Container

Every owner, occupant, manager, or person in control of the premises of any dwelling unit or units, or of any place of business or institution within the city where refuse accumulates, shall provide or cause to be provided a sufficient number of containers of adequate size to accommodate all refuse accumulated on the premises between collection days. The occupant, manager or person in control of the premises shall be primarily responsible for providing the required containers of adequate size. Making arrangements with the collector to provide the container shall comply with this section. (Ord. 432 § 7, 1996)

8.05.080 Failure To Initiate Service Or To Provide Sufficient Refuse Containers
When an owner fails to initiate adequate refuse collection service within fifteen days of occupancy of a property, the city manager or designee will give the owner written notification that such service is required. If service is not initiated within fifteen days from the date of the mailing of the notice, the city manager may require the collector to initiate and continue refuse service for said property.

When in the judgment of the city manager additional refuse containers are required, they shall be provided at the owner's cost upon written notification from the city manager. If the required additional containers are not provided within thirty days from the date of the mailing of the notice, the city manager may require the collector to provide the required containers at a cost established pursuant to agreement between the city and the collector or pursuant to rules and regulations adopted hereunder. Such cost may be added to the collection fees and collection in the same manner. (Ord. 432 § 8, 1996)

8.05.090 Garbage And Refuse Container Requirements

(a) Any one standard container to accommodate refuse shall not exceed thirty-five gallons in capacity and fifty pounds in weight, including contents. Carts may be eighty-five gallons or larger in capacity and up to two hundred pounds in weight including the contents and shall be supplied by the collector, so that they shall be capable of being emptied by standard cart equipment. Standard containers and carts shall be constructed of durable watertight materials, and shall be equipped with handles and a cover sufficient to prevent odors from escaping the container, flies and other insects from reaching or coming in contact with refuse, and the contents from being blown away.

(b) Refuse may, with health officer approval, be placed for collection in sturdy, grease-resistant, waterproof, non-returnable bags which are specifically designed for refuse disposal, said bags to be securely tied to prevent spillage.

(c) Refuse bins, drop boxes and proprietary containers, any of which may vary in capacity from one to fifty yards, shall conform to the following requirements:

(1) Containers shall be constructed of substantial materials such as rolled steel, forms and plate.

(2) Containers where putrescible waste is deposited shall have self-closing doors or covers which are fly-proof and such doors or covers shall remain closed except during loading and unloading,

(3) Containers where refuse is deposited and which are equipped with covers shall remain closed except during loading and unloading. Containers which are not equipped with covers should be stored in a refuse collection area screened from view from the public streets and from adjacent property by a sight barrier not less than six feet high or not less than the height of the container, which ever is greater. This sight barrier requirement may be met by locating the refuse collection area completely within a building or by erecting a structure such as a wall or fence especially for this purpose. The intent of this subsection is to safeguard health and public welfare by preventing refuse from scattering and being blown away.

(d) The use of oil drums as refuse containers is prohibited. (Ord. 432 § 9, 1996)

8.05.100 Placement Of Containers For Collection
Containers shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley, and accessible to and not more than two feet from the curb or sidewalk on the side of the street from which collection is to be made. Containers are to be placed at street side for collection within twelve hours of the time of collection and shall be removed within twelve hours after collection service is rendered. (Ord. 432 § 10, 1996)

8.05.110 Cuttings

Tree limbs, branches, hedge cuttings, leaves and similar materials may also be disposed of by placing them in refuse containers in such a manner that the lid can be secured and contents may be readily emptied. Larger branches from tree and shrub trimmings may also be placed on the ground at the place of collection providing they are neatly stacked and securely tied into bundles four feet or less in length and not more than fifty pounds in weight. In addition, said materials may be placed in cardboard cartons which are not longer than four feet and which do not have a loaded weight exceeding fifty pounds. (Ord. 432 § 11, 1996)

8.05.120 Content Of Containers

Contents of containers shall be limited to refuse, as defined in Section 8.05.010 of this chapter, except as hereafter qualified:

(a) Garbage. Food wastes or animal feces must be thoroughly drained and securely wrapped to prevent leakage, odor and access to flies and animals.

(b) Refuse. Feathers and ashes must be dampened and securely wrapped, and vacuum cleaner sweepings must likewise be securely wrapped.

(c) Cuttings. Grass, trees, shrub and flower trimmings, leaves and weeds must be contained as set forth in Section 8.05.110. (Ord. 432 § 12, 1996)

8.05.130 Prohibited Materials

Unless written approval is granted by the health officer, the following materials are prohibited in refuse set out for collection: ammunition, explosives, industrial wastes, chemicals, pathological, toxic and radioactive waste, acids, drugs, medicines, human feces, unwrapped animal feces, and items too large for the collection equipment or which may damage the collection machinery such as large pieces of metal, machine parts, logs and tree stumps. (Ord. 432 § 13, 1996)

8.05.140 Accumulation Limitation

No person who owns, controls or occupies any premises shall permit refuse to accumulate for a period in excess of one calendar week, or fail, refuse or neglect to place such refuse for collection in accordance with schedules established therefore, the provisions of this chapter and rules and regulations established pursuant thereto. (Ord. 432 § 14, 1996)

8.05.150 Administration Of Collection Service

The city manager shall administer the provisions of this chapter. In carrying out this responsibility, he shall have the following powers and duties:
(a) Establish rules and regulations consistent with this chapter governing storage, collection and disposition of refuse, including the determination of standards and specifications for approved containers and placement of containers. The rules may permit special containers or bins where the quantity or nature of the material to be collected so requires.

(b) Establish additional rules and regulations consistent with this chapter as may be necessary, reasonable and proper to effect the sanitary, expedient, economical and efficient collection, removal and disposal of refuse.

(c) Establish the routes, hours and days of collection and he may change the same as he deems necessary and shall give notice of such routes, hours, days and changes as seems advisable. (Ord. 432 § 15, 1996)

8.05.160 Removal Of Building Scraps

All owners, contractors and builders of structures shall both during construction and demolition and upon the completion of construction or demolition of any such structure gather up and haul away at their sole cost and expense all refuse of every nature, description or kind which has resulted from the construction activities or demolition of structures, including all lumber scraps, shingles, plaster, brick, stone, concrete and other building materials, and shall place the lot and all nearby premises utilized in connection with such construction activities in a sightly condition. (Ord. 432 § 16, 1996)

8.05.170 Payment For Services Rendered

(a) All billing for refuse collection shall be made by the collector; all charges shall become delinquent if not paid within ninety days after the billing date.

(b) If the bill remains unpaid after the date of delinquency, the collector shall be entitled to a delinquency fee. However, said delinquency fee shall not be assessed until fifteen days after notification of the delinquency to the property owner and recipient of service. The form and content of the delinquency notice sent by the collector and the delinquency fee shall be approved by the city. The collector shall simultaneously file with the city manager a formal written notice stating that such delinquency notice has been sent to such property owner and recipient of service and the date such notice was sent. Said notice shall notify the property owner of the fees imposed and the process for collection of delinquent charges.

(c) The collector may assign to the city at expiration of the fifteen-day period any delinquent bills for lien proceedings.

(d) Upon receipt by the city of the assignment from the collector and at the convenience of the city, the city manager shall initiate proceedings to create a lien on the real property to which the refuse collection has been rendered according to Government Code Section 25831.

(e) An administrative fee may be added to the lien amount as established by separate resolution of the city council. (Ord. 432 § 17, 1996)

8.05.180 Agreement, Rules And Regulations
The city council may, by agreement with the collector or by separate resolution, implement rules and regulations to carry out and promote the provisions of this chapter. Such agreements, rules and regulations may set forth the time of collection of refuse, the rates to be charged for such collection, the time for payment of such rates, the size of containers to be utilized, the manner in which such containers or bundles of refuse are to be placed for collection and such other matters as may be necessary or appropriate to effect the provisions of this chapter. (Ord. 432 § 18, 1996)

8.05.190 Violation A Misdemeanor

Every person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be subject to the penalty provision set forth in Title 1, Chapter 1.12 of the Live Oak Municipal Code. (Ord. 432 § 19, 1996)

Chapter 8.08 - FIRE PREVENTION CODE

Sections:

8.08.010 Adoption

8.08.020 Definitions.

8.08.030 Articles 9, 12, 13, 29 and Divisions IV and X of Article 16 deleted.

8.08.040 Fire chief designated.

8.08.050 Provisions in conflict with state or city laws deleted.

8.08.060 Section 28.1 amended— Bonfires and outdoor rubbish fires.

8.08.070 Dry and combustible materials near buildings.

8.08.080 Appeals.

8.08.090 Copies on file.

8.08.010 Adoption

Pursuant to the provisions of Article 2 of Chapter 1 of Part 1 of Division I of Title 5 (Section 50020 et seq.) of the Government Code, there is adopted and there shall be enforced, in the incorporated territory of the city, the Fire Prevention Code, and Appendices A and B, the latest edition thereof, as amended, hereinafter called the “primary code” and any and all writings, things, and matters incorporated therein by reference, hereinafter called the “secondary codes,” promulgated, published and recommended by the National Board of Fire Underwriters, whose address is 465 California Street, San Francisco 4, California, which is a nationally recognized and approved publication and compilation of proposed rules, regulations or standards of a private organization or institution, which has been in existence for a period of at least three years. (Ord. 131 § 1, 1965)

8.08.020 Definitions
Whenever the words set out in this section are used in the Fire Prevention Code, they shall have the meanings ascribed to them as follows:

A. “Municipality” means the incorporated city of Live Oak.
B. “Corporation counsel” means the attorney for the city. (Ord. 131 § 4, 1965)

8.08.030 Articles 9, 12, 13, 29 And Divisions IV And X Of Article 16 Deleted

There are hereby deleted from the Fire Prevention Code and are not adopted by this chapter, the following provisions thereof:

A. Article 9 (Dry Cleaning Plants) being Sections 9.1 to 9.18 inclusive;
B. Article 12 (Explosive and Ammunition) being Sections 12.1 to 12.4 inclusive;
C. Article 13 (Fireworks) being Sections 13.1 to 13.5 inclusive;
D. Division IV of Article 16 (Piping Valves and Fittings) being Sections 16.41 to 16.43 inclusive;
E. Division X of Article 16 (Tank Vehicles for Flammable Liquids) being Sections 16.101 to 16.1016 inclusive;
F. Article 29 (Tents) being Sections 29.1 to 29.3 inclusive. (Ord. 131 § 2, 1965)

8.08.040 Fire Chief Designated

A. All references to a chief of the bureau of fire prevention in the primary code hereafter shall be deleted. (When the words “chief of the bureau of fire prevention” are used in the primary code, they shall mean the city fire chief or his duly appointed representative.
B. Duties and responsibilities outlined in this chapter and the primary code shall be the duties and responsibilities of the fire chief within the city limits. (Ord. 131 § 3, 1965)

8.08.050 Provisions In Conflict With State Or City Laws Deleted

A. Any other provision of the primary code or secondary codes in conflict or inconsistent with, or the subject matter of which is regulated by the laws of the state are deleted therefrom and are not adopted by this chapter.
B. Any provisions of the primary code or secondary codes in conflict or inconsistent with, or the subject matter of which is regulated by the laws of any legal district within the boundaries of the city are deleted therefrom and are not adopted by this chapter. (Ord. 131 § 5, 1965)

8.08.060 Section 28.1 Amended—Bonfires And Outdoor Rubbish Fires

Section 28.1 of the primary code is amended to read as follows:

“Section 28.1—BONFIRES AND OUTDOOR RUBBISH FIRES.

“A. PERMIT REQUIRED.

“1. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on or in any public street, alley, road or other public ground without a permit or other proper authorization.
“2. It shall be unlawful for any person to burn brush, grass, refuse, debris, and other matter in open fires within the city limits of the City of Live Oak between the hours of 7:00 a.m. and 7:00 p.m. of the same day without first obtaining a permit from the Fire Chief of the City of Live Oak. Burning is lawful without a permit from 7:00 a.m. to 7:00 p.m. if conducted in a screened incinerator.

“3. The City Council shall by resolution annually determine and establish fire hazard seasons during various portions of the year in various geographical areas of the city. Said resolution shall be published at least once in the Live Oak Acorn, a newspaper of general circulation printed and published in the City of Live Oak, State of California, eight (8) days prior to the effective date of said resolution. During said fire hazard season designated by resolution, burning permits shall be required for the following:

“(a.) Disposal of waste materials or rubbish from the construction or demolition of buildings or other structure where said burning is to be made either on the premises or in the immediate vicinity of the buildings or structures being constructed or demolished.

“B. LOCATION RESTRICTED. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fires to be kindled or maintained on any private lands unless; (1) the location is not less than 10 feet from any structure and adequate provision is made to prevent fire from spreading to within 10 feet of any structure, or; (2) the fire is contained within an approved type of incinerator with a closed, approved type spark arrester, located safely not less than five feet from any other flammable material.

“C. APPROVED INCINERATOR. Incinerators or receptacles for the burning of waste materials shall be one of the following types:

“TYPE I: This type shall be constructed of concrete or masonry with a chimney extending at least two feet above the fire doors, and equipped with a spark arrester, no opening of which shall be greater than one-quarter inch. A permanently installed fire door shall be provided. A clean-out opening shall be provided and shall be covered by a door or screen, no opening of which shall be greater than one-half inch.

“TYPE II: Type II incinerators shall be constructed of metal or masonry, and provided with a removable cover. The cover shall have no opening greater than one-half inch and shall be in place on the receptacle during burning operations.

“D. NO FIRES TO BE UNATTENDED. It shall be unlawful to leave, or cause or permit to be left; any outdoor or open fire unattended by an adult person, except those fires contained in an approved incinerator.” (Ord. 131 § 6, 1965)

8.08.070 Dry And Combustible Materials Near Buildings

Dry and combustible materials, including dry weeds, grass and general growth, and trash and rubbish shall be kept cleared for a minimum distance of fifteen feet around buildings at all times. (Ord. 131 § 7. 1965)

8.08.080 Appeals

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly
interpreted, the applicant may appeal from the decision of the chief of the fire department
to the city council within ten days from the date of the disapproval. (Ord. 131 § 10, 1965)

8.08.090  Copies On File

Not less than three copies of the primary code adopted by reference, and of each
secondary code pertaining thereto, all certified to be true copies by the clerk of the city
shall be kept there for public inspection while the ordinance codified in this chapter is in
force; provided, that after August 4, 1965, one of the copies of the primary code and of
each secondary code may be kept in the office of the city fire chief instead of in the office
of the city clerk. The city clerk shall at all times maintain a reasonable supply of copies of
the primary code and of any secondary codes incorporated in it by reference. Copies of
the ordinance codified in this chapter shall be available for inspection at each of the city
fire department and the city fire chief’s office. (Ord. 131 § 8, 1965)

Chapter 8.12 - MOTOR VEHICLE RACING

Sections:

8.12.010  Racing Defined
For the purpose of this chapter, “racing” means a speed contest. (Ord. 198 § 5. 1976)

8.12.020  Findings Of Fact
It is found from substantial evidence presented to the city council at public hearings that
motor vehicle racing is injurious to health and offensive to the senses so as to interfere
with the comfortable enjoyment of life and property of persons in the neighborhood
located in the vicinity of the Live Oak Racetrack and of a considerable number of persons
residing in the city, by reason of the noise, dust, and fumes which is an unreasonable
interference with the life and property of such persons after the hour of ten p.m. (Ord.
198 § 1, 1976)

8.12.030  Nuisance During Certain Hours
It is a public nuisance to race or cause to race any motor vehicle within the city, save and
except at the Live Oak Racetrack on Saturdays between the hours of ten a.m. and ten p.m.
(Ord. 198 § 2, 1976)

8.12.040  Hours Permitted
It is unlawful for any person to race or cause to race any motor vehicle within the city,
save and except at the Live Oak Racetrack on Saturdays between the hours of ten a.m.
and ten p.m. (Ord. 198 § 3, 1976)
Chapter 8.16 - TRAILERS AND TRAILER CAMPS

Sections:

8.16.010 Definitions.
8.16.020 Keeping Trailers in Authorized Camps Required - Temporary Permit Issuance

8.16.010 Definitions

The words and phrases set out in this section as used in this chapter shall have the meanings ascribed to them as follows:

A. “Auto and trailer camp” means any area or tract of land where space is rented or held out for rent to owners or users of trailer coaches or tent campers furnishing their own camping equipment or where free camping is permitted.

B. “Trailer coach” means any camp car, trailer or other vehicle, with or without motive power, designed and constructed to travel on the public thoroughfares at the maximum allowable speed limit and in accordance with the provisions of the vehicle code, and designed or used for human habitation. (Ord. 459, § 1, 2001)

8.16.020 Keeping Trailers In Authorized Camps Required - Temporary Permit Issuance

A. It is unlawful and a public nuisance for any person or persons to establish, keep or maintain upon any lot or other place within the city any trailer, auto coach or trailer coach primarily designed for transportation purposes upon a public highway, for occupancy as living quarters, for a longer period than seventy-two hours, unless the same is kept and maintained on a regularly established auto and trailer camp operated under permits from the state and the city.

B. The City Manager shall have the authority under this chapter, and upon written application to issue a temporary permit not to exceed two-weeks. A temporary permit will not be issued for any trailer, which would create or constitute a nuisance or health menace. For exceptional cases, due to a calamity the city manager has the discretion to extend a temporary permit not to exceed six months in duration. The decision from the City manager is final. (Ord. 459 § 1, 2001)

Chapter 8.20 - SMOKING IN PUBLIC PLACES

Sections:

8.20.010 Purpose and findings.
8.20.020 Definitions.
8.20.030 Applicability to city-owned facilities.
8.20.040 Prohibited smoking areas.
8.20.050 Places of employment.
8.20.010  Purpose And Findings

A. The city council of the city of Live Oak finds that:

1. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution; and

2. Reliable studies have shown that breathing sidestream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory infection, including asthmatics and those with obstructive airway disease; and

3. Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased respiratory function, bronchoconstriction, bronchospasm and decreased exercise tolerance; and

4. Nonsmokers with allergies, respiratory disease and those who suffer other ill effects of breathing sidestream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and

5. The smoking of tobacco, or any other weed or plant, is a proven danger to health.

B. Accordingly, it has been determined that the health, safety and general welfare of the residents of, persons employed in, and persons who frequent this city, would be benefited by the regulation of smoking in enclosed places, including places of employment. (Ord. 300 § 1, 1986)

8.20.020  Definitions

The following words and phrases, whenever used in this chapter, shall be construed as hereafter set out, unless it shall be apparent from the context that they have a different meaning:

1. “Bar” or “tavern” means an area which is devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

2. “Employee” means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.

3. “Employer” means any person, partnership, or corporation (including municipal corporation), who employs the services of another person.
4. “Enclosed” means closed in by roof and floor to ceiling walls with appropriate openings for ingress and egress.

5. “Indoor service lines” means any indoor 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.

6. “Place of employment” means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, conference rooms, and employee cafeterias and hallways. A private residence is not a place of employment, unless the residence is used as a child care or a health care facility.

7. “Smoking” means the carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment or the lighting or emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind. (Ord. 300 § 2, 1986)

8.20.030 Applicability To City-Owned Facilities

All enclosed facilities owned by the city of Live Oak shall be subject to the provisions of this chapter. (Ord. 300 § 3, 1986)

8.20.040 Prohibited Smoking Areas

Smoking shall be prohibited in the following places within the city of Live Oak:

A. All enclosed areas available to and customarily used by the general public, and all businesses patronized by the public, including, but not limited to, retail stores, hotels and motels, pharmacies, banks, and other business offices;

B. Within all restaurants having an occupied capacity of fifty or more persons; provided, however, that this prohibition does not prevent (1) the designating of a contiguous area within the restaurant that contains no more than fifty percent of the seating capacity of the restaurant as a smoking area, or (2) the providing of separate rooms designated as smoking rooms, as long as the rooms do not contain more than fifty percent of the seating capacity of the restaurant;

C. Waiting rooms, hallways, wards, and semi private rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors’ offices and other health care provider offices, except that health facilities shall also be subject to the provisions of Section 8.20.050 of this chapter regulating smoking in places of employment;

D. Elevators, public restrooms, indoor service lines, buses, taxicabs and other means of public transit under the authority of the city, and in ticket, boarding, and waiting areas of public transit depots; provided, however, that this prohibition does not prevent (1) the establishment of separate waiting areas for smokers and non smokers, or (2) the establishment of at least fifty percent of a given waiting area as a nonsmoking area;

E. In public areas of museums, galleries;

F. Enclosed theaters, auditoriums, and halls which are used for motion pictures, stage dramas and musical performances, ballets or other exhibitions, except when smoking is part of any such production;
G. Retail food marketing establishments, including grocery stores and supermarkets, except those areas of such establishments set aside for the serving of food and drink, restrooms and offices, and areas thereof not open to the public, which may be otherwise regulated by this chapter;

H. Public schools and other public facilities under the control of another public agency, which are available to and customarily used by the general public, to the extent that the same are subject to the jurisdiction of the city;

I. 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. 300 § 4, 1986)

8.20.050 Places Of Employment

A. It shall be the responsibility of employers to provide smoke-free areas for nonsmokers within existing facilities to the maximum extent possible, but employers are not required to incur any expense to make structural or other physical modifications in providing these areas.

B. Within ninety days of the effective date of the ordinance codified in this chapter, each employer and each place of employment located within the city shall adopt, implement, make known and maintain a written smoking policy, which shall contain at a minimum the following requirements:

1. Prohibition of smoking in conference and meeting rooms, classrooms, auditoriums, rest rooms, medical facilities, hallways and elevators;

2. Any employee in a place of employment shall be given the right to designate his or her immediate work area as a nonsmoking area and to post the same with an appropriate sign or signs, to be provided by the employer. The policy adopted by the employer shall include a reasonable definition of the term “immediate work area”;

3. In any dispute arising under this smoking policy, the rights of the nonsmoker shall be given precedence;

4. Provision and maintenance of a separate and contiguous nonsmoking area of not less than fifty percent of the seating capacity and floor space in cafeterias, lunchrooms and employee lounges;

5. The smoking policy shall be communicated to all employees within three weeks of its adoption, and at least annually thereafter.

C. Notwithstanding the provisions of subsection A of this section, every employer shall have the right to designate any place of employment, or portion thereof, as a nonsmoking area. (Ord. 300 § 5, 1986)

8.20.060 Permitted Smoking Areas

Notwithstanding any other provisions of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

A. Private residences;

B. Bars or taverns;
C. Hotel and motel rooms rented to guests;
D. Retail stores that deal exclusively in the sale of tobacco and smoking paraphernalia;
E. Restaurants, hotel and motel conference or meeting rooms, and public and private assembly rooms while these places are being used for private functions;
F. A private residence which may serve as a place of employment;
G. A private enclosed place occupied exclusively by smokers, even though such a place may be visited by nonsmokers, and private enclosed offices, excepting places in which smoking is prohibited by the fire department or by any other law, ordinance or regulation;
H. Private residences, unless the residence is used as a child care or health care facility. (Ord. 300 6, 1986)

8.20.070 Posting Requirements
A. “Smoking” or “No Smoking” signs, whichever are appropriate, with letters of not less than one inch in height 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 in every building or other place where smoking is controlled by this chapter, by the owner, operator, manager or other person having control of such building or other place.
B. Every restaurant regulated by this chapter will have posted at its entrance a sign clearly stating that a nonsmoking section is available. (Ord. 300 § 7, 1986)

8.20.080 Enforcement
A. Enforcement shall be implemented by the Sutter County health department or its designees.
B. Any citizen who desires to register a complaint hereunder may initiate enforcement with the Sutter County health department or its designees.
C. Any owner, manager, operator or employer of any establishment controlled by this chapter shall have the right to inform persons violating this chapter of the appropriate provisions hereof. (Ord. 300 § 8, 1986)

8.20.090 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. 300 § 10, 1986)

8.20.100 Conflict With Other Provisions
This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. (Ord. 300 § 11, 1986)

8.20.110 Violation—Penalty
A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to the restrictions of this chapter to: fail to properly post signs required hereunder; fail to provide signs for the use of employees in designating their
areas; fail to properly set aside no-smoking areas; fail to adopt a smoking restriction policy; or fail to comply with any other requirements of this chapter.

B. It is unlawful for any person to smoke in any area restricted by the provisions of this chapter.

C. Any person/business who violates subsections A or B of this section or any other provisions of this chapter shall be guilty of an infraction, punishable by:
   1. A fine, not exceeding one hundred dollars, for a first violation;
   2. A fine, not exceeding two hundred dollars, for a second violation of this chapter within one year,
   3. A fine, not exceeding five hundred dollars, for each additional violation of this chapter within one year. (Ord. 300 § 9, 1986)

**Chapter 8.24 - NUISANCE ABATEMENT CODE**

Sections:

- 8.24.010 Title.
- 8.24.020 Purpose.
- 8.24.030 Application.
- 8.24.040 Enforcement.
- 8.24.050 Right of entry.
- 8.24.070 Appeal to city council.
- 8.24.080 Violations and penalties.
- 8.24.090 Definitions.
- 8.24.100 Specified nuisances.
- 8.24.110 Abatement procedure generally.
- 8.24.120 Hearing notice.
- 8.24.130 Hearings—Generally
- 8.24.140 Record of oral evidence at hearing.
- 8.24.150 Continuances.
- 8.24.160 Evidence rules
- 8.24.190 Inspection of premises.
- 8.24.200 Form and contents of decision—Finality of decision.
8.24.010 Title
This chapter shall be known as the “nuisance abatement code” and may be cited as the “nuisance abatement code” and shall hereinafter be referred to herein as “this code.” (Ord 339 (part), 1990: Ord. 326 (part), 1989)

8.24.020 Purpose
A. It is the intent of the city council in adopting this code to provide a comprehensive method for the identification and abatement of certain public nuisances within the city.

B. Provisions of this code are to be supplementary and complementary to all of the provisions of the city code, state law (Civil Code Section 3479, et seq., Government Code Section 38771, et seq., Penal Code Section 370, et seq., Health and Safety Code Section 14875, et seq.) and any law cognizable at common law or in equity and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the city to abate any and all nuisances. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.030 Application
The provisions of this code shall apply generally to all property throughout the city wherein any of the conditions hereinafter specified, are found to exist; provided,
however, that any condition which would constitute a violation of this code, but which is
duly authorized under any city, state or federal law, shall not be deemed to violate this

8.24.040   Enforcement

A. The Live Oak fire chief and/or the Live Oak public works director are authorized and
directed to use the provisions of this code for the purpose of abating those nuisances
which exist as the result of violation of those ordinances for which their respective
departments have primary enforcement responsibility.

B. As used herein, the term “fire chief” and the term “public works director” shall include
their authorized representatives. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.050   Right Of Entry

To the extent authorized by law, the fire chief and/or public works director (hereinafter
referred to as enforcement officers) may enter on such premises at reasonable times to

8.24.060   Responsibility For Property Maintenance

A. Every owner of real property within the city is required to maintain such property in a
manner so as not to violate the provisions of this code and such owner remains liable for
violations thereof regardless of any contract or agreement with any third party regarding
such property.

B. Every occupant, lessee or holder of any interest in property, other than as owner
thereof, is required to maintain such property in the same manner as is required of the
owner thereof, and the duty imposed by this section on the owner thereof shall in no
instance relieve those persons herein referred to from the similar duty. (Ord. 339 (part),
1990: Ord. 326 (part), 1989)

8.24.070   Appeal To City Council

In order to hear cases brought by the enforcement officers, or either of them under the
provisions of this code, the city council shall hear cases brought by the enforcement

8.24.080   Violations And Penalties

Any person, firm or corporation, whether owner, lessee, sublessor, sublessee or occupant
of any premises who violates the provisions of this code shall be guilty of a misdemeanor
for each day such violation continues and shall be punishable as provided in Title 1,
Chapter 1.12, Section 1.12.010 of the Live Oak Municipal Code. (Ord. 339 (part), 1990:
Ord. 326 (part), 1989)

8.24.090   Definitions

For purposes of this code, the following words shall have the following specified
meanings:

A. “Junk” means any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped,
unusable, worn-out or wrecked object, thing or material composed in whole or in part of
asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, metal,
paper, plaster, plaster of paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance, having no reasonably realistic market value or requiring reconditioning in order to be used for its original purpose.

B. “Junkyard” means any premises from on or which any junk is abandoned, bailed, bartered, bought, brought, bundled, deposited, disassembled, disposed of, exchanged, handled, kept, packed, processed, scattered, shipped, sold, stored or transported, regardless of whether or not such activity is done for profit.

C. Unreasonable Period. As used in Section 8.24.100, an “unreasonable period” means a duration of fifteen calendar days. However, if the keeping, storage, depositing, or accumulation of materials constituting a public nuisance is recurring, frequent and repetitious whereby such materials are removed and redeposited on two or more occasions within a three-month period, then “unreasonable period” shall be defined as fifteen days from the first occurrence, keeping, storage, depositing or accumulation of such materials. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.100 Specified Nuisances

In addition to conditions which are declared by other provisions of this code to be either illegal or to constitute a public nuisance and which are to be enforced under those applicable provisions of the Live Oak Municipal Code, it is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this city to maintain such premises in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist:

A. The keeping, storage, depositing or accumulation on the premises for an unreasonable period of any personal property, including but not limited to appliances, furniture, containers, packing materials, scrap metal, wood, building materials, junk, rubbish and debris, which is within the view of persons on adjacent or nearby real property or the public right-of-way and which is offensive to the senses or reduces the aesthetic appearance of the neighborhood or is detrimental to nearby property or property values; provided, however, that wood and building materials being used or to be used for a project of repair or renovation for which a building permit has been obtained may be stored for that period of time consistent with the life of the permit, either as originally issued or as extended;

B. The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials for an unreasonable period which is offensive to the senses or reduces the aesthetic appearance of the neighborhood or is detrimental to nearby property or property values;

C. Any dangerous, unsightly or blighted condition which is detrimental to the health, safety or welfare of the public;

D. Any condition recognized in law or in equity as constituting a public nuisance;

E. The maintenance of the exterior of any vacant or unoccupied building or the interior of any such building not otherwise a condition or violation of Title 15, Chapter 15.12 of the Live Oak Municipal Code, which is readily apparent to the senses and/or detrimental to the property visible from any public street or adjacent parcel of property in state of
unsightliness so as to be offensive to the senses and/or detrimental to the property values in the neighborhood or otherwise detrimental to the public welfare.

Once proceedings have been commenced pursuant to this chapter to declare a building to be a public nuisance under this subsection, no such building shall be deemed to be in compliance with this chapter solely because such building thereafter becomes occupied. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.110 Abatement Procedure Generally

Whenever the enforcement officer has inspected or caused to be inspected any premises and has found and determined that such premises are in violation of this code, he shall commence proceedings to cause abatement of the nuisance as provided herein. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.120 Hearing Notice

A. The enforcement officer shall issue a notice directed to the record owner of the premises. The notice shall contain:

1. The street address and such other description as required to identify the premises;
2. A statement specifying the conditions which constitute the nuisance;
3. An order to the owner to appear before the city council at a stated time, but in no event less than twenty calendar days after having mailed such notice, to show cause why the premises should not be declared a public nuisance and the same abated in accordance with this code;
4. A statement advising the owner that he has the option of voluntarily abating the nuisance prior to the date set for completion prior to the hearing date. The owner must advise the enforcement officer in writing that he will abate the nuisance, and the date of completion. The enforcement officer will inspect the premises on the completion date, and if the nuisance has been abated, the hearing will be taken off calendar. The owner may request a continuance of the hearing pursuant to Section 8.24.150.

B. The hearing notice, and any amended or supplemental notice, shall be served either by personal delivery or by mailing a copy by certified mail, postage prepaid return receipt requested, upon the record owner at his/her/their address as it appears on the latest equalized assessment roll of Sutter County, or as known to the enforcement officer; a copy of the notice shall also be posted on the premises.

C. Proof of service of the hearing notice shall be certified by written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

D. The notice shall substantially follow as specified herein:

NOTICE OF VIOLATION OF THE
LIVE OAK NUISANCE ABATEMENT
CODE

196
(Title 8-Chapter 8.24
Live Oak Municipal Code)

NOTICE IS HEREBY GIVEN that as a result of an inspection of the premises at ____________________________

by the Live Oak enforcement officer or authorized representative on the ______ day of ____________________________, 19__________, it has been determined that said premises violate Title 8, Chapter 8.24 of the Live Oak Municipal Code.

The condition(s) upon said premises which violates Title 8, Chapter 8.24 of the Live Oak Municipal Code include(s):

1. ........................................................................................................................................
2. ........................................................................................................................................
3. ........................................................................................................................................
4. ........................................................................................................................................
5. ........................................................................................................................................

NOTICE IS HEREBY GIVEN that a public hearing shall be held on the _____ day of __________, 19_____. at _________________ beginning at the hour of _______ of said day.

Your attendance at this hearing is recommended if you contest the above-described violations. Your failure to appear at this hearing shall be deemed to be a waiver of any objections or protest to any and all procedures concerning the same.

If you do not contest the violations herein above-described, you may voluntarily abate the nuisance prior to the date set for hearing. Such abatement must be completed prior to the hearing date. You must advise the enforcement officer in writing that you or your agent(s) will abate the nuisance, and specify the date of completion. Thereafter, the enforcement officer shall inspect the premises on the completion date, and if the nuisance has been abated, the hearing will be taken off calendar.

Dated this __________ day of ___________________ 19______


8.24.130 Hearings—Generally
A. At the time set for hearing, the city council shall proceed to hear the testimony of the enforcement officer, the owner, and other competent persons respecting the condition of the premises, and other relevant facts concerning the matter, (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.140 Record Of Oral Evidence At Hearing
A. The proceedings at the hearing shall be reported by a tape recorder. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the party’s own expense.
B. Preparation of a record of the proceeding shall be governed by California Code of Civil Procedure Section 1094.6, as presently written or hereinafter amended. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.150 Continuances

The city council may, upon request of the owner of the premises or upon request of the enforcement officer, grant continuances from time to time for good cause shown, or upon his own motion. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.160 Evidence Rules

Government Code of the State of California, Section 11513, Subsections (a), (b) and (c), as presently written or hereinafter amended, shall apply to hearings under Title 8, Chapter 8.24 of the Live Oak Municipal Code. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.170 Rights Of Parties

A. Each party may represent themselves, or be represented by anyone of their choice.

B. If a party does not proficiently speak or understand the English language, he may provide an interpreter, at the party’s own cost, to translate for the party. An interpreter shall not have had any involvement in the issues of the case prior to the hearing. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.180 Official Notice

In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or which may appear in any of the official records of the city or any of its departments. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.190 Inspection Of Premises

A. The city council may inspect the premises involved in the hearing prior to, during or after the hearing; provided that:

1. Notice of such inspection shall be given to the parties before the inspection is made;

2. The parties are given an opportunity to be present during the inspection; and

3. Members of the city council may state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn therefrom.

B. Each party then shall have a right to rebut or explain the matters so stated by the members of the city council either for the record during the hearing or filing a written statement after the hearing for inclusion in the hearing record. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.200 Form And Contents Of Decision—Finality Of Decision

If it is shown by a preponderance of the evidence that the condition of the premises constitutes a public nuisance:

A. The decision of the city council shall be in writing and shall contain findings of fact and a determination of the issues presented. The decision shall also require the owner to
commence abatement of the nuisance not later than fifteen days after the issuance of the decision, and that the abatement be completed within such time as specified by the city council, or in the alternative, within the time designated by the enforcement officer. The decision shall inform the owner that if the nuisance is abated by the city in such manner as may be ordered by the enforcement officer, the expense thereof shall be made a lien on the property involved:

B. The decision shall also inform the applicant that the time of review is governed by California Code of Civil Procedure Section 1094.6. Copies of the decision shall be forthwith delivered to the parties personally or sent to them by certified mail. The decision shall be final when signed by the mayor and served as herein provided, (Ord. 339 (part). 1990: Ord. 326 (part), 1989)

8.24.210 Service Of The Hearing Examiner’s Decision

Upon issuance of the decision, the enforcement officer shall post a copy thereof conspicuously on the premises involved and shall serve a copy on the record owner, in the same manner as set forth in Section 8.24.120 B, and one copy shall be served on each of the following, if known to the enforcement officer or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in the premises. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.220 Enforcement Of Hearing Examiner’s Order

After any order of the city council made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. (Ord. 339 (part), 1990: Ord, 326 (part), 1989)

8.24.230 Failure To Obey Order

If, after any order of the city council made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the enforcement officer may institute any appropriate action to abate such conditions on the subject premises which constitute the public nuisance. (Ord. 339 (part), 1990: Ord, 326 (part), 1989)

8.24.240 Failure To Complete Work

A. Whenever the required abatement is not completed within the time so specified in the order, the enforcement officer may, in addition to any other remedy herein provided, cause the nuisance to be abated, so as to put the premises in such a condition that no violation of this code exists thereon.

B. The cost of such abatement shall be assessed against the property as a lien or made a personal obligation of the owner thereof as provided in Sections 8.24.320 through 8.24.360. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.250 Extension Of Date For Completion

A. Upon receipt of an application from the person required to conform to the order by a date fixed in the order, and an agreement by such person that he will comply with the order if allowed additional time, the enforcement officer may, in his discretion, grant an
extension of time, not to exceed an additional one hundred twenty days, within which to complete such abatement, if the enforcement officer determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property.

B. The authority of the enforcement officer to extend time is limited to the physical abatement of the nuisance or for such other purposes as may be reasonably required by the circumstances of the case, but such extension will not in any way affect or extend the time to appeal the order. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.260  Interference With Work Prohibited

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city, or with any person who owns or holds any estate or interest in any premises on which a nuisance exists and which must be abated under the provisions of this code, whenever such officer, employee, contractor or authorized representative of the city, or person having an interest or estate in such premises is engaged in the work of abating any nuisance as required by the provisions of this code, or in performing any necessary work preliminary to or incidental to such work authorized or directed pursuant to this code. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.270  Summary Abatement—Dangerous Condition

If, in the opinion of the fire chief, there exists a condition on any premises which is of such a nature as to be imminently dangerous to the public health, safety or welfare, which, if abated according to the procedures of this code, would, during the pendency of the proceedings, subject the public to potential harm of a serious nature, the same may be abated forthwith without compliance with the provisions of this code. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.280  Summary Abatement—Approval Of City Attorney

No summary abatement shall be undertaken unless it shall first be approved by the city attorney or his authorized representative. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.290  Lien Or Personal Obligation

The cost of abatement including penalties pursuant to Section 8.24.080 and all administrative costs of any action taken hereunder shall be assessed against the subject premises, as a lien or made a personal obligation to the owner as provided in Sections 8.24.320 through 8.24.360, except that in the event the courts shall decide the action taken under this chapter was improper, no lien shall be assessed. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)


The enforcement officer shall keep an itemized account of the expense incurred by the city in abating nuisances under the provisions of this code. Upon the completion of the work of abatement, such enforcement officer shall prepare and file with the city clerk a report specifying the work done, the itemized and total cost of the work, a description of the real property at which the work was performed, and the names and addresses of the persons entitled to notice pursuant to Section 8.24.120. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)
8.24.310 Report Transmitted To Council

Upon receipt of the report, the city clerk shall present it to the city council for consideration. The city council shall fix a time, date and place for hearing the report, and any protests or objections thereto. The city clerk shall cause notice of the hearing to be served by certified mail, postage prepaid, addressed to the persons entitled to notice as specified by Section 8.24.320. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.320 Notice Of Equalization Of Assessment

Within ten days after the filing of the report referred to in Section 8.24.340 of this article, the city clerk shall cause to be served upon the owner, or agent of the owner, lessee, occupant, or person in possession of the parcel of land described in the statement and in the notice personally or by mail addressed to his last known address or to general delivery, Live Oak, California, if such address is unknown, and shall cause to be posted upon the parcel of land therein described a notice substantially in the following form:

NOTICE IS HEREBY GIVEN that the City Council of the City of Live Oak, California, will on the day of ______________, 19______, in the Council Chambers of the City Hall beginning at the hour of ______ of said day, hear any protest or objection to the cost of (describe proposal action to be taken) as and formerly located on Assessor’s Parcel No. ___________________________, in the City of Live Oak, California, for the purpose of correcting, modifying or confirming the said costs and assessing the same against the said property. Failure to make any objection will be deemed to be a waiver of any objection or protests to any and all procedures concerning the same.

A statement showing all premises affected and charges against the same and/or the cost and proposed assessment for such action is on file in the Office of the City Clerk at the City Hall and is open to public inspection.

Dated this ___________________________ day of ______________, 19_____________

______________________________
            City Clerk

In all cases, a copy of the above notice shall be mailed to the owner of record at his last known address as listed on the county assessor’s files. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.330 Equalization Of Assessment— Hearing

Person(s) served with a notice of assessment or any other person holding an interest in the property may object to the proposed assessment by filing a written protest with the city clerk on or before the date set for the hearing referred to in the notice. The city clerk shall present to the council all protests so filed. The council, sitting as a board of equalization at the hearing referred to in Section 8.24.360 of this chapter, which shall be held at the first regular meeting of the council after the expiration of ten days after the
date of service or posting of the notice on the property therein described, may modify or correct any assessment which, in its opinion, is excessive or otherwise incorrect. If no corrections or modifications are made, the assessment shall be deemed confirmed, and the council’s decision thereon shall be final and conclusive, and the assessment shall thereupon become a lien against the property involved and described in the notice and shall remain a lien thereon until the assessment is paid. If any correction or modification of any assessment is made by the council, the corrected or modified amount shall be deemed confirmed, and the council’s decision thereon shall be final and conclusive, and the same shall thereupon become and remain a lien. Thereupon the city treasurer shall send out bills for the respective assessments. Any bills unpaid at the end of thirty days may be referred to the city treasurer for collection. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.340 Delinquent Assessments—Filing Of Assessments With Office Of The County Recorder

If delinquent, the amount of the assessment is subject to the same penalties and interest as provided for ordinary municipal taxes and may be subject to foreclosure as provided by law. Costs of foreclosure proceedings, filing and recordation fees and collection costs shall be additional obligations to the original assessment. Upon the receipt of the assessment roll, the city treasurer shall record the assessment with the office of the county recorder. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.350 Records Of Sale And Payments

The funds collected under the proceedings provided for in this chapter, either upon voluntary payment or as the result of sales, shall be paid to the city treasurer, who shall place the same in the general fund. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.360 Assessments, Payments And Refunds

No assessment or act relating to the assessment or collection of any sum of money for the cleaning of any premises or for any work done by the city under the provisions of this chapter shall be illegal or void on account of any informality in connection with the levying of the assessment or the doing of the work or because the same was not completed within the time required by law. Any payment erroneously paid or illegally collected under the provisions of this chapter may be refunded by the city upon an order of the council after a proper showing of such erroneous payment sought to be refunded. (Ord. 339 (part), 1990: Ord. 326 (part), 1989).
TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.03  Daytime Loitering and Truancy of Juveniles
9.04  Curfew for Minors
9.08  Weapons
9.12  Indecent Exposure
9.16  Trespassing on Posted Property
9.20  Trespassing on Housing Authority Property
9.24  Intoxicating Liquor and Glass Containers
9.30  Noise Regulation
Chapter 9.03 - DAYTIME LOITERING AND TRUANCY OF JUVENILES

Sections

9.03.010 Purpose
9.03.020 Definitions
9.03.030 Parental, Guardian and Caretaker Responsibility
9.03.040 Daytime Loitering or Truancy
9.03.050 Violation, Enforcement and Penalties

9.03.010 Purpose
The purpose of this ordinance is to reduce the incidents of juvenile loitering and truancy that create a burden upon the health, safety and welfare of the community. Students who are absent from school are more likely to participate in unlawful activities and to become victims of crime. In addition, they impose an extraordinary burden on the manpower and resources of law enforcement because juveniles taken into custody must be supervised by law enforcement personnel until they are released to a parent or guardian. Personnel supervising these juveniles are then unavailable to carry out law enforcement duties in the field thereby decreasing the level of protection afforded to the community. The City Council finds that having an enforceable juvenile loitering and truancy ordinance is critical to addressing these concerns and determines that a special need exists for the adoption of such an ordinance.

9.03.020 Definitions
For the purpose of this chapter, the following definitions shall apply:

(a) “Adult” means any person who is eighteen (18) years of age or older or who is emancipated pursuant to law.

(b) “Caretaker” means any person who is eighteen (18) years of age or older, other than the juvenile’s parent or legal guardian, who has been given and has accepted responsibility for the care, custody and control of the juvenile by the juvenile’s parent or legal guardian.

(c) “Emergency” means the unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes but is not limited to fire, natural disaster, automobile accident or requirement for immediate medical care for another person.

(d) “Establishment” means any privately owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.

(e) “Guardian” means a person who, or private agency that, under court order, has been named the guardian of the juvenile.

(f) “Juvenile” means any person less than eighteen (18) years of age who is not emancipated pursuant to law.
(g)  “Loitering” means to linger or hang around in a public place or establishment where one has no particular or legal purpose.

(h)  “Parent” means a person who is the natural or adoptive mother or father of a person.

(i)  “Public place” means any place to which the public has access and includes but is not limited to public streets, highways, roads, alleys, parks, playgrounds, public buildings, public right-of-ways, public grounds, dedicated open or trail space, or privately owned land that is unsupervised and from which the public is not expressly excluded under applicable trespass laws, including but not limited to vacant lots, parking lots and the common areas of hospitals, apartment complexes, housing complexes, office buildings, transport facilities, shopping centers and malls. For the purpose of this chapter, public place shall not include the buildings, grounds or facilities of the school which the juvenile is required to attend but shall include the buildings, grounds and facilities of schools in which the juvenile is not enrolled.

(j)  “Truancy” means the act or condition of being absent from school without permission by one who is subject to compulsory full-time education or to compulsory continuation or alternative education under state law. (Ord. 518 §1, 2008)

9.03.030 Parental, Guardian And Caretaker Responsibility

It is unlawful for the parent, legal guardian or caretaker of any juvenile to knowingly permit or, by insufficient control, to allow the juvenile to be in violation of Section 9.03.040 of this chapter. (Ord. 518 §1, 2008)

9.03.040 Daytime Loitering or Truancy

It is unlawful for any juvenile, who is subject to compulsory full-time education or to compulsory continuation, or alternative education under state law, to loiter in, or upon, any establishment or public place during the hours of 8:30 a.m. and 2:00 p.m., on any day when that juvenile would otherwise be required to attend school. The provisions of this section shall not apply if:

(a)  The juvenile is accompanied by his or her parent, legal guardian or caretaker; or

(b)  The juvenile is on an emergency errand directed by a parent, legal guardian or caretaker; or

(c)  The juvenile is going to or coming directly from his or her place of school-authorized employment; or

(d)  The juvenile is going to or from a medical, dental, optometrical, or chiropractic appointment; or

(e)  The juvenile is a student who has permission to leave the school campus for lunch or school related activity and has in his or her possession a valid, school-issued, off-campus permit; or

(f)  The juvenile is going to or coming from a compulsory alternative education program activity; or
(g) The juvenile is attending or, without any detour or stop, going to, or returning from, an event or activity directly related to the medical condition of the parent, legal guardian or child of whom the juvenile is the custodial parent; or

(h) The juvenile is officially enrolled in home schooling; or

(i) The juvenile is exempt by law from compulsory education, continuation education or alternative education; or

(j) The juvenile is authorized to be absent from his or her school pursuant to the provisions of California Education Code Section 48205, or any other applicable state or federal law; or

(k) The juvenile is, without any detour or stop, going to or returning from any event or activity authorized by the provisions of California Education Code Section 48205 or any other applicable state or federal law.

(l) The school which the juvenile is required to attend is not in session.

9.03.050 Violation, Enforcement and Penalties

(a) Violation. Any person who willfully violates any of the provisions of this chapter is guilty of an infraction, except that nothing herein shall be deemed to bar any legal, equitable, or summary remedy to which the City of Live Oak may be entitled.

(b) Aiding and Abetting: Any person who willfully permits, aids, abets, allows or encourages any juvenile to violate any of the provisions of this chapter is guilty of an infraction, except that nothing herein shall be deemed to bar any legal, equitable, or summary remedy to which the County of Sutter may be entitled.

(c) Enforcement: A peace officer may issue a citation to any juvenile, parent, guardian, caretaker or individual found to be in violation of this chapter and may detain that juvenile until he or she can be placed into the care and custody of a parent or legal guardian; or may transport the juvenile to his or her home or to the school from which the juvenile is absent. The peace officer may also notify the parent or legal guardian that the juvenile has been issued a citation. If cited, the juvenile and a parent or legal guardian shall appear in court as direction by the citation.

(d) Penalties.

(1) Any juvenile convicted of violating this chapter may be punished by the imposition of a fine not exceeding two hundred and fifty dollars ($250.00) or may be required to perform city or school-approved work projects or community service or both. If required to perform a project, the total time for performance shall not exceed twenty (20) hours over a period not to exceed sixty (60) days, during times other than a juvenile’s hours of school attendance or juvenile, parent or legal guardian’s hours of employment.
Any parent, legal guardian, caretaker or individual convicted of violating this chapter may be punished by the imposition of a fine not exceeding two hundred and fifty dollars ($250.00).

Chapter 9.04 - CURFEW FOR MINORS

Sections:

9.04.010 Designated

It is unlawful for any person under the age of eighteen to loiter or wander about from place to place, without lawful business thereof, upon any public street, highway, alley, sidewalk or city right-of-way, or other city property in the city limits, between the hours of ten p.m. and daylight of the following day; provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parents, guardian or other adult person having the care and custody of the minor or when the minor is upon an emergency errand directed by his or her parent or guardian or other person having the care and custody of the minor, or when the minor is going to or coming from some particular function, event, theater, job, business, recreational activity, dance, or other such place, provided such person is proceeding in the most direct route to or from such place. This section does not apply to vehicular traffic at any hour. Each violation of this section shall constitute a separate misdemeanor offense. (Ord. 294 § 1, 1985: Ord, 177 (part), 1974: Ord. 67 § 1, 1953)

9.04.020 Parental Responsibility

It is unlawful for any parent, guardian or other person having legal care, custody or control of any minor under the age of eighteen to allow that minor to be in violation of the Live Oak municipal curfew ordinance. A parent, guardian or other person having legal care, custody or control of any minor under the age of eighteen shall be in violation of this section when such person has actual or constructive knowledge of the minor’s violation of the curfew ordinance. Each violation of this section shall constitute a separate infraction punishable by a fine of not less than fifty dollars nor more than five hundred dollars. (Ord. 294 § 2, 1985: Ord. 177 (part), 1974: Ord. 67 § 1 (part). 1953)

Chapter 9.08 - WEAPONS*

Sections:

9.08.010 Possessing certain concealed weapons prohibited.

9.08.020 Discharging firearms within city limits prohibited.

*For statutory provisions on the discharge of firearms, see Penal Code § 246.
### 9.08.010 Possessing Certain Concealed Weapons Prohibited

Every person who carries concealed upon his person, or concealed within any vehicle which is under his control or direction, any knife, which has a blade three inches or more in length; any snapblade knife, regardless of the length of the blade; any springblade knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight-edge razor, any razor blade fitted to a handle; or any cutting, stabbing or bludgeoning weapon or device capable of inflicting grievous bodily harm, is guilty of a misdemeanor. The provisions of this section shall not apply to any licensed hunter or fisherman while engaged in hunting or fishing, or while going or returning from the hunting or fishing expedition. (Ord. 219, 1978)

### 9.08.020 Discharging Firearms Within City Limits Prohibited

It is unlawful for any person to fire or discharge any rifle, gun, air gun, air rifle, slingshot or other instrument by which missiles are propelled through the air within the city limits. (Ord. 13 § 1, 1948)

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**Chapter 9.12 - INDECENT EXPOSURE**

Sections:

- **9.12.010** Females exposing breasts in public places prohibited.
- **9.12.030** Permitting persons to violate chapter provisions prohibited.
- **9.12.040** Exemptions.

### 9.12.010 Females Exposing Breasts In Public Places Prohibited

Every female is guilty of a misdemeanor who, while participating in any live act, demonstration or exhibition in any public place, place open to the public, or place open to public view, or while serving food or drink or both to any customer:

A. Exposes any portion of either breast below a straight line so drawn that both nipples and all portions of both breasts which have different pigmentation than that of the main portion of the breasts are below such straight line; or

B. Employs any device or covering which is intended to simulate such portions of the breast; or

C. Wears any type of clothing so that any portion of such part of the breast may be observed. (Ord. 206 § 1, 1977)

### 9.12.020 Exposing Private Parts In Public Places Prohibited

Every person is guilty of a misdemeanor who:

A. Exposes his or her private parts or buttocks, or employs any device or covering which is intended to simulate private parts or pubic hair of such person, while participating in
any live act, demonstration, or exhibition in any public place, place open to the public, or place open to public view, or while serving food or drink or both to any customer

B. Permits, procures or assists any person to so expose himself or herself, or to employ any such device. (Ord. 206 § 2, 1977)

9.12.030 Permitting Persons To Violate Chapter Provisions Prohibited

Every person is guilty of a misdemeanor who permits, counsels, or assists any person to violate any provision of this chapter. (Ord. 206 § 3, 1977)

9.12.040 Exemptions

This chapter does not apply to:

A. A theater, concert hall, or similar establishment which is primarily devoted to theatrical performances;

B. Any act authorized or prohibited by any state statute. (Ord. 206 § 4, 1977)

Chapter 9.16 - TRESPASSING ON POSTED PROPERTY

Sections:

9.16.010 Posted property defined— Trespassing prohibited when.
9.16.020 Sign specifications for posting property.
9.16.030 Violation—Penalty.

9.16.010 Posted Property Defined— Trespassing Prohibited When

A. “Posted property” means any property owned by a public agency within the city of Live Oak on which signs have been placed in the manner hereafter described in this chapter.

B. It is unlawful for any person to enter upon or remain upon any posted property during those hours prohibited by the signs posted thereon without the written permission of the owner, tenant or occupant in legal possession or control thereof. (Ord. 269 § 1, 1982)

9.16.020 Sign Specifications For Posting Property

The signs shall be not less than one square foot in area, and will have letters not less than two inches in height which shall read “TRESPASSING— LOITERING FORBIDDEN BY LIVE OAK CITY ORDINANCE NO. 269” followed by a designation of specific hours during which such trespassing and loitering are prohibited. These signs shall be posted at each entrance to the property and on at least two prominent places on the exterior boundaries of the property where they are clearly visible from outside of the property. (Ord. 269 § 2, 1982)

9.16.030 Violation—Penalty
Violation of any of the provisions of this chapter constitutes an infraction punishable on the first offense by a fine not in excess of fifty dollars on a second offense by a fine not in excess of one hundred dollars, and on each subsequent offense by a fine not in excess of two hundred fifty dollars. Every separate violation of this chapter shall be deemed a separate offense. (Ord. 269 § 3, 1982)

Chapter 9.20 - TRESPASSING ON HOUSING AUTHORITY PROPERTY

Sections:

9.20.010 Driving or riding vehicles or toy vehicles on Housing Authority property prohibited when.
9.20.020 Signs and copies of regulations required.
9.20.030 State Vehicle Code provisions applicable when.
9.20.040 Violation—Penalty.

9.20.010 Driving or riding vehicles or toy vehicles on Housing Authority property prohibited when

It is unlawful for any person to drive any vehicle, animal, bicycle, pair of skates, skateboard, or for any person to stop, park or leave standing any vehicle, animal, bicycle, pair of skates or skateboard, whether attended or unattended, upon the driveways, paths or grounds of the Housing Authority of the county of Sutter within the city of Live Oak, except with the permission of and upon and subject to such conditions and regulations as may be imposed by the governing board or officer of the Housing Authority of the county of Sutter governing such property. (Ord. 270 § 1, 1982)

9.20.020 Signs and copies of regulations required

The Housing Authority of the county of Sutter shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this chapter and shall keep available at the principal administrative office under the Housing Authority of the county of Sutter, for examination by all interested persons, a written statement of such special conditions and regulations adopted by or pursuant to this chapter. (Ord. 270 § 2, 1982)

9.20.030 State Vehicle Code provisions applicable when

When the Housing Authority of the county of Sutter permits public traffic upon the driveways, paths or grounds under its control then, except for those conditions imposed or regulations enacted by the Housing Authority of the county of Sutter applicable to traffic, all of the provisions of the California Vehicle Code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths or grounds under the control of the Housing Authority. (Ord. 270 § 3, 1982)

9.20.040 Violation - Penalty
Violation of any of the provisions of this chapter constitutes an infraction punishable on the first offense by a fine not in excess of fifty dollars, on a second offense by a fine not in excess of one hundred dollars, and on each subsequent offense by a fine not in excess of two hundred fifty dollars. (Ord. 270 § 4, 1982)

Chapter 9.24 - INTOXICATING LIQUOR AND GLASS CONTAINERS

Sections:

9.24.010  Title

This chapter shall be known as the “Glass Container and Intoxicating Liquor Code” and may be cited as such and shall hereinafter be referred to herein as “this code.” (Ord. 343 (part), 1990: Ord. 335 (part), 1990)


A. It is the intent of the city council in adopting this code to prohibit the consumption of intoxicating liquor, as defined herein, on the streets, sidewalks and public properties located within the city limits of the city of Live Oak. For purposes of this section, the phrase “streets, sidewalks and public property located within the city limits of the city of Live Oak” excludes public parks and recreational facilities as defined herein.

B. It is the further intent of the city council in adopting this code to prohibit the consumption of any beverage, alcoholic or nonalcoholic, from glass containers, as defined herein, in or on any public park or recreational facility within the city limits, as defined herein.

C. It is further the intent of the city council, in adopting this code to prohibit the consumption of intoxicating liquor from non-glass containers in or on any public park or recreational facility within city limits unless the person individually or as a representative of a group of persons obtains a permit from the city clerk as specified herein. (Ord. 343 (part), 1990: Ord. 335 (part), 1990)

9.24.030  Definitions

For purposes of this chapter:
A. “Glass container” means any glass object used as a vessel to contain or hold beverages. This definition includes but is not limited to glass bottles, jars, table glasses, etc.

B. “Intoxicating liquor” means any and all liquor or drinks which contain more than 3.2 percent of alcohol by weight.

C. “Public parks and recreational facilities” means and includes all outdoor public property located within the city of Live Oak and used for sports and recreation and social gathering, including but not limited to parks and sports or recreational facilities.

D. “Sidewalk” means that portion of the street between the curbline and the adjacent property line intended for the use of pedestrians.

E. “Street” means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the city of Live Oak which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state. (Ord. 343 (part), 1990: Ord. 335 (part), 1990)

9.24.040 Application

The provisions of this code shall apply generally to all public property throughout the city of Live Oak wherein any of the conditions hereinafter specified are found to exist; provided, however, that any condition which would constitute a violation of this code, but which is duly authorized under any city, state or federal law, shall not be deemed to violate this code. (Ord. 343 (part), 1990: Ord. 335 (part), 1990)

9.24.050 Enforcement

Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the Sutter County sheriff’s department. (Ord. 343 (part), 1990: Ord. 335 (part), 1990)

9.24.060 Permit Application

A. Person(s) who desire to consume intoxicating liquor from non-glass containers in public parks and recreational facilities shall be required to obtain a permit from the city clerk prior to said consumption or use in or on public parks and recreational facilities.

B. The permit application shall be drafted in substantially the following form:

CITY OF LIVE OAK

PERMIT APPLICATION FOR USE
OF GLASS BEVERAGE CONTAINERS
IN OUTDOOR PUBLIC PARKS AND RECREATIONAL FACILITIES WITHIN
CITY LIMITS

1. Name:______________________________________________

2. Address:______________________________________________

3. Telephone Number (____)______________________________

4. I request this permit as an individual only.
5. I request this permit as a representative for a group of persons or an organization.

6. If you answered yes to question 5 above, list the name of the persons or organization that you represent.

7. The applicant shall keep a copy of this permit application on his/her person or otherwise have a copy at his/her disposal upon request by any enforcement officer to produce a copy of the same.

8. In the event the applicant cannot provide the enforcement officer with a copy of this permit application upon demand, the applicant shall be cited and fined by the enforcement officer in the amount of one hundred dollars.

9. The applicant may contest the citation by requesting a hearing before a hearing officer or board to determine whether as an individual or a representative said applicant violated this section. The applicant may request a hearing by telephoning (916) 695-2112 or visiting or writing the City Council, 9955 Live Oak Blvd., Live Oak, CA 95953, within ten (10) days of the date of the citation. If the applicant requests a hearing, he/she must attend it in person.

10. In the event the applicant fails to pay the fine or citation within thirty (30) days of the date of citation or within thirty (30) days after the date of appeal, the City may pursue any and all legal remedies to collect the fine, including all reasonable costs and reasonable attorney fees. (Ord. 343 (part), 1990; Ord. 335 (part), 1990)

**9.24.070 Violations And Penalties**

A. Persons who are cited for consuming or possessing nonalcoholic beverages from glass containers in public parks and recreational facilities shall be deemed to have committed an infraction and are subject to civil penalties as set forth in this code.

B. It shall be a misdemeanor for any person to drink intoxicating liquor upon any of the streets, sidewalks, or public property located within the city of Live Oak.

C. It shall also be a misdemeanor for any person who consumes or possesses intoxicating liquor from glass containers within public parks and recreational facilities.

D. It shall also be a misdemeanor for any person who consumes or possesses intoxicating liquor from nonglass containers absent the appropriate permit as defined and set forth herein within public parks and recreational facilities.

E. Any person convicted, of a misdemeanor under this code shall be punished by a fine not to exceed five hundred dollars or by imprisonment not to exceed six months, or by both such fine and imprisonment. Each such person is guilty of a separate occurrence which constitutes a violation of this code. (Ord. 343 (part), 1990; Ord. 335 (part), 1990)
Chapter 9.30 - NOISE REGULATION

Sections:

9.30.010  Declaration of policy.
9.30.050  Severability.

9.30.010  Declaration Of Policy
It is declared to be the policy of the city to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically proscribed. (Ord. 332 (part), 1989)

9.30.020  Offensive Noise Standards
Unnecessary, excessive and annoying noises are noises which originate from residential properties or on public ways in violation of this chapter, but such enumeration shall not be deemed to be exclusive:

A. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, stereo, television or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of neighboring residential inhabitants with volume louder than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operating and who are voluntary listeners thereto. The operation of any such set, instrument, phonogram, stereo, machine or device in such a manner as to be plainly audible at a distance of ten feet from the residential building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this chapter.

B. The using, operating or permitting to be played, used or operated of any radio receiving set, stereo, tape recorder, sound amplifier or other machine or device for producing or reproducing sound from any motor vehicle on any public street at any time with volume louder than is necessary for convenient hearing for the persons who are in the motor vehicle in which such sound machine or device is operating and who are voluntary listeners thereto. The operation of any such sound machine or device in such a manner as to be plainly audible at any time at a distance of ten feet from the motor vehicle in which it is located shall be prima facie evidence of a violation of this chapter.

C. Yelling, shouting, hooting, whistling or singing originating from any residential property or upon any public way at any time so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.

D. Animals and Fowl. No person shall keep or maintain, or permit the keeping of, upon any premises owned, occupied or controlled by such person any animal or fowl otherwise
permitted to be kept which by any sound, cry or behavior, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in any residential neighborhood.

E. Construction of Buildings and Projects. It is unlawful for any person within a residential zone, or within a radius of five hundred feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures or projects, or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction-type device between the hours of ten p.m. and seven a.m. in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance, unless beforehand a permit has been duly obtained from the officer or body of the city having the function to issue permits of this kind.

F. Vehicle Repairs, It is unlawful for any person within any residential area of the city to repair, rebuild or test any motor vehicle between the hours of ten p.m. and seven a.m. in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance. (Ord. 353 § 1, 1991: Ord. 332 (part), 1989)

9.30.030 Violations—Misdemeanors

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars or be imprisoned in the city or county jail for a period not exceeding six months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 332 (part), 1989)

9.30.040 Violations—Additional Remedies—Injunctions

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction or such to the provision of the city’s Nuisance Abatement Ordinance, (Ord. 332 (part), 1989)

9.30.050 Severability

If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this chapter which can be given effect without the invalid provision or application and, to this end, the provisions of this chapter are hereby declared to be severable. (Ord. 332 (part), 1989)
Chapter 9.40 LOITERING FOR DRUG ACTIVITIES

Sections:

9.40.010 Definitions
9.40.020 Findings
9.40.030 Circumstances
9.40.040 Violation-Penalty
9.40.050 Severability

It is unlawful for any person to loiter in, on or near any thoroughfare or place open to the public or place open to public view in a manner and under circumstances manifesting a purpose of engaging in unlawful drug activity.

9.40.010 Definitions

As used in this ordinance the following terms shall have the meanings respectively ascribed to them in this section.

A. “Unlawful drug activity” means any act or conduct declared to be unlawful under the provisions of Chapters 6 and 6.5 of Division 1.0 of the California Health and Safety Code, consisting of Sections 11350 through 11400 of said Code, and such amendments thereto as may hereafter be adopted.

B. “Known unlawful drug user, possessor, or seller,” means a person who has, within the knowledge of the arresting officer, been convicted in any court within the State of California of any unlawful drug activity, or convicted of any substantially similar activity under the laws of any other state, or a person who displays physical characteristics of drug intoxication or usage, including but not limited thereto such things as “needle tracks”, or persons arrested within the past two years while in the possession of illegal controlled substances or drug paraphernalia.

9.40.020 Findings

The City Council finds and determines that:

A. Violent crime in this community is and continues to escalate at an alarming rate. The citizens of this community are violently victimized and intimidated by individuals who have embraced a criminal life style which has no place in a civilized society.

B. The presence of illegal activity, and in particular, unlawful drug activity, fosters an environment that attracts crime, degrades the quality of life in neighborhoods by creating visual blight, health hazards to our youth and others in the presence of used...
hypodermic syringes, discarded dangerous drugs, and other trash and rubbish, and impacts the business community by turning away potential customers from the places of business within the area where drug dealers, drug users and purchasers congregate to sell, consume and purchase drugs.

C. It is a legitimate need of the City of Live Oak to address problems inimical to the health, safety and welfare of the community and loitering with the intent to commit certain illegal acts is such a problem.

D. The Council desires to enhance the ability of law enforcement to curtail the environment which is conducive to criminal activity from the streets of this community with an additional enforcement tool to abate the public nuisance created by the individuals who engage in the illegal activities described in this section.

9.40.030 Circumstances

Among the circumstances that may be considered in determining whether a person has violated this ordinance based upon the knowledge and personal observations of the arresting officer, are the following:

A. The person is a known unlawful drug user, possessor, or seller.

B. The person is in the company of, or inside or near a vehicle registered to, a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for unlawful drug activity.

C. The person is currently subject to an order prohibiting his or her presence in a drug area, or prohibiting the person from being in the company of a known unlawful drug user, possessor, or seller.

D. The person behaves in a manner as to raise reasonable suspicion that he or she is seeking to engage in, or is about to engage in, or is then engaged in any unlawful drug activity, including, by way of example only, acting as a “lookout,” making gestures or statements to motorists or pedestrians known to represent invitations to purchase or sell drugs, or exchanging small objects or packages with another person in a furtive manner.

E. The person is identified as a member of a criminal street gang, as defined, in Section 186.22(f) of the Penal Code, or a group which has, among its members, known unlawful drug users, possessors, or sellers. The method of identification may include, but is not limited to, the wearing of distinctive clothing or insignias,

F. The person attempts to conceal himself or herself from the observation of the arresting officer or conceals or disposes of any object which reasonably could be involved in the conduct of any unlawful drug activity.

9.40.040 Violation-Penalty
Violation of this chapter shall constitute a misdemeanor and shall be punishable as such.

9.40.050 Severability

If any subsection, sentence, clause or phrase of this section is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The Council of the City of Live Oak hereby declares that it would have passed this section, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.
TITLE 10 - VEHICLES AND TRAFFIC

Chapters:

10.04 Definitions
10.08 Traffic Administration
10.12 Obedience to Traffic Regulations
10.16 Traffic-control Devices
10.20 Turning Movements
10.24 One-way Streets and Alleys
10.28 Special Stops
10.32 Miscellaneous Driving Rules
10.36 Pedestrians
10.40 Stopping, Standing and Parking
10.42 Miscellaneous Vehicle and Traffic Violations
10.44 Restricted Parking Areas
10.48 Restricted Use of Certain Streets
10.52 Trains
10.56 Special Speed Zones
10.60 Schedule of Designated Streets
10.64 Bicycle Registration
10.68 Skateboards
10.72 Abandoned, Wrecked, Dismantled or Inoperative Vehicles
10.75 Procedure on Parking Violations
10.81 Trip Reduction Regulations
Chapter 10.04 - DEFINITIONS

Sections:

10.04.010  Vehicle code definitions to be used.
10.04.020  Definitions generally.
10.04.030  City traffic district.
10.04.040  Coach.
10.04.050  Curb.
10.04.060  Divisional island.
10.04.070  Holidays.
10.04.080  Loading zone.
10.04.090  Official time standard.
10.04.100  Parking meter.
10.04.110  Parkway.
10.04.120  Passenger loading zone.
10.04.130  Pedestrian.
10.04.140  Police officer.
10.04.150  Stop.
10.04.160  Vehicle code.

*For the statutory definitions of the vehicle code, see Veh. Code § 100 et seq.

10.04.010  Vehicle Code Definitions To Be Used
Whenever any words or phrases used in this title are not defined, but are defined in the Vehicle Code of the state, and amendments thereto, such definitions shall apply. (Ord. 149 § 1.1, 1968)

10.04.020  Definitions Generally
The words and phrases set out in this chapter, when used in this title, shall for the purpose of this title have the meanings respectively ascribed to them in this chapter. (Ord. 149 § I (part), 1968)

10.04.030  City Traffic District
“City traffic district” refers to all streets and portions of streets within all that area bounded by the city limits. (Ord. 149 § 1.2, 1968)

10.04.040  Coach
“Coach” means any motor bus, motor coach, trackless trolley, or passenger stage used as a common carrier of passengers. (Ord. 149 § 1.3, 1968)
10.04.050  Curb
“Curb” means the lateral boundary of a road way whether such curb is marked by curbing construction or not: curb does not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracks or right-of-ways of public utility companies. (Ord. 149 § 1.5, 1968)

10.04.060  Divisional Island
“Divisional island” means a raised or painted island located in the roadway and separating opposing or conflicting streams of traffic. (Ord. 149 § 1.6, 1968)

10.04.070  Holidays
“Holidays” refers to legal holidays. (Ord. 149 § 1.7, 1968)

10.04.080  Loading Zone
“Loading zone” means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. (Ord. 149 § 1.8, 1968)

10.04.090  Official Time Standard
Whenever certain hours are named in this title, they shall mean standard time or daylight saving time as may be in current use in this city. (Ord. 149 § 1.9, 1968)

10.04.100  Parking Meter
“Parking meter” means a mechanical device installed within or upon the curb or sidewalk area, immediately adjacent to a parking space, for the purpose of controlling the period of time occupancy of such parking meter space by any vehicle. (Ord. 149 § 1.11, 1968)

10.04.110  Parkway
“Parkway” means that portion of a Street other than a roadway or a sidewalk, (Ord. 149 § 1.10, 1968)

10.04.120  Passenger Loading Zone
“Passenger loading zone” means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers. (Ord. 149 § 1.12, 1968)

10.04.130  Pedestrian
“Pedestrian” means any person afoot. (Ord. 149 § 1.13, 1968)

10.04.140  Police Officer
“Police officer” means every officer of the police department of this city or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (Ord. 149 § 1.14, 1968)

10.04.150  Stop
“Stop,” when required, means complete cessation of movement. (Ord. 149 § 1.15, 1968)
10.04.160 Vehicle Code

“Vehicle Code” refers to the Vehicle Code of the state. (Ord. 149 § 1.16. 1968)

Chapter 10.08 - TRAFFIC ADMINISTRATION

Sections:

10.08.010 Traffic division—Police administration.
10.08.020 Traffic division—Duties.
10.08.030 Traffic division—Accident studies authorized.
10.08.040 Traffic division—Filing accident reports.
10.08.050 Traffic division—Annual report.

10.08.010 Traffic Division—Police Administration

There is established in the police department of this city a traffic division to be under the control of an officer of police appointed by and directly responsible to the chief of police. (Ord. 149 § 2 (part), 1968)

10.08.020 Traffic Division—Duties

It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city, to make arrests for traffic violations, to investigate traffic accidents and to cooperate with the city traffic committee 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 this city. (Ord. 149 § 2.1, 1968)

10.08.030 Traffic Division—Accident Studies Authorized

Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic committee in conducting studies of such accidents and determining remedial measures. (Ord. 149 § 2.2, 1968)

10.08.040 Traffic Division—Filing Accident Reports

The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic committee. (Ord. 149 § 2.3, 1968)

10.08.050 Traffic Division—Annual Report

The traffic division shall annually prepare a traffic report which shall be filed with the city council. Such a report shall contain information on traffic matters in this city as follows:
A. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

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

C. The plans and recommendations of the division for future traffic safety activities. (Ord. 149 § 2.4, 1968)

Chapter 10.12 - OBEDIENCE TO TRAFFIC REGULATIONS*

Sections:

10.12.010 Authority of police and fire departments.

10.12.020 Unauthorized persons directing traffic prohibited.

10.12.030 Obedience to police or authorized officers.

10.12.040 Riding bicycles or animals.

10.12.050 Obstructing authorized officers prohibited.

10.12.060 Public employees operating vehicles.


10.12.080 Report of damage to certain property.

10.12.090 Removal of vehicles from streets authorized when.

*For statutory provisions authorizing cities to regulate traffic by means of traffic officers, see Veh. Code § 2110(c); for provisions requiring obedience to local traffic officers, see Veh. Code § 21100.3: for provisions authorizing cities to remove vehicles from streets under certain circumstances, see Veh. Code § 22652.

10.12.010 Authority Of Police And Fire Departments

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 the provisions to the contrary contained in this title or the Vehicle Code. (Ord. 149 § 3 (part), 1968)

10.12.020 Unauthorized Persons Directing Traffic Prohibited

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. (Ord. 149 § 3.1, 1968)
10.12.030   Obedience To Police Or Authorized Officers

No person shall fail or refuse to comply with (or shall perform any act forbidden by) any lawful order, signal, or direction of a traffic or police officer, or a member of the fire department, or a person authorized by the chief of police or by law. (Ord. 149 § 3.2, 1968)

10.12.040   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. (Ord. 149 § 3.3. 1968)

10.12.050   Obstructing Authorized Officers Prohibited

No person shall interfere with or obstruct in any way any police officer or other officer or employee of this city in their enforcement of the provisions of this title. The removal, obliteration or concealment of any chalk mark or other distinguishing mark used by any police officer or other employee or officer of this city in connection with the enforcement of the parking regulations of this title shall, if done for the purpose of evading the provisions of this title, constitute such interference or obstruction. (Ord. 149 § 3.4, 1968)

10.12.060   Public Employees Operating Vehicles

The provisions of this title shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this state, any county or city, and it is unlawful for any operator to violate any of the provisions of this title except as otherwise permitted in this title or by the Vehicle Code. (Ord. 149 § 3.5, 1968)

10.12.070   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 vehicles or any private utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified by the Vehicle Code in response to an emergency call.

B. The foregoing exemptions shall not, however, relieve the operator of any such vehicle from obligation to exercise due care for the safety of others or the consequences of his willful disregard of the safety of others.

C. The provisions of this title regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction or repair work or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or delivery of United States mail. (Ord. 149 § 3.6, 1968)

10.12.080   Report Of Damage To Certain Property

A. The operator of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, parking meter, lighting post, telephone pole,
electric light or power pole, or resulting in damage to any tree, traffic-control device or other property of a like nature located in or along any street, shall within twenty-four hours after such accident make a written report of such accident to the police department of this city.

B. Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person operating or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damages in such accident.

C. The operator of any vehicle involved in an accident shall not be subject to the requirements or penalties of this section if and during the time he is physically incapable of making a report, but in such event he shall make a report as required in subdivision A of this section within twenty-four hours after regaining ability to make such report. (Ord. 149 § 3.7, 1968)

10.12.090 Removal Of Vehicles From Streets Authorized When

Any regularly employed and salaried officer of the police department of this city may remove or cause to be removed:

A. Any vehicle that has been parked or left standing upon a street or highway for seventy-two or more consecutive hours.

B. Any vehicle which is parked or left standing upon a street or highway between the hours of seven a.m. and seven p.m. when such parking or standing is prohibited by ordinance or resolution of this city and signs are posted giving notice of such removal.

C. Any vehicle which is parked or left standing upon a street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or for the installation of underground utilities, or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic, or where the use of the Street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicles would prohibit or interfere with such use or movement; provided, that signs giving notice that such vehicle may be removed are erected or placed at least twenty-four hours prior to the removal. (Ord. 149 § 3.8, 1968)

Chapter 10.16 - TRAFFIC-CONTROL DEVICES*

Sections:

10.16.010 Installation authority.
10.16.020 Required for enforcement purposes.
10.16.030 Obedience required—Exception.
10.16.040 Traffic signal installation.
10.16.050 Lane marking.
10.16.060 Distinctive roadway markings.
10.16.010  Installation Authority

A. The city traffic committee shall have the power and duty to place and maintain or cause to be placed and maintained official traffic-control devices when and as required to make effective the provisions of this title.

B. Whenever the Vehicle Code requires, for the effectiveness of any provision thereof, that traffic-control devices be installed to give notice to the public of the application of such law, the city traffic committee is authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

C. The city traffic committee may also place and maintain or cause to be placed and maintained such additional traffic-control devices as it deems necessary or proper to regulate traffic or to guide or warn traffic, but it shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations, and rules as may be set forth in this title or as may be determined by ordinance or resolution of the council. (Ord. 149 § 4 (part), 1968)

10.16.020  Required For Enforcement Purposes

No provision of the Vehicle Code or of this title for which signs are required shall be enforced against an alleged violator unless appropriate legible signs are in place giving notice of such provisions of the traffic law. (Ord. 149 § 4.1, 1968)

10.16.030  Obedience Required—Exception

The operator of any vehicle or train shall obey the instructions of any official traffic-control device placed in accordance with this title unless otherwise directed by a police officer or other authorized person subject to the exceptions granted the operator of an authorized emergency vehicle when responding to emergency calls. (Ord. 149 § 4.2, 1968)

10.16.040  Traffic Signal Installation

A. The city traffic committee is directed to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

B. The city traffic committee shall ascertain and determine the locations where such signals are required by field investigation, traffic counts and other traffic information as may be pertinent, and its determinations there from shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the California

*For statutory provisions authorizing cities to regulate traffic by means of traffic-control devices, see Veh. Code § 21100(d).
C. Whenever the city traffic committee installs and maintains an official traffic signal at any intersection, it shall likewise erect and maintain at such intersection street name signs clearly visible to traffic approaching from all directions unless such street name signs have previously been placed and are maintained at any such intersection. (Ord. 149 § 4.3, 1968)

10.16.050  Lane Marking

The city traffic committee is authorized to mark centerlines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway. (Ord. 149 § 4.4, 1968)

10.16.060  Distinctive Roadway Markings

The city traffic committee is authorized to place and maintain distinctive roadway markings as described in the Vehicle Code on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such marking or signs and marking shall have the same effect as similar markings placed by the State Department of Public Works pursuant to provisions of the Vehicle Code. (Ord. 149 § 4.5, 1968)

10.16.070  Removal, Relocation Or Discontinuance

The city traffic committee is authorized to remove, relocate or discontinue the operation of any traffic-control device not specifically required by the Vehicle Code or this title when ever it determines in any particular case that the conditions which warranted or required the installation no longer exist or pertain. (Ord. 149 § 4.6, 1968)

10.16.080  Hours Of Operation

The city traffic committee shall determine the hours and days during which any traffic-control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this title. (Ord. 149 § 4.7, 1968)

10.16.090  Unauthorized Painting Of Curb

No person, unless authorized by this city, shall paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of this city pertaining thereto. (Ord. 149 § 4.8, 1968)

Chapter 10.20 - TURNING MOVEMENTS*

Sections:

10.20.010  Turning markers at intersections and multiple lanes.
10.20.020  Signs restricting turns.
10.20.030  Right turns against stop signal.
*For statutory provisions authorizing cities to place traffic-control devices within or adjacent to intersections to regulate or prohibit turning movements at such intersections, see Veh. Code § 22101.

10.20.010 Turning Markers At Intersections And Multiple Lanes
The city traffic committee is authorized to place official traffic-control devices within or adjacent to intersections and indicating the course to be traveled by vehicles turning at such intersections; and the city traffic committee is authorized to locate and indicate more than one lane of traffic from which drivers of vehicles may make right-hand or left-hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance. (Ord. 149 § 5 (part), 1968)

10.20.020 Signs Restricting Turns
The city traffic committee is authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted. (Ord. 149 § 5.1, 1968)

10.20.030 Right Turns Against Stop Signal
A. No driver of a vehicle shall make a right turn against a red or stop signal at any intersection which is signposted giving notice of such restriction as provided in subsection B of this section.
B. The city traffic committee shall post appropriate signs giving effect to this section where it determines that the making of right turns against traffic signal stop indication would seriously interfere with the safe and orderly flow of traffic. (Ord. 149 § 5.2, 1968)

Chapter 10.24 - ONE-WAY STREETS AND ALLEYS

Sections:

10.24.010 Signs Required

10.24.010 Signs Required
Whenever any ordinance or resolution of this city designates any one-way street or alley, the city traffic committee shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. (Ord. 149 § 6, 1968)

Chapter 10.28 - SPECIAL STOPS*

Sections:

10.28.010 Stop signs—Erected where— Authority.
10.28.010 Stop Signs—Erected Where—Authority

Whenever any ordinance or resolution of this city designates and describe any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the city traffic committee shall erect and maintain stop signs as follows: A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated, and at those entrances to other intersections where a stop is required, and at any railroad grade crossing so designated; provided, however, stop signs shall not be erected or maintained at any entrance to an intersection when such entrance is controlled by an official traffic-control signal. Every such sign shall conform with and shall be placed as provided in the Vehicle Code. (Ord. 149 § 7 (part), 1968)

10.28.020 Application Of Regulations

A. Those streets and parts of streets established by resolution of the council are through streets for the purposes of this chapter.

B. The provisions of this chapter shall also apply at one or more entrances to the intersections as such entrances and intersections are established by resolution of the council.

C. The provisions of this chapter shall apply at those highway railway grade crossings as established by resolution of the council. (Ord. 149 § 7.1, 1968)

10.28.030 Emerging From Alley, Driveway Or Building

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alley or driveway. (Ord, 149 § 7.2, 1968)

Chapter 10.32 - MISCELLANEOUS DRIVING RULES

Sections:

10.32.010 Driving through funeral procession.
10.32.020 Clinging to moving vehicles.
10.32.030 Commercial vehicles using private driveways.
10.32.040 Riding or driving on sidewalk.
10.32.050 Driving over new pavement or markings.
10.32.060 Barriers and signs—Approval for erection—Obedience required.
10.32.070 Obstructing traffic movement in intersection prohibited.
10.32.010  Driving Through Funeral Procession
No operator of any vehicle shall drive between the vehicles comprising a funeral procession or a parade; provided, that such vehicles are conspicuously so designated. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be subject to the orders of the police department. (Ord. 149 § 8 (part), 1968)

10.32.020  Clinging To Moving Vehicles
No person shall attach himself with his hands, or to catch on or hold on to with his hands, or by other means, to any moving vehicle or train for the purpose of receiving motive power there from. (Ord. 149 § 8.1, 1968)

10.32.030  Commercial Vehicles Using Private Driveways
A. No person shall operate or drive a commercial vehicle in, on or across any private driveway approach or sidewalk area or the driveway itself without the consent of the owner or occupant of the property, if a sign or markings are in place indicating that the use of such driveway is prohibited.

B. For the purpose of this section, a “commercial vehicle” means a vehicle having a rated capacity in excess of one-half ton. (Ord. 149 § 8.2, 1968)

10.32.040  Riding Or Driving On Sidewalk
No person shall ride, drive, propel, or cause to be propelled any vehicle or animal across or upon any sidewalk excepting over permanently constructed driveways, and excepting when it is necessary for any temporary purpose to drive a loaded vehicle across a sidewalk; provided further, that the sidewalk area is substantially protected by wooden planks two-inches thick, and written permission is previously obtained from the city traffic committee. Such wooden planks shall not be permitted to remain upon such sidewalk area during the hours from six p.m. to six a.m. (Ord. 149 § 8.3, 1968)

10.32.050  Driving Over New Pavement Or Markings
No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted markings in any street when a barrier sign, cone marker or other warning device is in place warning persons not to drive over or across such pavement or marking, or when any such device is in place indicating that the street or any portion thereof is closed. (Ord. 149 § 8.4, 1968)

10.32.060  Barriers And Signs—Approval For Erection—Obedience Required
No person, public utility or department in the city shall erect or place any barrier or sign on any street unless of a type approved by the city traffic committee, or disobey the instructions, remove, tamper with or destroy any barrier or sign lawfully placed on any street by any person, public utility or by any department of this city. (Ord. 149 § 8.5, 1968)
10.32.070  Obstructing Traffic Movement In Intersection Prohibited
No operator of any vehicle shall enter any intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (Ord. 149 § 8.6, 1968)

10.32.080  Limited Access Roadway
No persons shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are lawfully established. (Ord. 149 § 8.7, 1968)

10.32.090  Freeway Use Restricted
No person shall drive or operate any bicycle, motordriven cycle, or any vehicle which is not drawn by a motor vehicle upon any street established as a freeway, as defined by state law, nor shall any pedestrian walk across or along any such street so designated and described except in space set aside for the use of pedestrians; provided, official signs are in place giving notice of such restrictions. (Ord. 149 § 8.8. 1968)

Chapter 10.36 - PEDESTRIANS*

Sections:

10.36.010 Crosswalks—Established Where—Authority.
10.36.020 Crosswalks—Use Required.

*For statutory provisions authorizing cities to establish crosswalks between intersections, see Veh. Code § 21106.

10.36.010 Crosswalks—Established Where—Authority
A. The city traffic committee shall establish, designate and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway as follows: crosswalks shall be established and maintained at all intersections within the central traffic district and at such intersections outside such district, and at other places within or out side the district where the city traffic committee determines that there is particular hazard to pedestrians crossing the roadway subject to the limitation contained in subsection B of this section.

B. Other than crosswalks at intersections, no crosswalk shall be established in any block which is less than four hundred feet in length, and such crosswalk shall be located as nearly as practicable at midblock.

C. The city traffic committee may place signs at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall not cross in the crosswalk so indicated. (Ord. 149 § 9 (part). 1968)

10.36.020 Crosswalks—Use Required
No pedestrian shall cross a roadway other than by a crosswalk in the central traffic district or in any business district. (Ord. 149 § 9.1, 1968)
Chapter 10.40 - STOPPING, STANDING AND PARKING*

Sections:

10.40.010 Application of regulations.
10.40.020 Parkways.
10.40.030 Curb markings and signs—Compliance required—Maintenance authority.
10.40.040 No parking areas.
10.40.050 Use of streets for vehicle storage prohibited.
10.40.060 Parking for display or advertising.
10.40.070 Parking adjacent to schools.
10.40.080 Parking prohibited on narrow streets.
10.40.090 Parking on grades.
10.40.100 Parking of peddlers’ and vendors’ vehicles.
10.40.110 Emergency parking signs.
10.40.120 Display of warning devices when commercial vehicle disabled.
10.40.130 Repairing or greasing vehicles on public streets.
10.40.140 Washing or polishing vehicles on public streets.

*For statutory provisions on stopping, standing and parking, see Veh. Code § 22500 et seq.

10.40.010 Application Of Regulations

A. The provisions of this title prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times specified in this chapter, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

B. The provisions of this title imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times. (Ord. 149 § 10 (part), 1968)

10.40.020 Parkways

No person shall stop, stand or park a vehicle within any parkway. (Ord. 149 § 10.1, 1968)

10.40.030 Curb Markings And Signs—Compliance Required—Maintenance Authority

A. The city traffic committee is authorized to maintain by appropriate signs, or by paint upon the curb surface, all stopping zones, no parking areas, and restricted parking areas, as defined and described in this title.
B. When the curb markings or signs are in place, no operator of any vehicle shall stop, stand or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this title. (Ord. 149 § 10.2, 1968)

10.40.040  No Parking Areas

No operator of any vehicle shall stop, stand, park, or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal:

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

B. On either side of any street between the projected property lines of any public walk, public steps, street, or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface;

C. In any area where the city traffic committee determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property, when such area is indicated by appropriate signs or by red paint upon the curb surface;

D. In any area established by resolution of the council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface;

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

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

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

H. At any place within twenty feet of a point on the curb immediately opposite the midblock end of a safety zone, when such place is indicated by appropriate signs or by red paint upon the curb surface;

I. At any place within twenty feet of a crosswalk at an intersection, in the central traffic district or in any business district, when such place is indicated by appropriate signs or by red paint upon the curb surface; except, that a bus may stop at a designated bus stop;

J. Within twenty feet of the approach to any traffic signal, boulevard stop sign, or official electric flashing device. (Ord. 149 § 10.3, 1968)
10.40.050  Use Of Streets For Vehicle Storage Prohibited
No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of seventy-two hours. (Ord. 149 § 10.4, 1968)

10.40.060  Parking For Display Or Advertising
No operator of any vehicle shall park a vehicle upon any street in this city for the principal purpose of advertising or displaying it for sale, unless authorized by resolution of the council. (Ord. 149 § 10.5, 1968)

10.40.070  Parking Adjacent To Schools
A. The city traffic committee is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in its opinion, interfere with traffic or create a hazardous situation.
B. When official signs are erected prohibiting parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (Ord. 149 § 10.8, 1968)

10.40.080  Parking Prohibited On Narrow Streets
A. The city traffic committee is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet.
B. When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking. (Ord. 149 § 10.9, 1968)

10.40.090  Parking On Grades
No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding three percent, within any business or residence district, without blocking the wheels of the vehicle by turning them against the curb or by other means. (Ord. 149 §10.10, 1968)

10.40.100  Parking Of Peddlers’ And Vendors’ Vehicles
A. Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon, or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street within this city except that such vehicles, wagons or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this subsection shall not apply to persons delivering such articles upon order of, or by agreement with a customer from a store or other fixed place of business or distribution.
B. No person shall park or stand on any street any lunch wagon, eating cart or vehicle, or push cart from which sandwiches, peanuts, popcorn, candy, ice cream or other articles of
food are sold or offered for sale without first obtaining a written permit to do so from the city chief of police which shall designate the specific location in which such cart shall stand.

C. No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the city traffic committee which shall designate the specific location where such vehicle may stand.

D. Whenever any permit is granted under the provisions of this section and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon, or pushcart on any location other than as designated in such permit. In the event that the holder of any such permit is convicted in any court of competent jurisdiction for violating any of the provisions of this section, such permit shall be forthwith revoked by the city traffic committee upon the filing of the record of such conviction with such officers and no permit shall thereafter be issued to such person until six months have elapsed from the date of such revocation. (Ord. 149 § 10.11, 1968)

10.40.110 Emergency Parking Signs

A. Whenever the city traffic committee determines that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, the city traffic committee shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys, as the city traffic committee directs, during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency, and the city traffic committee shall cause such signs to be removed promptly thereafter.

B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs. (Ord. 149 § 10.11. 1968)

10.40.120 Display Of Warning Devices When Commercial Vehicle Disabled

Every motor truck having an aula den weight of four thousand pounds or more, and every truck tractor irrespective of weight when operated upon any street or highway during darkness shall be equipped with and carry at least two flares or two red lanterns or two warning lights or reflectors, which reflectors shall be of a type approved by the Department of California Highway Patrol. When any vehicle abovementioned or any trailer or semi trailer is disabled upon the streets or highways outside of any business or residence district within this city, and upon which street or highway there is in sufficient street lighting to reveal a vehicle at a distance of two hundred feet during darkness, a warning signal of the character indicated above shall be immediately placed at a distance of approximately one hundred feet in advance of, and one hundred feet to the rear of such disabled vehicle by the driver thereof. The continuous flashing of at least four approved Class A-Type I turn signal lamps, at least two toward the front and at least two toward the rear of the vehicle, shall be considered to meet the requirements of this section until the devices mentioned above can be placed in the required locations. The warning signals
mentioned in this section shall be displayed continuously during darkness while such
vehicle remains disabled upon such street or highway. (Ord. 149 § 10.13, 1968)

10.40.130 Repairing Or Greasing Vehicles On Public Streets

No person shall construct or cause to be constructed, repair or cause to be repaired,
grease or cause to be greased, dismantle or cause to be dismantled any vehicle or any part
thereof upon any public street in this city. Temporary emergency repairs may be made
upon a public street. (Ord. 149 §10.6, 1968)

10.40.140 Washing Or Polishing Vehicles On Public Streets

No person shall wash or cause to be washed, polish or cause to be polished any vehicle or
any part thereof upon any public street in this city, when a charge is made for such
service. (Ord. 149 § 10.7, 1968)

Chapter 10.42 - MISCELLANEOUS VEHICLE AND TRAFFIC VIOLATIONS

Sections:

10.42.010 On-street and off-street parking spaces—Designation by
resolution.
10.42.020 Notice of on-street restrictions.
10.42.030 Notice of off-street restrictions.
10.42.040 Unlawful to park.
10.42.050 Private parking facilities.
10.42.060 Unregistered vehicles.
10.42.070 Display of license plates.
10.42.080 Display of tabs.
10.42.090 Prohibited parking or standing.
10.42.100 Curb parking.
10.42.110 Abandonment prohibited.

10.42.010 On-Street And Off-Street Parking Spaces—Designation By Resolution

The council may by resolution designate on street parking spaces and off-street parking
space in parking lots owned and maintained by the city for the exclusive use of vehicles
which display a distinguishing license plate or placard issued pursuant to Division 11,
Chapter 9 of the California Vehicle Code. Any parking spaces so designated shall be
restricted to vehicles displaying such license plates or placards on a twenty-four-hour-a-
day basis each day during the year including Sundays and holidays. Any parking space so
designated shall be subject to any temporary prohibitions which may be established by
resolution of the council. (Ord. 419 § I (part), 1995)
10.42.020  Notice Of On-Street Restrictions
On-street parking spaces may be designated pursuant to Division 11, Chapter 9 of the California Vehicle Code. (Ord. 419 § 1 (part), 1995)

10.42.030  Notice Of Off-Street Restrictions
If the council by resolution adopted pursuant to Section 10.42.010 designates any off-street parking spaces in parking lots owned and maintained by the city, the city engineer shall mark and/or sign such spaces in accordance and pursuant to Division 11, Chapter 9 of the California Vehicle Code. (Ord. 419 § 1 (part), 1995)

10.42.040  Unlawful To Park
It is unlawful for any person to park or leave standing any vehicle in any on-street or off-street stall or space designated pursuant to this chapter unless the vehicle displays a distinguishing license plate or placard issued pursuant to Division 11, Chapter 9 of the California Vehicle Code. (Ord. 419 § 1 (part), 1995)

10.42.050  Private Parking Facilities
The council urges owners of privately owned and operated parking facilities to reserve parking stalls for the exclusive use of physically handicapped persons pursuant to Division 11, Chapter 9 of the California Vehicle Code. (Ord. 419 § 1 (part), 1995)

10.42.060  Unregistered Vehicles
No person shall leave standing upon a city street or public parking facility, any vehicle defined in Division I of the California Vehicle Code requiring registration, unless it is registered, and the proof of such valid registration is properly displayed, in compliance with California Vehicle Code regulations. (Ord. 419 § 1 (part), 1995)

10.42.070  Display Of License Plates
No person shall leave standing upon a city street or public parking facility any vehicle defined in Division I of the California Vehicle Code requiring registration, without proper display of license plates, as defined in Section 5200 of the California Vehicle Code. (Ord. 419 § 1 (part), 1995)

10.42.080  Display Of Tabs
No person shall leave standing upon a city street or public parking facility any vehicle defined in Division I of the California Vehicle Code requiring registration, without proper display of proof of valid registration, as defined in Section 5204(a) of the California Vehicle Code. This requirement does not apply to fleet vehicles, as defined in Section 5204(b) of the California Vehicle Code. (Ord. 419 § 1 (part), 1995)

10.42.090  Prohibited Parking Or Standing
No person shall leave standing or parked any vehicle defined in Division 1 of the California Vehicle Code requiring registration, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic-control device, in any crosswalk, within fifteen feet of a driveway entrance to any fire station, in front of a public or a private driveway, in front of
a door, on a sidewalk, on the roadway side of any vehicle stopped, parked or standing at 
the curb or edge of a highway. (Ord. 419 § I (part), 1995)

10.42.100  Curb Parking

Every vehicle stopped or parked upon a roadway within the city where there are adjacent 
curbs shall be stopped or parked with the right-hand wheels of such vehicle parallel with 
and within eighteen inches of the right-hand curb, except, motorcycles shall be parked 
with at least one wheel or fender touching the right-hand curb. Where no curbs or barriers 
bound any roadway, right-hand parallel parking is required unless otherwise indicated. 
This section shall not be construed to permit any vehicle to stop or park upon a roadway 
in a direction opposite to that in which traffic normally moves upon that half of the 
roadway on which such vehicle is stopped or parked. (Ord. 419 § 1 (part), 1995)

10.42.110  Abandonment Prohibited

No person shall abandon a vehicle upon a city street, or upon public or private property 
without the express or implied consent of the owner or person in lawful possession or 
control of the property. (Ord. 419 § 1 (part), 1995)

Chapter 10.44 - RESTRICTED PARKING AREAS*

Sections:

10.44.010  Twenty-four minute parking.
10.44.020  Forty minute parking.
10.44.030  One hour parking.
10.44.040  Two hour parking.
10.44.050  Parallel parking on one-way street.
10.44.060  Diagonal parking.
10.44.070  Parking space markings.
10.44.080  No stopping zones.
10.44.090  Loading zones.
10.44.100  Curb markings.
10.44.110  Applicability of loading or unloading provisions.
10.44.120  Yellow loading zones.
10.44.130  Passenger loading zones.
10.44.140  Loading or unloading in alleys.
10.44.150  Bus and coach zones authorized.

* For statutory provisions authorizing cities to prohibit or restrict the parking of vehicles on certain streets 
or portions thereof, during all or certain hours of the day, see Veh. Code § 22507.
10.44.010  Twenty-Four Minute Parking

A. Green curb marking shall mean no standing or parking for a period of time longer than twenty-four minutes at any time between 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays.

B. When authorized signs, parking meters or curb markings have been determined by the city traffic committee to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park the vehicle adjacent to any such legible curb marking or sign or parking meter in violation thereof. (Ord. 149 § II (part), 1968)

10.44.020  Forty Minute Parking

When authorized signs, parking meters or curb markings have been determined by the city traffic committee to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park the vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays, for a period of time longer than forty minutes. (Ord. 149 § 11.1, 1968)

10.44.030  One Hour Parking

When authorized signs, parking meters or curb markings have been determined by the city traffic committee to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park the vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period of time longer than one hour. (Ord. 149 § 11.2, 1968)

10.44.040  Two Hour Parking

When authorized signs, parking meters or curb markings have been determined by the city traffic committee to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park the vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period of time longer than two hours. (Ord. 149 § 11.3, 1968)

10.44.050  Parallel Parking On One-Way Streets

A. Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.

B. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.

C. The city traffic committee is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way roadway of a highway having two or more separate roadways and shall erect signs giving notice thereof.

D. The requirement of parallel parking imposed by this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading.
freight or goods, in which case such vehicle may be backed up to the curb; provided, that such vehicle does not extend beyond the centerline of the street and does not block traffic thereby. (Ord. 149 § 11.4, 1968)

10.44.060 Diagonal Parking

A. On any of the streets or portions of streets established by resolution of the council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it is unlawful for the operator of any vehicle to park the vehicle except:

1. At the angle to the curb indicated by signs or pavement markings allotting space to parked vehicles and entirely within the limits of the allotted space;
2. With the front wheel nearest the curb within six inches of the curb.

B. The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods, in which event the provisions applicable in Section 10.44.050 shall be complied with. (Ord. 149 § 11.5, 1968)

10.44.070 Parking Space Markings

A. The city traffic committee is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbings where authorized parking is permitted.

B. When such parking space markings are placed on the highway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible. (Ord. 149 § 11.6, 1968)

10.44.080 No Stopping Zones

A. The city traffic committee shall designate established no stopping zones by placing and maintaining appropriate signs indicating that stopping of vehicles is prohibited and indicating the hours and day when stopping is prohibited.

B. During the hours and on the days designated on the signs, it is unlawful for the operator of any vehicle to stop the vehicle on any of the streets or parts of streets established by resolution of the council as no stopping zones. (Ord. 149 § 11.7, 1968)

10.44.090 Loading Zones

A. The city traffic committee is authorized to determine and to mark loading zones and passenger loading zones as follows:

1. At any place in the central traffic district or any business district;
2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.

B. In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes.

C. Loading zones shall be indicated by yellow paint upon the top of all curbs within such zones.

D. Passenger loading zones shall be indicated by white paint upon the top of all curbs in said zones. (Ord. 149 § 12 (part), 1968)
10.44.100    Curb Markings

The city traffic committee is authorized, subject to the provisions and limitations of this
title, to place, and when required in this title shall place the following curb markings to
indicate parking or standing regulations, and the curb markings shall have the meanings
as set forth in this section:

A. Red means no stopping, standing or parking at any time except as permitted by the
Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus
zone.

B. Yellow means no stopping, standing or parking at any time between seven a.m. and
six p.m. of any day except Sundays and holidays for any purpose other than the loading
or unloading of passengers or materials; provided, that the loading or unloading of
passengers shall not consume more than three minutes nor the loading or unloading of
materials more than twenty minutes.

C. White means no stopping, standing or parking for any purpose other than loading or
unloading of passengers, or for the purpose of depositing mail in an adjacent mailbox,
which shall not exceed three minutes and such restrictions shall apply between seven a.m.
and six p.m. of any day except Sundays and holidays except as follows:
1. When such zone is in front of a hotel or in front of a mailbox, the restrictions shall
apply at all times.
2. When such zone is in front of a theater the restrictions shall apply at all times except
when such theater is closed.

D. Blue means parking at all times shall be limited exclusively to the vehicles of
physically handicapped persons.

E. When the city traffic committee as authorized under this title has caused such curb
markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such
legible curb marking in violation of any of the provisions of this section. (Ord. 256 § 1,
1980: Ord. 149 § 12.1, 1968)

10.44.110    Applicability Of Loading Or Unloading Provisions

A. Permission granted in this chapter to stop or stand a vehicle for purposes of loading or
unloading of materials shall apply only to commercial vehicles and shall not extend
beyond the time necessary therefore, and in no event for more than twenty minutes.

B. The loading or unloading of materials shall apply only to commercial deliveries, also
the delivery or pickup of express and parcel post packages and United States mail.

C. Permission in this chapter granted to stop or park for purposes of loading or unloading
passengers shall include the loading or unloading of personal baggage but shall not
extend beyond the time necessary therefore and in no event for more than three minutes.

D. Within the total time limits specified in subsections A and C of this section, the
provisions of this section shall be enforced so as to accommodate necessary and
reasonable loading or unloading but without permitting abuse of the privileges granted by
this chapter. (Ord. 149 § 12.2, 1968)
10.44.120  Yellow Loading Zones
No person shall stop, stand or park a vehicle in any yellow loading zone for any purpose other than loading or unloading passengers or material for such time as is permitted in Section 10.44.110. (Ord. 149 § 12,3, 1968)

10.44.130  Passenger Loading Zones
No person shall stop, stand or park a vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in Section 10.44.110. (Ord. 149 § 12.4, 1968)

10.44.140  Loading Or Unloading In Alleys
No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley. (Ord. 149 § 12.5. 1968)

10.44.150  Bus And Coach Zones Authorized
A. The city traffic committee is authorized to establish bus zones opposite curb space for the loading and unloading of buses or common carriers of passengers and to determine the location thereof.
B. Coach zones shall normally be established on the far side of an intersection. (Ord. 149 § 12.6, 1968)

Chapter 10.48 - RESTRICTED USE OF CERTAIN STREETS

Sections:

10.48.010  Central traffic district—Certain vehicles restricted.
10.48.020  Central traffic district— Advertising vehicles.
10.48.030  Central traffic district—Animal-drawn vehicles.
10.48.040  Truck routes.
10.48.050  Commercial vehicles prohibited on certain streets.
10.48.060  Truck routes defined.
10.48.070  Violation of Section 10.48.040—Penalty.

10.48.010  Central Traffic District—Certain Vehicles Restricted
No person shall operate any of the following vehicles in the central traffic district between the hours of seven a.m. and six p.m. of any day:

A. Any freight vehicle more than eight and one-half feet in width, with load, or any freight vehicle so loaded that any part of its load extends more than twenty feet to the front or rear of the vehicle;

B. Any vehicle carrying building material that has not been loaded, or is not to be unloaded at some point within the central traffic district;
C. Any vehicle conveying refuse, rubbish, garbage or dirt; provided, that the city traffic committee may by written permit authorize the operation of any such vehicle for the purpose of making necessary emergency deliveries to or from points within the central traffic district. (Ord. 149 § 13 (part), 1968)

10.48.020    Central Traffic District—Advertising Vehicles

No person shall operate or drive any vehicle used for advertising purposes or any advertising vehicle equipped with a sound-amplifying or loud-speaking device upon any street or alley at any time within the central traffic district, without first obtaining a permit from the chief of police. (Ord. 149 § 13.1, 1968)

10.48.030    Central Traffic District—Animal-Drawn Vehicles

No person shall drive any animal-drawn vehicle into or within the central traffic district between the hours of four thirty p.m. and six p.m. of any day. (Ord. 149 § 13.2, 1968)

10.48.040    Truck Routes

A. Whenever any ordinance of this city designates and describes any street or portion thereof as a street, the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three tons, the city traffic committee is authorized to designate such street or streets, by appropriate signs, as truck routes, for the movement of vehicles exceeding a maximum gross weight limit of three tons.

B. When any such truck route or routes are established and designated by appropriate signs the operator of any vehicle exceeding a maximum gross weight limit of three tons shall drive on such route or routes and none other, except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of three tons coming from a truck route having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets, or for the purpose of delivering materials to be used in the actual and bonafide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained therefore.

C. The provisions of this section shall not apply to passenger buses under the jurisdiction of the public utilities commission, or to any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

D. Those streets and parts of streets established by ordinance of the council are declared to be truck routes for the movement of vehicles exceeding a maximum gross weight of three tons. (Ord. 289 § 1 (part), 1984; Ord. 149 § 13.3, 1968)

10.48.050    Commercial Vehicles Prohibited On Certain Streets

A. Whenever any ordinance of the city designates and describes any street or portion thereof as a street the use of which is prohibited by any commercial vehicle, the city traffic committee shall erect and maintain appropriate signs on those streets affected by such ordinance.

B. Those streets and parts of streets established by ordinance of the council are declared to be streets, the use of which is prohibited by any commercial vehicle. The provisions of
this section shall not apply to passenger buses under the jurisdiction of the public utilities commission. (Ord. 289 § 1 (part), 1984; Ord. 149 § 13.4, 1968)

10.48.060  Truck Routes Defined

A. The following streets are designated as truck routes, the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three tons within the meaning of Section 10.48.040:

1. State Route 99:
2. Larkin Road:
3. Pennington Road:
4. Broadway (between Larkin Road and Elm Street);
5. Elm Street (between Broadway and California Street);
6. California Street (between Elm Street and Pennington Road).

B. All other streets within the city limits of the city of Live Oak, except those designated in subsection A of this section, are restricted streets as contemplated in Section 10.48.040. (Ord. 289 § 2. 1985; Ord. 149 § 13.5, 1968)

10.48.070  Violation Of Section 10.48.040— Penalty

A violation of Section 10.48.040 of this code shall be an infraction punishable by a fine of not less than fifty dollars nor more than five hundred dollars. (Ord. 289 § 3, 1985: (Ord. 149 § 13.6, 1968)

Chapter 10.52 - TRAINS

Sections:

10.52.010  Railway Gates

No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed. (Ord. 149 § 15 (part), 1968)

10.52.020  Blocking Traffic On One Street—Ten Minute Limit

No person shall cause or permit any railway train or railway cars or similar vehicle on rails to stop or stand or to be operated in such a manner as to prevent the use of any street for the purposes of travel for a period of time longer than ten minutes; except, that this provision shall not apply to railway trains, cars or similar vehicles on rails while blocking or obstructing a crossing because of an accident which requires the operator of the train,
car or similar vehicle on rails to stop at or near the scene of the accident. (Ord. 149 § 15.1. 1968)

10.52.030 Blocking Traffic On Two Streets— Five Minute Limit

No person, firm, or corporation shall operate any train or train of cars or permit the same or any portion thereof to remain standing so as to block the movement of traffic on any two streets for a period of five minutes and at no time block more than two streets at the same time. (Ord. 204 § 2, 1968)

Chapter 10.56 - SPECIAL SPEED ZONES

Sections:

10.56.010 Speed regulation by traffic signals authorized.
10.56.020 Speed limits designated.

10.56.010 Speed Regulation By Traffic Signals Authorized

The city traffic committee is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof. (Ord. 149 § 16 (part), 1968)

10.56.020 Speed Limits Designated

It is unlawful and an infraction to drive a motor vehicle upon any portion of the following streets in excess of the following stated speed limits:

A. Archer Avenue.
   1. From Live Oak Boulevard to east city Limit, 35 miles per hour;

B. Broadway:
   1. From Larkin Road to Elm Street, 35 miles per hour;
   2. From Elm Street to Pennington Road, 25 miles per hour;

C. Larkin Road:
   1. From south city limit to curve, 45 miles per hour;
   2. From curve to Live Oak Boulevard, 35 miles per hour;
   3. Live Oak Boulevard to Pennington Road, 30 miles per hour;
   4. From Pennington Road to Nevada Street, 35 miles per hour;
   5. From Nevada Street to north city limit, 45 miles per hour;

D. Pennington Road:
   1. From west city limit to Connecticut Avenue, 35 miles per hour;
   2. From Connecticut Avenue to five hundred feet east of Maple Park, 30 miles per hour;
3. From five hundred feet east of Maple Park to east city limit, 35 miles per hour;
Except that the speed limit along Pennington Road from the westerly side of the Live
Oak High School to the easterly side of the Live Oak Elementary School shall be 25
miles per hour when children are present. (Ord. 225, 1978)

Chapter 10.60 - SCHEDULE OF DESIGNATED STREETS

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10.60.010 Truck Routes And Truck Parking

A. In accordance with the provisions of Section 10.48.040, and when properly posted
giving notice thereof, the following streets or portions of streets are declared to be truck
routes for the movement of vehicles exceeding a maximum gross weight of three tons:
1. State Route 99;
2. Larkin Road;
3. Pennington Road;
4. Broadway between Larkin Road and Elm Street;
5. Elm Street between Broadway and California Street;
6. California Street between Elm Street and Pennington Road.

B. No vehicle exceeding a maximum gross weight of ten thousand pounds, or
commercial vehicle, as defined in vehicle code section 15210, shall park on any of the
following truck routes, except in the case of an emergency or for the purpose of loading
and unloading as otherwise provided in this title:
1. Larkin Road;
2. Pennington Road;
3. Broadway (between Larkin Road and Elm Street);
4. Elm Street (between Broadway and California Street);
5. California Street (between Elm Street and Pennington Road).

Nothing in this section shall prohibit the parking of a pickup mounted with a camper or a
self-propelled mobile home.
10.60.020  Through Streets
In accordance with the provisions of Section 10.28.010, and when properly posted giving notice thereof, through streets shall be as follows:

A. State Route 99 within the limits of the city;
B. Pennington Road from State Route 99 west and east to the city limits;
C. Larkin Road south of State Route 99 to the city limits;
D. Larkin Road between State Route 99 and Pennington Road;
E. Larkin Road north of Pennington Road to the city limits.

10.60.030  Stop Sign Intersections
In accordance with the provisions of Section 10.28.010, and when properly posted giving notice thereof, vehicles are required to stop when traveling on the following streets, prior to entering or crossing the intersections designated as follows:

A. Westbound traffic on the alley between Birch Street and Archer Avenue at State Route 99;
B. Southbound traffic on K Street at Archer Avenue;
C. North and southbound traffic on L Street at Archer Avenue;
D. Eastbound traffic on Fir Street at Sinnard Avenue;
E. East and westbound traffic on Gum Street at L Street;
F. North bound traffic on Broadway at Elm Street;
G. Eastbound traffic on Elm Street at Broadway;
H. Eastbound traffic on Fir Street at Broadway;
I. Eastbound traffic on Gum Street at Broadway;
J. North and southbound traffic on California Street and Fir Street;
K. Eastbound traffic on Elm Street at P Street;
L. East and westbound traffic on Fir Street at P Street
M. North and southbound traffic on P Street at Fir Street;
N. Eastbound traffic on Gum Street at California Street;
O. Westbound traffic on Pennington Road at the Southern Pacific Railroad grade crossing.

10.60.040  Limited Parking
In accordance with the provisions of Section 10.48.040, and when properly posted giving notice thereof, the following street will be limited to one-hour parking, except in the case of an emergency or for the purpose of loading and unloading as otherwise provided in this title:

A. State Route 99.
Chapter 10.64 - BICYCLE REGISTRATION*

Sections:

10.64.010 License—Required.

10.64.020 License—Application—Issuance.

10.64.030 License—Plates and registration—records.

10.64.040 License—Fees.

10.64.050 Secondhand dealers—Weekly reports to police.

10.64.060 Transfer of registration.

10.64.070 Altering bicycle or license numbers prohibited.

10.64.080 Violation—Penalty—Impoundment.

* For statutory provisions on bicycle registration, see Veh. Code § 39000 et seq.

10.64.010 License—Required

It is unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets, alleys or public highways of the city without first obtaining from the police department a license therefore. (Ord. 132 § 1, 1965)

10.64.020 License—Application—Issuance

The city clerk’s office is designated as the agency through whom applications for bicycle licenses shall be processed. The city clerk’s office is authorized and directed to issue, upon written application, bicycle licenses which shall be effective from January 1st to and including December 31st of the succeeding year and thereafter all licenses shall be issued every two years commencing on the first day of each even numbered year and ending on the thirty-first day of December of each odd numbered year. The licenses, when issued, shall entitle the licensee to operate such bicycle for which said license has been issued upon all of the streets, alleys and public highways exclusive of the sidewalks thereof in the city. The city clerk’s office may confer with the applicable law enforcement department, i.e. the Sutter County sheriff’s department in connection with the processing of such applications and the issuances of such licenses. (Ord. 252 § 1 (part), 1980: Ord. 132 § 2, 1965)

10.64.030 License—Plates And Registration—Police Records

The city shall provide each year metallic license plates and seals, together with registration cards and isinglass holders therefore, said metallic license plates and registration cards having numbers stamped thereon in numerical order, and it shall be the duty of the police department to attach one such metallic license plate to the frame of each bicycle and to issue a corresponding registration card to the licensee upon the payment of the license fee provided for in Section 10.64.040. Such metallic license plate
shall remain attached during the existence of such license. The police department shall also keep a record of the date of issue of each license, to whom issued, and the number thereof. (Ord. 132 § 3, 1965)

10.64.040 License—Fees

The license fee to be paid for each bicycle shall be one dollar and shall be paid in advance. All license fees collected under this chapter shall be paid into the general fund of the city. (Ord. 252 § 1 (part), 1980: Ord. 132 § 7, 1965)

10.64.050 Secondhand Dealers—Weekly Reports To Police

All persons engaged in the business of buying secondhand bicycles are required to make weekly report to the police department giving the name and address of the person from whom each bicycle is purchased, the description of each bicycle purchased, the frame number thereof, and the number of the metallic license plate found thereon, if any. All persons engaged in the business of selling new or secondhand bicycles are required to make a weekly report to the police department, giving a list of all sales made by such dealers, which list shall include the name and address of each person to whom sold, the kind of bicycle sold, together with a description and frame number thereof, and the number of the metallic license plate attached thereof, if any. (Ord. 132 § 4, 1965)

10.64.060 Transfer Of Registration

It shall be the duty of every person who sells or transfers ownership of any bicycle to report such sale or transfer by returning to the police department the registration card issued to such person as licensee thereof, together with the name and address of the person to whom the bicycle was sold or transferred, and such report shall be made within five days of the date of the sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration therefore within five days of the sale or transfer. (Ord. 132 § 5, 1965)

10.64.070 Altering Bicycle Or License Numbers Prohibited

It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this chapter. It is also unlawful for any person to remove, destroy, mutilate or alter any license plate, seal or registration card during the time in which the license plate, seal or registration card is operative; provided, however, that nothing in this chapter shall prohibit the police department from stamping numbers on the frames of bicycles on which no serial number can be found, or on which the number is illegible or insufficient for identification purposes. (Ord. 132 § 6, 1965)

10.64.080 Violation—Penalty—Impoundment

Every person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. In addition to the penalty herein above set forth, the police department of the city, or any of the members thereof, may impound and retain possession of any bicycle operated in violation of any of the provisions of this chapter, and retain possession of the same until the license provided for in this chapter is obtained by the owner of the bicycle. (Ord. 132 § 8, 1965)
Chapter 10.68 - SKATEBOARDS

Sections:

10.68.010  Regulations Generally

It is unlawful for any person to ride, by skateboard or similar device, upon any public street within the city limits in violation of the following restrictions:

A. Such use shall not occur after sunset of one day and before sunrise of the following day.
B. Persons riding skateboards shall ride as near to the right side of the roadway as practicable.
C. No person riding a skateboard shall attach the same or himself to any other vehicle.
D. Persons riding skateboards shall yield the right-of-way to all motor vehicles and pedestrians.
E. No person shall ride a skateboard when approaching or upon the crest of a grade or a curve in a street where the view of such person is obstructed within such distance as to create a hazard from an approaching motor vehicle.
F. No person shall ride a skateboard on any street or sidewalk in any business district, “Business district” shall have the meaning given to it by Section 235 of the California Vehicle Code.
G. Except as provided in this chapter, any person riding a skateboard shall be subject to all of the duties applicable to the driver of vehicle under the California Vehicle Code, except those provisions which, by their very nature, can have no application. (Ord. 217 § 1, 1978)

Chapter 10.72 - ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

Sections:

10.72.010  Statutory authority declared nuisance - findings.
10.72.020  Definitions.
10.72.030  Applicability.
10.72.040  Exceptions.
10.72.050  Administrative costs.
10.72.060  Abatement notice.
10.72.070  Appeal abatement hearing with city manager.
10.72.080  Appeal hearing procedure.
10.72.010  Statutory Authority Declared Nuisance — Findings

In accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked or dismantled vehicles or parts thereof as public nuisances, the city council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public properly, not including highways, is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare.

Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property, except as expressly permitted in this chapter is declared to constitute a public nuisance, which may be abated as such in accordance with the provisions of this chapter.

10.72.020  Definitions

As used in this chapter, the following definitions shall apply:

A. “Abandon” means to give up completely with the intent of never again claiming a right or interest in.

B. “Appeal hearing” means a person designated to hear all matters of dispute, determination and interpretation that may arise under this chapter, and shall consist of the city manager, or a person designated by the city manager to act on his/her behalf.

C. “Appraiser” means a person designated as having the authority to make appraisals of the value of vehicles pursuant to California Vehicle Code Section 22855 and includes regularly salaried employees of the City of Live Oak designated by the Live Oak city council to perform this function. The chief of police and the code enforcement officer are designated by the City of Live Oak city council as appraisers pursuant to California Vehicle Code Section 22855.

D. “Chief of Police” refers either to the Chief of Police in the event that a Municipal Police Department is established or, until such time, by the senior most law Enforcement Officer assigned by contract to provide law enforcement services to the City or that person’s designee.

E. “Code Enforcement Officer/Enforcement Officer” means the person designated to assist the Chief of Police in administration and enforcement of this chapter and shall have
those responsibilities and rights as further set forth in this chapter, including but not limited to the removal of vehicles or parts thereof as allowed by this chapter.

F. “Dismantled” refers to a vehicle which has been taken apart and remains in pieces.

G. “Highway” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. “Highway” includes streets.

H. “Inoperable vehicle” means the condition of a vehicle which is physically incapable of working, functioning, or otherwise operation to produce its designed effects.

I. “Owner of the land” means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

J. “Owner of the vehicle” means the last registered owner and legal owner of record.

K. “Public property” does not include “highway.”

L. “Vehicle” means a device by which and person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

M. “Wrecked” refers to a vehicle or part thereof which is disabled or in a state of ruin or dilapidation.

10.72.030 Application

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It supplements and is in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, the state or any other legal entity or agency having jurisdiction.

10.72.040 Exceptions

A. This chapter shall not apply to any vehicle (s) or parts thereof which:

(1) Is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, or

(2) Is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise and is not unsightly or otherwise detrimental to the public health, safety or welfare.

(3) A vehicle or part thereof having historical value as defined by vehicle code 5004 (a).

B. Nothing in this section shall authorize the maintenance of a public or private nuisance, as defined under provisions of law other than this chapter.

10.72.050 Administrative Cost

The city council may from time to time by resolution determine an amount to be assessed as administrative costs excluding the actual cost of removal of any vehicle or parts thereof under this chapter.

10.72.060 Abatement Notice
Upon discovery of the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property within the city, the code enforcement officer shall have the authority to serve abatement notices and will cause the abatement and removal thereof in accordance with the procedures prescribed in this chapter.

A. The following abatement notice is required prior to removal of any vehicle or parts thereof as provided in this chapter:

1. A 10-day notice of intention to abate and remove the vehicle (the “notice to abate”), or parts thereof, as a public nuisance shall be mailed by certified mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The enforcement officer shall post a copy of the Notice upon or at the site of such vehicle or part.

2. The notice to abate shall be in the following form:

The notice to abate is not required in the following circumstances:

1. A vehicle or part thereof is inoperative due to the absence of a motor, transmission or wheels and each of the following conditions are found to exist by the code enforcement officer:
   a. The vehicle or part thereof is incapable of being towed,
   b. The vehicle or part thereof is valued at less than $200 by an appraiser as defined in this chapter,
   c. The vehicle or part thereof is determined by the code enforcement officer to be a public nuisance presenting an immediate threat to public health or safety, and
   d. The property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof.

10.72.070 Appeal Abatement Hearing With City Manager

A. The owner of the vehicle and/or the owner of the land on which the vehicle is located shall have the right to request a hearing before the City Manager if such a request is submitted to the Live Oak City Hall office staff in writing within 10 days after the mailing of the Notice of Intention to Abate and Remove. The appeal may concern questions of abatement and removal of the vehicle, or parts thereof, as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle, or parts thereof, against the property on which it is located. If there is no request for a hearing or a sworn, written statement denying responsibility for the presence of the vehicle on his/her land within the 10 days after mailing of the Notice of Intention to Abate and Remove, the city shall have the authority to abate and remove the vehicle, or parts thereof, as a public nuisance without holding any hearings.

B. If the owner of the land submits a sworn, written statement denying responsibility for the presence of the vehicle on his/her land within such 10 day period, said statement shall be construed as a request for a hearing which does not require his/her presence.

C. Notice of the hearing shall be mailed, by certified mail, at least 10 days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in
such a condition that identification numbers are not available to determine ownership. If no request for hearing or sworn, written statement denying responsibility for the presence of the vehicle on his/her land is received within the 10 days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle, or parts thereof as a public nuisance without holding a hearing.

10.72.080  Appeal Hearing Procedure

Upon the date, and at the time and place, specified for hearing in the Notice of Hearing required by Section 10.72.070 the City Manager shall proceed to hear the testimony of the Code Enforcement Officer or Chief of Police, requesting party, and any other competent persons respecting the condition of the vehicle or part constituting the subject of the hearing, and any other relevant facts concerning the matter. The property owner may either appear in person at the hearing or present a sworn written statement-denying responsibility for the presence of the vehicle on his or her land, with the reasons for such denial.

The provisions of the California Administrative Procedure Act (commencing with Section 11500 of the Government Code) shall not be applicable to such hearing; nor shall formal rules of evidence in civil or criminal judicial proceedings be so applicable.

Within seven (7) days following the date on which the hearing was held, the City Manager shall issue a written decision which either affirms or reverses the Code Enforcement Officer or Chief of Police determination made that the vehicle is abandoned, wrecked or inoperative. The decision shall include findings of fact and conclusions. Copies of the decision shall be forthwith served upon the parties, either by personal delivery or by certified mail, return receipt requested. The decision may be appealed to the city council within 10 days after the service by mail of the decision. If the City Manager affirms the Code Enforcement Officer’s or Chief of Police determination, such decision shall direct the property owner and/or vehicle owner to abate the nuisance within the time prescribed by this Section. Such decision shall give notice that if the nuisance is to abated it may be abated by the Code Enforcement Officer or Chief of Police in such manner as the Enforcement Officers deems proper, and that the expense thereof may be made a lien against the real property involved, in accordance with Section 38773.5 of the Government Code, or, in the case of an abandoned vehicle, that such expense my be recovered from the last registered owner of record thereof, pursuant to Section 22524 of the Vehicle Code. Provided however, that if the Code Enforcement Officer has found that the vehicle or part constituting the nuisance was placed upon the land without the consent of the property owner, and that the property owner has not subsequently acquiesced in its presence, the Code Enforcement Officers shall not assess such cost against the real property, or otherwise attempt to collect such cost from the property owner. The decision shall require that abatement of the nuisance by the property owner and or vehicle owner be physically completed within ten (10) days after service of such decision or, in the alternative, within such time as the Code Enforcement Officers shall determine to be reasonable under all of the circumstances.

10.72.090  Right Of Entry

The Code Enforcement Officer, Chief of Police or any person or persons with whom the City Manager has contracted to provide such services, shall be authorized to enter upon
private property or public property for purposes of administering and enforcing this chapter, to examine a vehicle or part thereof declared to be a nuisance pursuant to this Section. Any other person, firm or corporation authorized by the city to remove vehicles from property for purposes of enforcement of this Section may enter upon private property to perform such removal, upon request from the Code Enforcement Officer or Chief of Police.

10.72.100 Vehicle Disposition

After a vehicle has been moved pursuant to this Section, such vehicles shall not be reconstructed or made operable unless, pursuant to California Vehicle Code Section 5004:

A. The vehicle qualifies for horseless carriage license plates or; B. The vehicle qualifies for historical vehicle license plates.

The code enforcement officer or chief of police may dispose of a vehicle or part thereof under this Section by removal thereof to a licensed scrap yard, automobile dismantler’s yard or other site authorized by Section 22662 of the Vehicle Code.

Within 12 days after the notice is mailed, final disposition may proceed. Within five (5) days after the date of removal of the vehicle or parts thereof removed and any evidence of registration available, including registration certificates, certificates of title or license plates shall be given to the Department of Motor Vehicle identifying the vehicle or part thereof, has been removed.

10.72.110 Administrative Costs Assessment—Delinquent Action

If the administrative costs and the cost of removal which are charged against the owner of the parcels of land pursuant to Section 10.72.070 and 10.72.080 are not paid within 30 days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other city taxes. Any costs required to be paid for the removal and disposition of any vehicle determined to be abandoned shall not exceed those for towing and 7 days of storage.

Cost of enforcement and administration of this chapter shall include, but not be limited to, charges for each vehicle cited under this ordinance, a towing fee for each vehicle towed pursuant to this ordinance, charges related to vehicle disposal, and a fee to cover the cost of hearing, staff time involved in hearing required by this chapter, inspection of vehicles and other property, publication, mailing and posting of notices, conducting hearings, processing appeals and pursuing any judicial action. Such charges shall be established from time to time by resolution the City Council.

10.72.120 Unlawful Acts

It is unlawful and an infraction for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this Section or state law where such state law is applicable. A fine of not less than $100 and no more than $500 per day maybe imposed upon any person convicted of a violation of
this section. In addition to any costs of removal and disposition of the vehicle that may be assessed pursuant to this chapter. (Ord. 456, § 3, 2000)

Chapter 10.75 - PROCEDURE ON PARKING VIOLATIONS

Sections:

10.75.010  The City of Live Oak shall process parking violations which it issues.

10.75.020  Notice of parking violation.

10.75.030  Review of issuance of notice of parking violation—Deposit of parking penalty.

10.75.040  Appeal to justice or municipal court.

10.75.050  Method of collection when determination is final.

10.75.060  Fine schedule.

10.75.010  The City Of Live Oak Shall Process Parking Violations Which It Issues

The city of Live Oak shall act as the processing agency for all parking violation citations which it issues. This chapter shall specify the procedure to be followed for any violation of any regulation that is not a misdemeanor governing the standing or parking of a vehicle under the Vehicle Code, under any federal statute or regulation, or under any ordinance, rule or regulation of the city. Such violations shall be subject to a civil penalty, the enforcement of which is set forth in this chapter. (Ord. 4171 (part). 1995)

10.75.020  Notice Of Parking Violation

A peace officer or person authorized to enforce parking laws, upon finding a vehicle parked in violation of law, shall securely attach to the vehicle a notice of parking violation setting forth the violation (including reference to the law violated), the approximate time thereof, the location where the violation occurred, the time for the registered owner/lessee or rentee to deposit the parking penalty, or to contest the violation. The notice shall also set forth the vehicle license number and the registration expiration date if they are visible, the last four digits of the vehicle identification number if that number is visible through the windshield, the color of the vehicle and, if possible, the make of the vehicle, as well as any other requirements of Vehicle Code Section 40202, or any other requirement of law. The notice of parking violation shall be served by attaching it to the vehicle either under the windshield wiper or in another conspicuous place upon the vehicle, or if the driver of the vehicle is personally present, by delivering the notice of violation directly to the driver. The notice of parking violation shall be accompanied by a written note of the parking penalty due for that violation and the address of the person authorized to receive a deposit for the parking penalty, to whom payment may be sent, and a statement in bold print that payments of the parking penalty for the parking violation may be sent through the mail. If the parking penalty is received
by the person authorized to receive the deposit of the parking penalty and there is no contest as to that violation, the proceedings under this chapter shall terminate. If a person contests the violation, the city shall process in accordance with Section 10.75.030. (Ord. 417 § I (part), 1995)

10.75.030 Review Of Issuance Of Notice Of Parking Violation—Deposit Of Parking Penalty

If the payment of the parking penalty is not received by the city by the date affixed on the notice of parking violation, the city shall deliver to the registered owner a notice of delinquent parking violation. Delivery of a notice of delinquent parking violation may be made by personal service or by first class mail addressed to the registered owner as shown on the records of the Department of Motor Vehicles. For a period of twenty-one days from the issuance of the notice of parking violation, or ten days from the mailing of the notice of a delinquent parking violation, a person may request review by the city by written request, telephone or in person. Following the request for review, the sheriff lieutenant or his designee shall investigate with its own records and staff the circumstances of the citation with respect to the contestant’s written explanation of reasons for contesting the parking violation. If, based on the result of that investigation, the city is satisfied that the violation did not occur or that the registered owner was not responsible for the violation, the city shall cancel the notice of parking violation and make an adequate record of the reasons for canceling the notice and shall mail the results of the investigation to the person who contested the notice of parking violation or the notice of delinquent parking violation.

If the person contesting a notice of parking violation or notice of delinquent parking violation is not satisfied with the results of the investigation specified above, and wishes to request an administrative hearing, the person shall, within fifteen days of the mailing of the results of the investigation, deposit the amount of the parking penalty and request an administrative hearing. The administrative hearing shall consist of the following:

1. The person requesting an administrative hearing shall indicate to the city his or her election for a review by mail or personal conference.

2. If the person requesting a hearing is a minor, that person shall be permitted to appear at a hearing or admit responsibility for a parking violation without the necessity of the appointment of a guardian. The city may proceed against that person in the same manner as if that person were an adult.

3. Administrative hearings shall be conducted before the city finance director, or before an examiner designated by the city finance director to conduct the hearing. Any examiner so designated shall demonstrate those qualifications, training and objectivity as prescribed by the city finance director to adequately fulfill the duties called for in this chapter.

4. The city shall not be required to produce any evidence other than the notice of parking violation, or copy thereof, and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. This documentation in proper form shall be considered prima facie evidence of violation.
5. The finance director is authorized to establish written procedures consistent with this chapter and any other provision of law which shall insure a fair and impartial review of the contested parking violations. The city’s final decision may be delivered personally to the person requesting review or by first class mail. (Ord, 417 § 1 (part), 1995)

10.75.040 Appeal To Justice Or Municipal Court

Within twenty days after the mailing or personal delivery of the city’s final decision as set forth in Section 10.75.030, the contestant may seek review by filing an appeal to be heard by the justice or municipal court pursuant to the provisions of Vehicle Code Section 40230. (Ord. 417 § 1 (part), 1995)

10.75.050 Method Of Collection When Determination Is Final

The city shall terminate proceedings on the notice of delinquent parking violation in the event the city collects the penalties and administrative fees, or when the city receives information, which it shall verify with the Department of Motor Vehicles, that the penalty has been paid to the Department.

Except as otherwise might be allowed by Vehicle Code Sections 40221 and 40222, or other provision of law, the city shall proceed to collect all final determinations for which parking penalties and administrative and service fees remain due (either when the right to appeal has expired or when there has been a final determination) by either filing an itemization of unpaid parking penalties and administrative and service fees with the Department of Motor Vehicles for collection with the registration of the vehicle or, if more than $400.00 in unpaid penalties and fees have been accrued by any person or registered owner, by proceeding to obtain a civil judgment pursuant to the provisions of Vehicle Code Section 40220, (Ord. 417 § 1 (part), 1995)

10.75.060 Fine Schedule

The amount of fines, penalties, administrative fees, service fees and all other assessments concerning the violation of any regulation governing the standing or parking of a vehicle shall be established by the city council. From time to time, the city council may review and reset the schedule of penalties or fines. This will be accomplished by resolution, and a current copy of the schedule will be maintained in the city clerk’s office and at the Live Oak Sheriff Sub-Station. (Ord. 417 § 1 (part), 1995)

Chapter 10.81 - TRIP REDUCTION REGULATIONS

Sections:

10.81.010 Purpose.
10.81.020 Objective.
10.81.030 Intent and applicability.
10.81.040 Definitions.
10.81.050 Requirements for new employers.
10.81.060 Transportation plan.
10.81.010  Purpose

The primary purposes of these trip reduction regulations include the following:

A. Reduce vehicle emissions in the Live Oak area by reducing the number of vehicular trips that might otherwise be generated by home-to-work commuting.

B. Reduce traffic congestion in Live Oak by reducing both the number of vehicular trips and the vehicular miles traveled that might otherwise be generated by home-to-work commuting.

C. Reduce or delay the need for major transportation facility improvements and reduce congestion by making efficient use of existing facilities.

D. Reduce future motor vehicle emissions as a contribution for complying with federal and state ambient air quality standards.

E. Implement measures that will work towards reducing air pollution and compliance with Congestion Management Program (CMP) and CCAA requirements.

F. Increase the average vehicle ridership (AVR) during the weekday work commute period (“peak period”). (Ord. 407 § 2 (part), 1994)

10.81.020  Objective

The fundamental objective of the trip reduction program as established by these regulations is to increase the average vehicle ridership (AVR) for home-to-work commuting. (Ord. 407 § 2 (part), 1994)

10.81.030  Intent And Applicability

It is the intent of these regulations that all new employers strive to increase average vehicle ridership. New employers are required to put forth a good faith effort to encourage employees to use alternative transportation modes through the methods described below.

These trip reduction regulations apply to all new employers with more than 500 employees. It specifically excludes all existing employers. (Ord. 407 § 2 (part), 1994)

10.81.040  Definitions

The following definitions shall apply to these regulations:
A. Alternative Commute Mode. “Alternative commute mode” is a method of traveling to and from the worksite other than by single occupant vehicle (i.e., transit, carpool, vanpool, bicycle, walking, telecommuting).

B. Average Vehicle Ridership (AVR). “Average vehicle ridership” is the average number of persons occupying each vehicle. AVR is calculated by multiplying the number of employees by the standard number of trips in a work week (generally 10), then dividing by the actual number of vehicular trips per work week. For example, if all employees drive alone to work each day, the AVR = 1.0. 10 employees would be expected to take 10 trips each per week for a total of 100 trips. If only 67 vehicular trips are taken, then the AVR is 1.5, which means that, on average, each vehicle is transporting 1.5 people to their destination. The higher the AVR, the more people are using alternative transportation methods.

C. Carpool. “Carpool” is a motor vehicle occupied by two or more persons traveling to and from work.

D. Commuter. “Commuter” is an employee who travels regularly to and from an employment facility three or more days a week.

E. Commuter Matching Service. “Commuter matching service” is any system for mapping and matching home and work locations of interested commuters to identify prospects for ridesharing.

F. Employee. “Employee” is a person employed at a location for at least twenty hours a week.

G. Employee Transportation Coordinator (ETC). “Employee transportation coordinator” is an employee or other individual designated by the employer to coordinate and implement TCM activities as required by the transportation plan.

H. New Employer. “New employer” means any business, nonprofit organization, or public agency with one or more employees, including the owner, that locates in Live Oak after the adoption of the ordinance codified in this chapter.

I. Peak Period Commuter. “Peak period commuter” means any employee who travels regularly to and from a work facility three or more days a week and arrives or departs from the facility during the weekday peak period specified by the jurisdiction. This peak period should be linked to the hours that commuter congestion actually occurs.

J. Rideshare Program. “Rideshare program” means the commuter matching service operated by Caltrans-Sacramento Rideshare.

K. Ridesharer. “Ridesharer” means any employee who commutes to and from his or her work location by any mode other than single occupancy light or medium duty vehicle, motorcycle or moped.

L. Shift of Employment. “Shift of employment” is any group of employees who work at a common work location and who arrive and depart from work in a common time interval not greater than one hour.

M. Single Occupant Vehicle. “Single occupant vehicle” is a motor vehicle occupied by one employee for commute purposes.
N. Transportation Control Measures (TCMs). “Transportation control measures (TCMs)” are measures used to maintain or improve the efficient movement of persons and goods while reducing the congestion and air quality impacts associated with motorized vehicles.

O. Transportation Control Measure (TCM) Coordinator. “Transportation control measure (TCM) coordinator” is a public agency employee or other individual designated to manage and enforce employer compliance with these trip reduction regulations.

P. Transportation Management Association (TMA). “Transportation management association (TMA)” is an association, usually of employers, developers, property managers, and public agencies, organized to facilitate, support and encourage the use of alternative transportation methods for commuters.

Q. Transportation Plan. “Transportation plan” is the plan developed by the employer to reduce single occupant vehicle trips, pursuant to Section 10.81.050.

R. Trip Reduction Credit. “Trip reduction credit” is the number of points credited to an employer’s transportation plan for implementing a specific transportation control measure (TCM) program.

S. Vanpool. “Vanpool” is a motor vehicle, other than a motor truck or truck tractor, suited for occupancy by more than six but less than sixteen persons including the driver, traveling to and from work. (Ord. 407 § 2 (part), 1994)

10.81.050  Requirements For New Employers

Every new employer of 500 or more employees shall encourage use of alternative commute modes by providing the following:

A. Employee Transportation Coordinator (ETC).

1. Every new employer of 500 or more employees shall facilitate the employees’ use of an area-wide ridesharing program by designating an employee transportation coordinator (ETC) for employees. The name, title, address, and telephone number of such coordinator shall be reported to the TCM coordinator within sixty calendar days of acquiring a business license. The ETC should be strongly encouraged to take advantage of educational resources, including training seminars, work shops, training manuals, and discussions with other ETCs. ETCs need not be full-time employees, nor is it necessary that ETC duties take up a majority of the designated employee’s time.

B. The employee transportation coordinator’s responsibilities shall include:

1. Publicizing the availability of public transportation;

2. Communicating employee transportation needs to the city TCM coordinator and/or city staff as appropriate:

3. Assisting employees in forming carpools or vanpools;

4. Developing, coordinating and implementing the employer’s transportation plan;

5. Coordinating, documenting and preparing the Annual Transportation Mode Survey & Report;

6. Performing an annual survey of employees showing the distribution of employees by transportation mode:
7. Coordinating participation in a ridesharing program through a transportation management association, either as a member agency or otherwise, including the distribution and collection of commuter matching forms, and submittal to the appropriate rideshare program. The information on these forms will then be entered into the regional data base to match commuters by home and work address for carpools and vanpools;

8. Coordinating any necessary, authorized on site visits by the TCM coordinator. (Ord. 407 § 2 (part), 1994)

10.81.060  Transportation Plan

A. A transportation plan is required for each new employer having 500 or more employees working at a single site for at least twenty hours per week, and/or for every new employer upon reaching a level of 500 or more employees working at one site for at least twenty hours per week.

B. In the case of seasonal work locations, the transportation plan shall be in effect only at such times that the employment level reaches 500 or more employees at a single site for at least twenty hours per week.

C. Transportation plan elements shall include:

1. Description. A description of the activity and operating characteristics of the proposed project (e.g., business hours and peak hours of travel), including a parking area map or diagram.

2. Existing Conditions. A description of the alternative transportation facilities and programs currently in place, such as bike lockers, preferential carpool parking, rideshare information posting, vanpool subsidies, etc.

3. Estimate. A description and estimation of the commuting characteristics of the labor force (e.g., travel distance and mode).

4. Transportation Control Measures (TCMs). Measures designed to reduce the number of single occupant vehicle trips. Each TCM is assigned a point value for trip reduction based on its effectiveness in reducing trips.

5. Implementation Schedule. A timeline showing the approximate schedule of implementation of each of the selected mitigation measures.

6. Management Support Letter. In order for the transportation plan to be successfully implemented, the top management of the employer must be aware of the program and committed to making it work. A letter expressing that commitment is required.

D. The plan must include mandatory and optional transportation control measures (TCMs) from the list in Section 10.81.060. Each of these transportation control measures (TCMs) are assigned a trip reduction credit; the plan must include measures that have a cumulative total of fourteen trip reduction points.

E. The TCM coordinator shall provide assistance to ETCs in preparing and managing their transportation plan. This assistance may include, but is not limited to, guidebooks to an estimate of the potential effectiveness of common ridesharing activities, sample transportation plans, educational resources, and networking opportunities.
F. In order to meet the required levels of trip reduction, every transportation plan shall list the TCMs proposed to be implemented. Every plan shall include and implement all of the mandatory TCMs set forth in the project requirements in Section 10.81.060. The employer may then select from optional TCMs from the transportation control measure menu shown below that will best serve to reduce commute trips of the employees of the particular project. The transportation plan will then receive the vehicle trip reduction credits as defined in this section. (Ord. 407 § 2 (part), 1994)

10.81.070 Transportation Control Measure Menu

Each of the following transportation control measures (TCMs) are assigned a trip reduction credit. Each transportation plan must include measures that have a cumulative total of fourteen trip reduction points.

A. Required Transportation Control Measures (TCMs).

1. Designation of an employee transportation coordinator (FTC).
   Trip reduction credit: 2 points.

2. Posting of ridesharing information, including:
   a. Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing;
   b. The names and phone numbers of the employee transportation coordinator (ETC), transportation management association and the TCM coordinator.
   Trip reduction credit: 1 point.

3. Posting of alternative transportation mode information, including:
   a. Current schedules, rates (including procedures for obtaining transit passes) and routes of mass transit service to the employment site;
   b. The location of all bicycle routes within at least a five mile radius of the facility.
   Trip reduction credit: 1 point.

4. Distribution of Commuter Matching Service Applications to Employees. Caltrans Sacramento Rideshare maintains regional computer databases to match commuters with common cross streets. They provide rideshare applications to employers for distribution and then directly mail the match lists to the employees. Credit will be given if the ETC distributes the applications annually to all employees and upon hiring to all new employees.
   Trip reduction credit: 3 points.

5. Bicycle Parking Facilities. Unless there are overriding considerations specific to the employment site, sufficient bicycle parking must be supplied for employees. To receive credit, the employer must provide bicycle parking for all bicycle commuters, as determined by a survey of employees, or two percent of employment, which ever is less. The bicycle parking facilities shall be, at minimum, Class II stationary bike racks.
   Trip reduction credit: 1 point.
6. Preferential Carpool/Vanpool Parking. Unless there are overriding considerations specific to the employment site, parking spaces for four percent of employees must be painted “Carpool Parking” or “Vanpool Parking” and must be, with the exception of handicapped and customer parking, the spaces with most convenient access to the employee entrances. The ETC shall be responsible for monitoring the spaces.

Trip reduction credit: 2 points.

B. Optional Transportation Control Measures (TCMs). Each new employer, in preparing a transportation plan, may chose from the following menu of TCMs to achieve the required number of trip reduction credits. It is at the discretion of the individual employer to choose which are best suited to his location, business, and employees.

1. ETC Education Program. The ETC must attend educational seminars, workshops, or other approved training programs on an annual basis. Points given are based on number of hours of attendance; two points are given for eight hours of training, with an additional point for every additional four hours of training, to a maximum credit of four points. However, since initial education of the ETC is critical, additional points are available for ETC education in the first year. In the first year, four points are given for eight hours of training, with an additional two points for every additional four hours of training, to a maximum credit of ten points. The ETC training is provided free of charge by Sacramento Rideshare.

Trip reduction credit: 2 - 10 points.

2. In-House Carpool Matching Service. The ETC conducts a survey of all employees in order to identify persons interested in being matched into carpools. Potential carpoolers are then matched by work address and shift. Credit is given if this service is performed on an annual basis and for all new employees interested in ridesharing.

Trip reduction credit: 4 points.

3. Additional Preferential Carpool/Vanpool Parking. Additional employee parking spaces must be painted “Carpool Parking” or “Vanpool Parking” and must be, with the exception of handicapped and customer parking, the spaces with most convenient access to the employee entrances. The ETC shall be responsible for monitoring the spaces. An additional point is provided for each additional two percent of total number of employees for which preferential carpool/vanpool parking is provided, up to a maximum of three additional points.

Trip reduction credit: 1 - 3 points.

4. Transportation Management Association (TMA) Membership. The ETC or other designated management employee shall actively participate in a regional TMA. The ETC shall attend all membership meetings or send a designated representative, pay all required dues, and/or be involved in any other programs which the TMA board administers.

Trip reduction credit: 4 points.

5. Guaranteed Ride Home Program. Employers shall provide or contract to provide a guaranteed ride home for employees who rideshare two days a week or more. The guaranteed ride home shall be provided to the ridesharer in the event that an emergency or illness requires that they or their carpool or vanpool driver must leave work early.
Trip reduction credit: 3 points.

6. Parking Fee. Employees who arrive at work in single occupant vehicles shall pay a parking fee of $10.00 per week, while carpool and vanpool vehicles are not charged. Credit is given only in situations where there is no alternative free public parking available within one-quarter mile of the site.

Trip reduction credit: 6 points.

7. Clean Air Fuel Vehicles. The employer leases or purchases and maintains fleet vehicles that use clean air fuels, such as compressed natural gas, electricity, methanol, and propane. Two points are given for each dedicated alternative fuel vehicle, and one point is given for each flexible fuel (able to use either gasoline or alternative fuel) vehicle, to a maximum of ten points.

Trip reduction credit: 1 - 10 points.

8. Shuttle Bus/Buspool Program. The employer shall provide sufficient shuttle service to transport workers to and from their residences, a park-and-ride lot, or other staging area to the workplace. The employer may choose to lease a bus and may work with nearby employers or employment complexes to maximize ridership.

Trip reduction credit: 4 points.

9. Vanpool Program. The employer is required to continuously extend an offer to purchase or lease a van or vans, to obtain insurance and to make available to any group of at least seven employees a van for commute purposes. The employer may recover full or partial operating costs from the vanpool participants.

10. Transit Pass Subsidy. The employer provides a monthly transit pass subsidy of 50% or the maximum taxable benefit limit, whichever is higher. The workplace must be within a reasonable walking distance of a transit stop. The ETC will be responsible for distribution of the passes and collection of fees.

Trip reduction credit: 4 points.

11. Transit Shelter. The employer shall construct a shelter on a designated bus route or shall post a bond for future construction once the transit route is extended to the site. Credit is given when the transit shelter is constructed in conformance with regulations and when the employment site is on or adjacent to an existing or planned bus route.

Trip reduction credit: 2 points.

12. Secure Bicycle Parking Facilities. Parking must be supplied for at least three percent of employment. The bicycle parking facilities shall be of the following types:
   a. A Class I bicycle parking facility with a locking door, typically called a bicycle locker, where a single bicyclist has access to a bicycle storage compartment;
   b. A fenced or covered area with Class II stationary bike racks and a locked gate.

Trip reduction credit: 4 points.

13. Showers and Lockers. Four showers, two men’s and two women’s, shall be provided for each 500 employees. Thirty lockers shall be provided.
Trip reduction credit: 2 points.

14. Flexible Work Location/Telecommuting. A management strategy allowing the employee flexibility in work place outside of the employer’s established location. These strategies may include but are not limited to telecommuting from the employee’s home, or the creation of neighborhood office satellites. Credit is given when employees in appropriate positions, which may not include the entire work force, are permitted to telecommute at least one day per week.

Trip reduction credit: 4 points.

15. Flexible Work Hours. A work hour management strategy allowing the employee to adjust work hours outside of the employer’s established start and stop time and outside peak hours. Variable work hours may include, but are not limited to: (a) staggered work hours involving a shift in the set work hours of all employees at the workplace to those outside of peak hours; and (b) flexible work hours involving individually determined work hours within guidelines established by the employer. Credit is given when employees in appropriate positions, which may not include the entire work force, are permitted to take advantage of flexible work hours.

Trip reduction credit: 2 points.

16. Compressed Work Weeks. A management strategy allowing the employee to compress the total number of hours required in a week to fewer days. For example, a typical forty-hour work week could be compressed into four ten-hour days. Credit is given when employees in appropriate positions, which may not include the entire work force, are permitted to reduce their number of work days by at least one in two weeks (9-80 schedule).

Trip reduction credit: 3 points.

17. On-Site Services. Necessary services would be provided within one-quarter mile of the employment site to eliminate the need for a vehicular trip before, during, or after the work day. Necessary services would include, but are not limited to, child care, cafeteria/restaurant, lunch room, automated teller machine, dry cleaners, or post office. These services may be provided by the employer, through cooperative efforts of employers and service providers, or by other means. Actual credits awarded will depend on which service or combination of services are provided and proximity to employment site.

Trip reduction credit: Negotiable with TCM coordinator and designated approving body. Expected range for each service: 1 - 10 or more points, depending on service type, proximity, and extent of service provided. Maximum point award for all services is 15 points total.

18. Transit System Subsidy/Grant. Employer provides support to local transit system, which may be for system operations or for capital needs such as new buses. Subsidies or grants may be financial or through donation of capital needs. Actual credits awarded shall depend on the amount and type of subsidy or grant.
Trip Reduction Credit: Negotiable with TCM coordinator, Yuba-Sutter Transit and designated approving body. Expected range for each service: 1 - 20 or more points, depending on service type, proximity, and extent of service provided.

19. Other. Trip reduction measures that are not included in this menu or do not specifically fit the descriptions contained herein may also be considered. Innovative methods are strongly encouraged. An example would be a high school setting up a ridesharing educational program for their students.

Trip reduction credit: Negotiable with TCM coordinator and designated approving body. (Ord. 407 § 2 (part), 1994)

10.81.080  Plan Review

The transportation plan shall be referred to the TCM coordinator for review and evaluation of the proposed mitigation measures and recommendation made to the public works director for approval. A decision to approve or disapprove the transportation plan shall be deemed final twenty calendar days after the date the applicant receives a notice of the approving person or body’s decision unless an appeal has been filed. (Please refer to Section 10.81.130.) (Ord. 407 § 2 (part), 1994)

10.81.090  Annual Reporting Requirements

A. The ETC shall complete an Annual Transportation Mode Survey & Status Report. The purpose of this report is to verify the dates and results of the mitigation measures specified in the transportation plan.

1. Annual Transportation Mode Survey. The survey portion of the report requires the ETC to annually perform a transportation survey of employees. A standard form will be provided to determine the changes in the distribution of employees using various transportation modes in comparison with the baseline information. The transportation survey shall include information such as origin and destination of travel, transportation mode used, work schedule and interest in alternative mode commuting. A survey response rate of 75% is required to ensure the significance of the results. The surveys distributed by the ETC shall be available for audit following the completion of the annual report.

2. Status Report. The status report portion shows the mitigation measures included in the transportation plan with the implementation or completion date entered for each measure. If a measure was not implemented within the stated time frame, an explanation as to why it was not done shall be included. If there are certain measures stipulated in the previous transportation plan that are believed to no longer be feasible, an explanation shall be included.

   a. Compliance Program. Description and documentation of compliance with mitigation measures described in the transportation plan, including details of individual programs.

   b. Commute Characteristics. Status report on effectiveness of transportation plan as shown by the commute characteristics of employees. Specifically, this includes the average number of employees, regularly arriving at and leaving the project site by each of the following modes of transportation:

1. Single passenger motor vehicles (including mopeds);
2. Carpool, including number of vehicles and number of occupants per vehicle;
3. Van-type vehicles with seven or more commuters including the number of vehicles and number of occupants per vehicle;
4. Mass transit;
5. Bicycles:
6. Flexible work location/telecommuting;
7. All others.
c. Totals. The total number of employees by work shift at the project Site.
d. Employee Characteristics. The zip code and nearest cross streets of each employee’s residence.
e. Employee Transportation Coordinator (ETC). The name, address and telephone number of the ETC.
f. Statement of Certification. The employer shall certify that the TCMs agreed to for trip reduction credit have been fully implemented. If the TCMs have not been implemented, an explanation shall be included, and the Annual Transportation Survey & Report shall include actions to be taken to implement the program. (Ord. 407 § 2 (part), 1994)

10.81.100 Implementation Schedule

New employers with 500 or more employees working at a single site shall comply with the ordinance codified in this chapter within six months of commencing operations. (Ord. 407 § 2 (part), 1994)

10.81.110 Monitoring Of Employer Performance

A. The TCM coordinator shall review the Annual Transportation Mode Survey & Report of each project and compare performance with the goals established in the approved transportation plan. Inspection of the business location by the TCM coordinator may be conducted as necessary to determine compliance with these provisions or to assist ETCs in preparing surveys or reports. A good faith effort to encourage employees to use alternative transportation as provided in the transportation plan is required. However, this chapter does not hold employers liable if the TCM coordinator finds the results of the transportation plan on employee commute habits did not achieve the stated trip reduction goals.

B. If, after review of the Annual Transportation Mode Survey & Report, the county TCM coordinator finds the performance has been unsatisfactory, the county TCM coordinator shall work with the employer to achieve the implementation of the TCMs with one year of submittal. The employer shall be assisted in submitting a revised report by the TCM coordinator.

C. If the revised report is still not satisfactory, the TCM coordinator shall prepare a staff report to the public works director. The public works director may then find that the employer and/or the ETC is in violation of these regulations and recommend that the matter be forwarded to the city attorney for action pursuant to Section 10.81.120 below. (Ord. 407 § 2 (part). 1994)
10.81.120 Penalties
Failure to comply with the requirements of the regulation or with the terms of a transportation plan required pursuant to this regulation shall be deemed a violation and subject to the following penalties:

A. Misdemeanor or as an infraction in the discretion of the city attorney.

B. Violations of these regulations are punishable separately and independently of any other remedies at law or in equity, including but not limited to those remedies provided in any applicable transportation plan.

C. In addition to any other penalty allowed, the city council may impose civil or administrative fines of up to maximum of $500.00 per day for failure to meet the goals set forth in the regulations. Fines collected under this regulation will be used by the city for the implementation of transportation control measures. (Ord. 407 § 2 (part), 1994)

10.81.130 Appeal
Appeal from an action taken by the public works director pursuant to this regulation may be made in writing to the city council within twenty days of the public works director’s decision. (Ord. 407 § 2 (part). 1994)
TITLE 11 (RESERVED)
TITLE 12 - STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.01  Applicability
12.04  Trees
12.08  Utility Installations
12.12  Underground Utility Services
12.16  Encroachments
12.20  Park and Recreational Facilities
Chapter 12.01 INSTALLATION OF CURBS, GUTTERS, AND/OR SIDEWALKS

Sections

12.01.010 Applicability - required improvements and plans.
12.01.020 Appeal from determination of Building Department, Planning Department or Planning Commission.
12.01.030 New installation or repair.
12.01.040 Installation required for occupancy.
12.01.050 Installation by City - costs.
12.01.060 Engineering services.
12.01.070 Specifications.
12.01.080 Additional remedies.
12.01.090 Violation--penalty.

12.01.010 Applicability - Required Improvements And Plans

A. Except as provided herein, the installation of curbs, gutters and sidewalks shall be required as part of the plans for proposed construction and/or development which will change the present use of, or increase the intensity of the use as allowed in the zoning district for, the property on which the construction and/or development is proposed. No building permit, use permit, encroachment permit, or other permit or license for proposed construction or land development which requires the installation of curbs and gutters and/or sidewalks shall be issued unless there is included within the plans submitted to the City, proper and adequate plans for the construction of the required curbs, and gutters required curbs, and gutters and/or sidewalks on all streets abutting the real estate on which the development is proposed.

B. For purposes of this chapter, construction which is determined to increase the intensity of the use of the property on which construction and/or development is proposed includes and is conclusively established by, but is not limited to, the following:

1. The building of any new residence.
2. The building of any additional living area onto an existing residence. The addition of an unenclosed porch, or a garage or shop building associated with a residential use shall not be considered as building additional living area for the purposes of this section.
3. Any new building construction not associated with a residential use, or a land development project requiring a building permit, use permit, encroachment permit or any other permit, license, or permission from the City.
12.01.020  Appeal From Determination Of Building Department, Planning Department Or Planning Commission

A. In the event that the Planning Department or the Planning Commission, pursuant to Section 12.01.010 determines that the proposed construction and/or development will change the present use of, or increase the intensity of the use as allowed in the zoning district for, the property on which the construction and/or development is proposed, and in the event that the applicant disagrees with the said determination, an appeal may be taken to the City Council provided a written request to appeal is filed with, the City Clerk no later than ten (10) calendar days following the determination made by the Building Department, Planning Department or the Planning Commission.

B. On appeal, the Council shall consider the matter “de novo” and may uphold, or reverse the decision of the Planning Department or the Planning Commission in accordance with the facts presented to it on appeal.

12.01.030  New Installation Or Repair

A. If no curbs, gutters, or sidewalks are in place, then new installation of the same shall be required when a building permit, use permit, encroachment permit, or other permit is issued, or permission is granted by the City for the construction of a new residence or a new non-residential building with the development of land. The property owner shall pay all costs of such installation or repair.

B. If curbs and gutters and/or sidewalks, or any of them, are in place but in need of repair, the City shall require the necessary repairs to be made, including the complete replacement of substandard facilities with new facilities if necessary, before issuing any permit as set forth in this chapter, and the repairs shall be included in the plans submitted by the real estate owner, contractor, or developer.

C. If no curb and gutter exists within the block where new curb and gutter improvements are required, the City engineer may require that the property owner execute a deferred improvement agreement for the construction of said improvements, subject to the approval of the City Council. The property owner shall agree to pay all costs of such installation. It shall be the sole discretion of the City whether to enter into a deferred improvement agreement with the property owner or to require immediate installation of the improvements.

12.01.032  Responsibility and Repairs

A. Owners of property abutting curbs, gutters, and sidewalks, or possessors of curbs, gutters and sidewalks, shall have the duty of maintaining and repairing the same and shall be subject to all of the liabilities and procedures prescribed by Chapter 22, Division 7, Part 3, commencing at Section 5600, of the Streets and Highways Code of the State of California. The City shall have all rights therein provided, including the right to lien and collection. (Ord. 504 § 1, 2007)
B. For the purpose of this section, maintenance and repair of curbs, gutters, and sidewalks shall include, but not be limited to, maintenance and repair of surfaces including grinding, removal and replacement of sidewalks, repair and maintenance of curb and gutters, removal and filling or replacement of parking strips and curbs, so that the curbs, gutters, and sidewalks will remain in a condition that is not dangerous to property or to persons using the curbs, gutters, and sidewalks in a reasonable manner and will be in a condition which will no interfere with the public convenience in the use of said curbs, gutters, and sidewalks.

12.01.034 Liability for Failure to Maintain Sidewalks

The property owner required by Section 12.01.032 to maintain and repair curbs, gutters, and sidewalks shall owe a duty to members of the public to keep and maintain the curbs, gutters, and sidewalks in a safe and non-dangerous condition. If, as a result of the failure of any property owner to maintain curbs, gutters and sidewalks in a non-dangerous condition as required by Section 12.01.032, any person suffers injury or damage to person or property, the property owner shall be liable to such persons for the resulting damages or injury. (Ord. 504 § 2, 2007)

12.01.035 City Authorized Repairs

The City Council of the City of Live Oak may authorize the repair of curbs, gutters and sidewalks on a case-by-case basis through a resolution to expend city funds, if available, in cooperation and/or cost share with a property owner required by Section 12.01.032 of the Municipal Code or in absence of cooperation with a property owner as required by Section 12.01.032 of the Municipal Code.

The City Council of the City of Live Oak may declare the expenditure of City funds, if available, for curb, gutter and sidewalk maintenance and repairs as a project of benefit to all residents of the City. Such action shall not affect the maintenance and liability provisions of Section 12.01.032 and 12.01.034 imposed upon adjacent property owners. The expenditure of funds for maintenance and repairs of curb, gutter and sidewalk shall be recommended by the City Manager as part of the annual budget process and approved by the City Council with the adoption of the annual budget.

The City Council of the City of Live Oak authorizes the Public Works Director to establish a policy for the collection of an “in-lieu” fee as an alternative to entering into a deferred improvement agreement for the construction of curbs, gutters and sidewalks.

This “in-lieu” fee policy will be presented to the City Council for approval and shall be updated by the Public Works Director as deemed necessary. The Finance Director is authorized to account for the curb, gutter and sidewalk “in-lieu” fees in a separate fund within the City’s financial system. (Ord. 504 § 3, 2007)
12.01.040 Installation Required For Occupancy

The construction of curbs and gutters and/or sidewalks shall be deemed to be an integral part of the overall construction when such construction is required as a condition of the permit, as set forth in this chapter, and the premises shall not be passed upon for occupancy by the building inspector until the required curbs and gutters and/or sidewalks are properly and completely installed.

12.01.050 Installation By City - Costs

A. If the property owner does not provide for the required curbs and gutters and/or sidewalks, as set forth in this chapter, the City may install the required curbs and gutters and/or sidewalks at its sole expense, after which the City may charge the land owner; and place a lien against the land for all costs incurred.

B. In this regard, the City shall hold a public hearing on the matter, giving ten days notice to the land owner of its intention to commence construction of the curbs and gutters and/or sidewalks, at which hearing the land owner may appear and object and/or agree to forthwith comply with this chapter.

C. If the landowner has not complied within, thirty days of the public hearing, then the City will proceed to install the curbs and gutters and/or sidewalks; and upon completion thereof will hold another public hearing, giving ten days’ notice to the land owner, to assess the costs thereof.

D. At the meeting, the costs shall be assessed and if the land owner does not make payment within thirty days, a resolution establishing the costs shall be recorded by the City in the office of the recorder of the county and filed with the tax collector of the county, and shall then become a lien upon the land involved.

12.01.060 Engineering Services

The City will make no additional charge for the engineering services in regard to the establishment of design alignment and grade parameters for the curbs and gutters and/or sidewalks.

12.01.070 Specifications

The City will furnish the engineering elevation criteria for the curbs and gutters and/or sidewalks to the land owner or his duly authorized contractor or agent; and the curbs and gutters and/or sidewalks shall be installed to the design grades approved, by the City Engineer in accordance with the City Improvement Standards.

12.01.080 Additional Remedies
The City reserves to itself any other remedies available at law and shall not be limited by the lien provided for in this chapter.

**12.01.090 Violation - Penalty**

Failure to comply with the requests set forth in this chapter shall be deemed a misdemeanor and shall be punishable as such.

### Chapter 12.04 - TREES

**Sections:**

- 12.04.010 Title.
- 12.04.020 Enforcement authority.
- 12.04.030 Permit to plant or remove.
- 12.04.040 Street tree plan.
- 12.04.050 Approved trees.
- 12.04.060 Prohibited trees.
- 12.04.070 Removal of trees or other vegetation—Authority.
- 12.04.080 Dangerous trees a nuisance—Removal authority—Cost.
- 12.04.090 Appeals.
- 12.04.100 Abuse or mutilation prohibited.

**12.04.010 Title**

The ordinance codified in this chapter shall be referred to and cited as the street tree ordinance of the city. (Ord. 88 § 1, 1957)

**12.04.020 Enforcement Authority**

The city superintendent of streets or his duly authorized representative shall be charged with the enforcement of this chapter. (Ord. 88 § 2, 1957)

**12.04.030 Permit To Plant Or Remove**

No trees or shrubs shall be planted in or removed from any public utility strip or other place in the city without a permit from the superintendent of streets. (Ord. 88 § 3, 1957)

**12.04.040 Street Tree Plan**

All trees and shrubs planted in any public utility strip or other public place in the city shall conform as to species and location, to the street tree plan which is hereby made a part of this chapter. (Ord. 88 § 4, 1957)

**12.04.050 Approved Trees**
Trees suggested as excellent and in first place for planting in the city are the following: purple leaf plum, southern magnolia, sweet gum, maidenhair tree (ginkgo), lavalle Hawthorne, European white-bark birch, camphor tree and goldenrain tree. Good and in second place for planting in the city limits are the following: Japanese privet, red horse chestnut, tulip tree, Chinese pistachio, California live oak, schwedler maple, fruitless mulberry, Paul’s double flowering English Hawthorne and sawleaf zelkova. Others which should be selected with thorough knowledge of special conditions are the following: Japanese maple, silk tree, bottle tree, crepe myrtle, purple leaf plum, pin oak, cork oak, European hackberry, and the olive tree. (Ord. 88 § 5, 1957)

12.04.060   Prohibited Trees
A. It is unlawful to plant in any public utility strip the following trees: acacia, black walnut, eucalyptus, elm (American or other large species), palm (most species), poplar, tree of heaven and Conifers (most species) and any tree not specifically listed in Section 12.04.050.

B. It is unlawful to plant willow, cottonwood, or poplar trees anywhere in the city unless the city superintendent of streets approves the site as one where the tree, or its roots, will not interfere with any public utility. (Ord. 88 § 6, 1957)

12.04.070   Removal Of Trees Or Other Vegetation—Authority
The city superintendent of streets or his duly authorized representative may cause to be trimmed, pruned or removed any trees, shrubs, plants, or vegetation in any utility strip or other public place, or may require any property owner to trim, prune or remove any trees, shrubs, plants, vegetation in a parking strip abutting upon the owner’s property, and failure to comply therewith, after thirty days’ notice by the superintendent of streets, shall be a violation of this title. (Ord. 88 § 7, 1957)

12.04.080   Dangerous Trees A Nuisance— Removal Authority—Cost
Any tree or shrub growing in a parking strip or any public place, or in private property, which is endangering or which in any way may endanger the security or usefulness of any public street, sewer, or sidewalk is declared to be a public nuisance; and the city may remove or trim such tree, or may require the property owner to remove or trim any such tree on private property, or on a parking strip abutting upon the owner’s property. Failure of the property owner to remove or trim such tree after thirty days’ notice by the city clerk shall be a violation of this title, and the city superintendent of streets may then remove or trim the tree and assess the costs against the property. (Ord. 88 § 8, 1957)

12.04.090   Appeals
Appeals from orders made under this title may be made by filing written notice thereof with the city clerk within ten days after such order is received, stating in substance that appeal is being made from such order to the city council at the next regular succeeding meeting, at which meeting, the appellant and the city superintendent of streets may present evidence. Action taken by the city council after such hearing shall be conclusive. (Ord. 88 § 9, 1957)

12.04.100   Abuse Or Mutilation Prohibited
It is a violation of this chapter to abuse, destroy, or mutilate any tree, shrub, or plant in a public parking strip or any other public place, or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill, or other thing to or on any tree growing in a public place, or to cause or permit any wire charged with electricity to be fastened to any such tree, or to allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with their roots or leaves. (Ord. 88 § 10, 1957)

Chapter 12.08 - UTILITY INSTALLATIONS

Sections:

12.08.010 Permit required.
12.08.020 Plat or map requirements.

12.08.010 Permit Required

When the P. G. & E. or the Pacific Telephone and Telegraph Company or any other agency, corporation or individual wishes to place an installation either under, upon, or above the city streets they first must obtain a permit from the city clerk. (Ord. 51 § 1, 1951)

12.08.020 Plat Or Map Requirements

Before obtaining the permit, the agency doing the work under, above, or upon the city streets shall first be required to file a map or plat with the city clerk, outlining the proposed construction, and upon completion of the construction the person or agency constructing installations under, above, or upon the city streets shall there upon file a map or plat of the installations as installed in the event that the actual installation is at a variance with the proposed plat. (Ord. 51 § 2, 1951)

Chapter 12.12 - UNDERGROUND UTILITY SERVICES*

Sections:

12.12.010 Definitions.
12.12.030 Council’s authority to designate districts—Resolution.
12.12.050 Emergency services excepted.
12.12.060 Exceptions.
12.12.070 Notice to property owners and utility companies.
12.12.080 Responsibility of utility companies.
12.12.100 Responsibility of city.
12.12.110  Extension of time.

*For statutory provisions on the conversion of utility facilities to underground locations, see Str. and Hwys. Code § 5896.1 and Gov. Code § 38793.

12.12.010  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:
A. “Commission” means the Public Utilities Commission of the state.
B. “Person” means and includes individuals, firms, corporations, partnerships, and their agents and employees.
C. “Poles, overhead wires and associated overhead structures” means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cut outs, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a district, and used or useful in supplying electric, communication or similar or associated service.
D. “Underground utility district” or “district” means that area in the city within which poles, overhead wires, and associated overhead structures are prohibited, as such area is described in a resolution adopted pursuant to the provisions of Section 12.12.030.
E. “Utility” includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. (Ord. 151 § 1, 1969)

12.12.020  Public Hearing By Council
The council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city, and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The city clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned, by mail, of the time and place of such hearings at least ten days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. (Ord. 151 § 2, 1969)

12.12.030  Council’s Authority To Designate Districts-Resolution
If, after any public hearing as provided for in Section 12.12.020, the council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and
under ground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 151 § 3, 1969)

12.12.040  Prohibited Acts

Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein, as provided in Section 12.12.030, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 12.12.090 and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this chapter. (Ord. 151 § 4, 1969)

12.12.050  Emergency Services Excepted

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten days, without authority of the council in order to provide emergency service. The council may grant special permission, on such terms as the council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Ord. 151 § 5, 1969)

12.12.060  Exceptions

This chapter and any resolution adopted pursuant to Section 12.12.030 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city engineer;

B. Poles or electroliers used exclusively for street lighting;

C. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;

D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;

E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;

E Antennas, associated equipment, and supporting structures used by a utility for furnishing communication services;

G. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;
H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Ord. 151 § 6, 1969)

12.12.070 Notice To Property Owners And Utility Companies

A. Within ten days after the effective date of a resolution adopted pursuant to Section 12.12.030, the city clerk shall notify all affected utilities and all persons owning real property within the district created by the resolution of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

B. Notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 12.12.030, together with a copy of the ordinance codified in this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (Ord. 151 § 7, 1969)

12.12.080 Responsibility Of Utility Companies

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 12.12.030, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission. (Ord. 151 § 8, 1969)

12.12.090 Responsibility Of Property Owners

A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall perform construction and provide that portion of the service connection on his property between the facilities referred to in Section 12.12.080 and the termination facility on or within the building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

B. Pursuant to Section 38793 of the Government Code, if any property owner, after due notice, refuses to comply within a reasonable time to effect the removal of his existing overhead utility lines and prepare his property to accept underground utility lines, the city may cause such work to be done and assess the cost thereof against the property and such assessment shall become a lien against the property. The assessment may be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such assessment, (Ord. 280 § 1, 1983: Ord. 151 § 9, 1969)

12.12.100 Responsibility of city

The city shall remove at its own expense all city-owned equipment from all poles required to be removed under this chapter in ample time to enable the owner or user of
such poles to remove the same within the time specified in the resolution enacted pursuant to Section 12.12.030. (Ord. 151 § 10, 1969)

12.12.110  Extension Of Time

In the event that any act required by this chapter or by a resolution adopted pursuant to Section 12.12.030 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 151 § 11, 1969)

Chapter 12.16 - ENCROACHMENTS

Sections:

12.16.010  Permit—Required.

No person shall place, construct, deposit, occupy, excavate earth or other material or remove any temporary or fixed object of any kind which is located in city property, city rights-of-way, or city easements, or otherwise interfere with the convenient use of the same unless and until an encroachment permit therefore has been obtained pursuant to this chapter. (Ord. 211 § 1, 1977)

12.16.020  Permit—Application—Contents—Approval Authority

A. Application for a permit to encroach on city-owned or city-controlled property shall be made by and in the name of the owner or of a person lawfully entitled to make application for the permit.

B. The application shall set forth the name and address of the applicant, the nature, and description of the proposed encroachment, the location and description of the city-owned or city-controlled property proposed to be encroached upon, the nature of the applicant’s interest in and the location and legal description of the property in connection with which the permit is sought to be obtained, the reasons for the application, such other information, including plats, plans and specifications, as may be required by the director of public works. No right, title or interest in any property owned by the city shall vest or accrue by reason of the issuance of such permit or exercise of the privileges given thereby.
C. The application shall be filed with the director of public works. The director of public works is empowered, in the exercise of his direction, to deny or withhold approval of a permit applied for if, in his sound judgment, exercise of the proposed permit would cause public property to be or become in a dangerous or defective condition or unreasonably endanger or interfere with public health, safety, or convenience. The director of public works may approve the application either as submitted, or subject to such terms and conditions as he shall consider necessary for executing the work covered under this encroachment permit. (Ord. 211 § 2, 1977)

12.16.025 Permit—Fee
Every applicant for a permit to encroach on city-owned or controlled property shall pay a fee in an amount which may from time to time be set by the city council by resolution. (Ord. 234, 1978)

12.16.030 Restrictions On Permits
If approved, each permit shall be construed as authorizing merely the temporary privilege to encroach to the extent permitted and subject to the conditions therein stated. No permit shall be deemed to transfer any right, title or interest of the city, except as provided in Section 12.16.060. The city may cancel a permit at any time and thereby terminate encroachment privileges. All such encroachment permits shall be subject to the general provisions attached to the permit, marked Exhibit A, which can be found in the city clerk’s office, and is incorporated in this chapter and by this reference as though set forth at length. (Ord. 211 § 3, 1977)

12.16.040 Unauthorized Encroachments—Failure To Remove—City Action
Failure, neglect or refusal to remove an unauthorized encroachment within ten days after notice by the city shall constitute an infraction punishable by a fine as set forth in California Government Code. Section 36900 and, as a cumulative remedy, the city may remove, or cause to be removed, such encroachment and collect the entire cost and expense thereof from the person responsible therefore, or by appropriate action in court may compel removal or abatement of the encroachment and such reasonable attorney fees as may be fixed by the court. (Ord. 211 § 4, 1977)

12.16.050 Appeal Procedure
An applicant may appeal a decision or determination of the director of public works to the city council as provided in this section. An appeal must be made in writing not later than ten days from the date of the refusal of the director of public works to issue an encroachment permit, or to the special conditions which are inserted in the encroachment permit which is issued by the city, and shall be filed with the city clerk. The city clerk shall set a date for hearing at a regular or special meeting of the city council not more than thirty days from the date of the filing of the appeal. The hearing before the city council shall be informal and technical rules of evidence shall not apply. At the conclusion of such hearing the city council shall affirm, modify and affirm, or revise the determination or decision of the director of public works. The decision of the city council shall be final and binding on all parties and shall be adopted by resolution, (Ord. 211 § 6, 1977)

12.16.060 Dedication to city
All encroachments in the nature of public improvements, including but not limited to side
walks, curbs, driveways, gutters, and drains, upon satisfactory completion in accordance
with the encroachment permit and in accordance with plans and specifications approved
by the director of public works, shall be deemed to be dedicated to the city. (Ord. 211 § 5,
1977)

Chapter 12.20 - PARK AND RECREATIONAL FACILITIES

Sections:

12.20.010 Applicability.
12.20.020 Hours of operation.
12.20.030 Damaging park vegetation or property prohibited.
12.20.040 Unauthorized cutting or removal of park vegetation prohibited.
12.20.050 Permission for fires required.
12.20.060 Use of roadways and drives required.
12.20.070 Obstructing passage of vehicles or persons prohibited.
12.20.080 Swimming in authorized facilities only.
12.20.090 Improper behavior or language prohibited.
12.20.100 Unauthorized distribution of handbills or notices prohibited.
12.20.110 Using park for unauthorized purposes prohibited.
12.20.120 Betting at games played in park prohibited.
12.20.130 Games and contests restricted to authorized areas.
12.20.140 Golfing restricted to authorized areas.
12.20.150 Flying model airplanes restricted to authorized areas.
12.20.160 Harming animals in parks prohibited.
12.20.170 Interfering with water or sewer construction prohibited.
12.20.180 Unauthorized firearms prohibited.
12.20.190 Use of receptacles for garbage disposal.
12.20.200 Interfering with maintenance equipment prohibited.
12.20.210 Permission required for certain events.
12.20.230 Males over eight years prohibited in women’s restrooms.
12.20.240 Vendors restricted in park area.
12.20.250 Use of certain facilities prohibited without permit.
12.20.260 Disrupting organized activity programs prohibited.
12.20.010  Applicability
The provisions of this chapter shall apply in or near all parks and/or recreation facilities of the city. (Ord. 220 (part), 1978)

12.20.020  Hours Of Operation
No person shall be allowed to enter, loiter or remain in or on any city park and/or recreation or open space facility at any time between the hours of eleven p.m. and six a.m., without prior written approval or authorization of the director of public works. (Ord. 220 § 1, 1978)

12.20.030  Damaging Park Vegetation Or Property Prohibited
No person shall cut, break, injure, deface or disturb any tree, shrub, plant, rock, monument, fence, bench, table, structure, apparatus, equipment or property; or remove any flower, bush, plant, shrub or tree; or mark or write upon any building, monument, fence, bench or other structure or carry any flowers, shrubs or branches into or through any park. (Ord. 220 § 2, 1978)

12.20.040  Unauthorized Cutting Or Removal Of Park Vegetation Prohibited
No person shall cut or remove any wood, turf, grass, soil, rock, sand or gravel from any park without written permission from the director of public works. (Ord. 220 § 3, 1978)

12.20.050  Permission For Fires Required
No person shall start a fire for any purpose within any park, except at places provided for such purpose, unless prior special written permission has been obtained from the director of public works. (Ord. 220 § 4, 1978)

12.20.060  Use Of Roadways And Drives Required
No person shall ride or drive any horse or other animal, or propel any vehicle, or automobile in any park other than on the roadways or drives provided for such purpose. This shall not apply to dogs when led by a cord or leash not more than eight feet long. (Ord. 220 § 5, 1978)

12.20.070  Obstructing Passage Of Vehicles Or Persons Prohibited
No person shall stand or sit in or upon any street, sidewalk, path, walkway, entranceway, or in any way hinder or obstruct the passage of vehicles or persons passing along the same, or in any manner annoy or hinder persons desiring to enter or exit any part or recreation area or facility. (Ord. 220 § 17, 1978)

12.20.080  Swimming In Authorized Facilities Only
No person shall swim, bathe, wade in or pollute the water of any fountain, pond, lake or stream, except in wading or swimming facilities provided for these purposes. (Ord. 220 § 6, 1978)

12.20.090  Improper Behavior Or Language Prohibited
No person shall indulge in any riotous, boisterous, threatening, indecent or immoral or abusive behavior, or use profane language while in or on any park and recreation area or facility. (Ord. 220 § 7, 1978)

12.20.100 Unauthorized Distribution Of Handbills Or Notices Prohibited

No person shall distribute any handbills or circulars, or post, place or erect any bills or notices advertising any program or event without prior written permission of the director of public works. (Ord. 220 § 8. 1978)

12.20.110 Using Park For Unauthorized Purposes Prohibited

No person or group of persons shall use any park and/or recreation facility for purposes other than that for which they are intended, except with written permission of the director of public works. (Ord. 220 § 20. 1978)

12.20.120 Betting At Games Played In Park Prohibited

No person shall bet at or against any game which is played or conducted at any park and recreation area or facility. (Ord. 220 § 9, 1978)

12.20.130 Games And Contests Restricted To Authorized Areas

No person shall play or engage in any game or contest, excepting in such places as set aside for that purpose. (Ord. 220 § 10, 1978)

12.20.140 Golfing Restricted To Authorized Areas

No person shall drive, putt, or in any other fashion play or practice golf or use golf balls or clubs in any park or recreation facility, except in areas set aside for those specific activities. (Ord. 220 § 18, 1978)

12.20.150 Flying Model Airplanes Restricted To Authorized Areas

No person shall fly model airplanes or other such model craft of any description in any park, except in those areas set aside for such activities. (Ord. 220 § 19, 1978)

12.20.160 Harming Animals In Parks Prohibited

No person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw rocks or missiles at any animal, reptile, fish, bird, or any wild animal in any city park, except duly qualified law enforcement officials. (Ord. 220 § 11, 1978)

12.20.170 Interfering With Water Or Sewer Construction Prohibited

No person shall open, expose or interfere with any water or gas pipe, hydrant, stopcock, sewer basin or other construction in any city park or recreation facility. (Ord. 220 § 12, 1978)

12.20.180 Unauthorized Firearms Prohibited

No person shall take into any park any fire arm, air gun, slingshot, firecrackers, or other articles of like character, except duly qualified law enforcement officials. (Ord. 220 § 13, 1978)

12.20.190 Use Of Receptacles For Garbage Disposal
No person shall dump, deposit, or leave any bottles, broken glass, paper, boxes, cans, rubbish, waste or garbage, or other trash in any park, except those items which are incidental to use of the facility. These items must be deposited in the receptacles provided. (Ord. 220 § 14, 1978)

12.20.200 Interfering With Maintenance Equipment Prohibited
No person shall hang behind or on, or interfere in any way with any park maintenance equipment in any park. (Ord. 220 § 15, 1978)

12.20.210 Permission Required For Certain Events
No group of persons numbering more than twenty individuals in any group shall hold or conduct any picnic, celebration, parade, service or exercise in any park without prior written permission of the director of public works. (Ord. 220 § 16, 1978)

12.20.220 Responsibility Of Parents For Acts Of Children
Parents or guardians of minor children shall be held accountable for the acts of their children. Damage or vandalism to parks and/or recreation property or equipment by children shall be the responsibility of the parent having custody or control of the minor. (Ord. 220 § 21, 1978)

12.20.230 Males Over Eight Years Prohibited In Women’s Restrooms
No male person over the age of eight years shall enter or use any toilet or restroom facility for women in any park or recreation area or facility. (Ord. 220 § 22, 1978)

12.20.240 Vendors Restricted In Park Area
No vendor shall sell, expose for sale, or offer to sell in or along any Street or sidewalk adjoining or approaching any park and/or recreation facility within two hundred feet of such facility, any goods, wares or merchandise of any kind whatsoever without the prior written permission of the city council. (Ord. 220 § 23, 1978)

12.20.250 Use Of Certain Facilities Prohibited Without Permit
No person shall use, occupy or otherwise remain in a building, structure or facility parking area or other area for which a permit is required without first having obtained the permit from the director of public works. In addition, persons using a facility which is subject to reservation by permit shall vacate the facility when holders of permits present themselves. (Ord. 220 § 24, 1978)

12.20.260 Disrupting Organized Activity Programs Prohibited
No person shall in any manner interfere with or disrupt any organized group or activity program conducted in or by any city park or recreation facility authorized or conducted by the city. (Ord. 220 § 25, 1978)
TITLE 13 - PUBLIC SERVICES*

Chapters:

13.04 Public Water Service
13.08 Application for Water and Sewer Service
13.12 Well Standards Ordinance Adopted in Accordance with Water Code Section 13801
13.16 Fire Protection Service
13.20 Interfering with Water Service
13.24 Sewer Service
13.28 Water and Sewer Rates
13.32 Sewer Use Regulations
13.34 Industrial Wastewater Regulations
13.36 Drainage Improvement Facilities

*For statutory provisions on city sewers, see Gov. Code § 38900 and Health and Saf. Code § 5415.
### Chapter 13.04 - PUBLIC WATER SERVICE

#### Sections:

- **13.04.010** Title.
- **13.04.020** Water system furnished by city.
- **13.04.030** Definitions.
- **13.04.040** Water department—Created—Appointment.
- **13.04.050** Water superintendent—Inspection duty.
- **13.04.060** Water superintendent—Repair duty.
- **13.04.070** Water superintendent—Supervision duty.
- **13.04.080** Billing clerk—Billing and bookkeeping duties.
- **13.04.090** Performance of duties.
- **13.04.100** Compensation.
- **13.04.110** Number of services per premises.
- **13.04.120** Separate service for each connection.
- **13.04.130** Wasting water prohibited.
- **13.04.140** Unrestricted irrigation prohibited.
- **13.04.150** Responsibility for equipment on customer premises.
- **13.04.160** Damage to water system facilities.
- **13.04.170** Control valve on customer property.
- **13.04.180** Cross connection control required.
- **13.04.181** Approved standards for cross connection control devices.
- **13.04.182** Approval of public works director required.
- **13.04.183** Annual inspection of cross connection control devices required.
- **13.04.184** Right of entry for inspections.
- **13.04.190** Interruption in service.
- **13.04.200** Right of ingress and egress
- **13.04.210** Meter—Installation and materials.
- **13.04.220** Meter—Installation.
- **13.04.230** Meter—Location and ownership.
- **13.04.240** Meter—Change in location.
- **13.04.250** Meter—Reading.
- **13.04.260** Meter—Testing—Deposit.
- **13.04.270** Meter—Refund of excess charges.
13.04.010  Title
The ordinance codified in this title shall be known and may be cited as the city water ordinance. (Ord. 35 § 1, 1950)

13.04.020  Water System Furnished By City
The city will furnish a system, plant, works and undertaking used for and useful in obtaining, conserving and disposing of water for public and private uses, including all parts of the enterprise, all appurtenances to it, and land easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment. (Ord. 35 § 2, 1950)

13.04.030 Definitions
For the purpose of this chapter, the words set out in this section shall have the meanings ascribed to them as follows:

A. “Cross connection” means any physical connection between the piping system from the city service and that of any other water supply that is not, or cannot, be approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the city distribution mains.

B. “Distribution mains” means waterlines in streets, alleys, and easements used for public and private fire protection and for general distribution of water.

C. “Owner” means the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the county recorder’s office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over the same for himself, or as executor, administrator, guardian or trustee of the owner.

D. “Person” means an individual or a company, association, copartnership or public or private corporation.

E. “Premises” means a lot or parcel of real property under one ownership, except where there are well defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by the several tenants, in which case each portion shall be termed separate premises, apartment houses and office buildings may be classified as single premises.

F. “Private fire protection service” means water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire protection and the water available therefore.

G. “Public fire protection service” means the service and facilities of the entire water supply, storage and distribution system of the city, including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.

H. “Regular water service” means water service and facilities rendered for normal domestic, commercial and industrial purposes on a permanent basis, and the water available therefore.

I. “Service or service connection” means the pipeline and appurtenant facilities such as the curb stop, meter and meter box all used to extend water service from a distribution main to premises. Where services are divided at the curb or property line to serve several customers, each such branch service shall be termed a separate service.
J. “Temporary water service” means water service and facilities rendered for construction work and other uses of limited duration, and the water available therefore.

K. “Water department” means the city council, performing functions related to the city water service, together with the water superintendent and billing clerk and other duly authorized representatives. (Ord. 35 §§ 25, 26, 27, 28, 29, 30 31, 32, 33, 34, 35, 36, 37, 1950)

13.04.040 Water Department—Created—Appointment

A water department is created comprised of the following: A water superintendent and a billing clerk. They shall be appointed to serve at the pleasure of the council. (Ord. 35 § 75, 1950)

13.04.050 Water Superintendent—Inspection Duty

The water superintendent shall regularly inspect all physical facilities related to the city water system, to see that they are in good repair and proper working order, and to note violations of any water regulations. (Ord. 35 § 76, 1950)

13.04.060 Water Superintendent—Repair Duty

The water superintendent shall promptly report any violation or disrepair to the council. If the work required is in the nature of an emergency, he shall take whatever steps are necessary to maintain service to consumers pending action by the council. (Ord. 35 § 77, 1950)

13.04.070 Water Superintendent—Supervision Duty

The water superintendent shall supervise all repair or construction work authorized by the council, and perform any other duties prescribed elsewhere in this title or which shall be hereafter prescribed by the council. (Ord. 35 § 78, 1950)

13.04.080 Billing Clerk—Billing And Bookkeeping Duties

The billing clerk shall compute, prepare and mail bills as in this title prescribed, make and deposit collections, maintain proper books of account, collect, account for, and refund deposits, do whatever else is necessary to set up and maintain an efficient and economical bookkeeping system, and perform any other duties now or hereafter prescribed by the council. (Ord. 35 § 79, 1950)

13.04.090 Performance Of Duties

The duties of the water superintendent and billing clerk as designated in Sections 13.04.040 through 13.04.070, may be performed by existing city personnel or by an additional employee or employees. (Ord. 35 § 80, 1950)

13.04.100 Compensation

The water superintendent and billing clerk shall receive such compensation as is prescribed by the council. (Ord. 35 § 81, 1950)

13.04.110 Number Of Services Per Premises

The applicant may apply for as many services as may be reasonably required for his premises, provided that the pipeline system from each service is independent of the others
and that they are not interconnected. The cost of all services over and above the initial service shall be borne by the applicant. (Ord. 35 § 150, 1950)

13.04.120  Separate service for each connection
Not more than one premises shall be serviced from each service connection. (Ord. 35 § 151, 1950)

13.04.130  Wasting Water Prohibited
No consumer shall knowingly permit leaks or waste of water. (Ord. 35 § 152, 1950)

13.04.140  Unrestricted Irrigation Prohibited
No consumer shall have the right to use an open hose, or any other connection without a nozzle or mechanical sprinkling attachment, unless his service is metered. (Ord. 35 § 153, 1950)

13.04.150  Responsibility For Equipment On Customer Premises
All facilities installed by the city on private property for the purpose of rendering water service shall remain the property of the city and may be maintained, repaired or replaced by the water department without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of facilities. No payment shall be made for placing or maintaining the facilities on private property. (Ord. 35 § 154, 1950)

13.04.160  Damage To Water System Facilities
The customer shall be liable for any damage to city-owned customer water service facilities when such damage is from causes originating on the premises. (Ord. 35 § 155, 1950)

13.04.170  Control Valve On Customer Property
The customer shall provide a valve on his side of the service installation to control the flow of water to the piping on his premises. The customer shall not use the service curb stop to turn water on and off for his convenience. (Ord. 35 § 156, 1950)

13.04.180  Cross Connection Control Required
It shall be the responsibility of the public works department of the city to protect the public potable water distribution system from contamination or pollution due to the backflow or back siphonage of contaminants or pollutants through the water service connection. (Ord. 306 § 1, 1987: Ord. 35 § 157, 1950; Ord. 508, 2008)

13.04.180.01  Cross Connection Control Required Existing Connection
If, in the judgment of the director of public works or a designated agent an approved backflow prevention device is required at the city’s water service connection to an existing customer’s premises for the safety of the city water system, the director or designated agent shall install or contract to install such an approved device at each service connection to their premises. (Ord. 306 § 1, 1987: Ord. 35 § 157, 1950; Ord. 508, 2008)
13.04.180.02 Cross Connection Control Required New Connection

If, in the judgment of the director of public works or a designated agent an approved backflow prevention device is required at the city’s water service connection to any new or proposed customer’s premises for the safety of the city water system, the director or designated agent shall give notice in writing to the customer to install such an approved device at each service connection to their premises. The new or proposed customer shall install such device at their expense. The newly installed device shall be tested by a Certified Backflow Prevention Assembly Tester. A certification from a Certified Backflow Prevention Assembly Tester shall be submitted for approval by the director of public works or a designated agent prior to obtaining a Certificate of Occupancy by the City of Live Oak Chief Building Official or designated agent. Failure, refusal, or inability on the part of the new or proposed customer to install such device shall constitute grounds for discontinuing water service to the premises until such device has been properly installed, tested and certified. (Ord. 306 § 1, 1987; Ord. 35 § 157, 1950; Ord. 508, 2008)

13.04.181 Approved Standards For Cross Connection Control Devices

A. Any backflow prevention device required by this code shall be a model and size approved by the public works director. The term “approved backflow prevention device” means a device that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) entitled “AWWA C 506-78 Standards for Reduced Pressure and Double-Check Valve Backflow Prevention Devices,” and have met completely the laboratory and field performance specifications of the Foundation for Cross Connection and Hydraulic Research of the University of Southern California or other recognized institution.

B. Specifications of backflow prevention devices 69-2 or the most current issue. The AWWA and FCCC and HR standards and specifications have been adopted by the city by resolution. The public works department shall maintain a current list of approved devices. (Ord. 306 § 2 (part), 1987)

13.04.182 Approval Of Public Works Director or a Designated Agent Required

Prior to the installation of any such devices the customer shall submit to the public works director or a designated agent a statement containing the make and model of the device, location and method of installation of such device for approval. Failure to do so may result in the installation of a nonapproved device. (Ord. 306 § 2 (part), 1987, Ord. 508, 2008)

13.04.183 Annual Inspection Of Cross Connection Control Devices Required

It shall be the duty of the director of public works or a designated agent at any premises where such devices have been installed to have certified inspections and operational tests made at least once each year. If, in the opinion of the director or a designated agent, a hazard is great enough the director of public works or designated agent may require a certified inspection at more frequent intervals. These inspections and tests shall be done at the City’s expense by incorporation in the water service charge identified in the latest on file copy of the Master Schedule of Fees under Public Works, Water Rates. The inspection and tests shall be performed by the device manufacturer’s representative, by
the city’s utility personnel or a certified tester approved by the city. It shall be the duty of
the public works department to ensure that these timely tests are made. These devices
shall be repaired, overhauled or replaced whenever the devices are found to be defective
at the City’s expense by incorporation in the water service charge identified in the latest
on file copy of the Master Schedule of Fees under Public Works, Water Rates. The
records of such tests, repairs or replacements shall be kept by the city. (Ord. 306 § 2
(part), 1987; Ord. 508, 2008)

13.04.184  Right Of Entry For Inspections
An authorized employee of the city shall have reasonable access to any premises supplied
with water for the purpose of making inspections of a cross connection control,
inspections of the water system and water meters upon such premises. Any person who,
as owner or occupant of any premises, refuses admittance to or hinders or prevents
inspection by an authorized employee of the city may have all water shut off after service
of twenty-four hours’ notice of the intention of the city to do so. (Ord. 306 § 2 (part),
1987)

13.04.190  Interruptions In Service
The city shall not be liable for damage which may result from an interruption in service
from a cause beyond the control of the water department. Temporary shutdowns may be
made by the water department to make improvements and repairs. Whenever possible
and as time permits, all customers affected will be notified prior to making such
shutdowns. (Ord. 35 § 158, 1950)

13.04.200  Right Of Ingress And Egress
Representatives from the water department shall have the right of ingress and egress to
the customer premises at reasonable hours for any purposes reasonably connected with
the furnishing of water service. (Ord. 35 § 159, 1950)

13.04.210  Meter—Installation And Materials
A. The water department reserves the right to install meters on any service where and
when it deems such installation is necessary.

B. The owner of all houses, or properties used for human occupancy, employment,
recreation, or other purposes, situated within the city and abutting on any street, alley, or
right-of-way in which there is now located or may in the future be located a public water
distribution system, is required at the owner’s expense to connect to the public water
distribution system therein, and to connect such facilities in accordance with the
provisions of this chapter within ninety days after date of official notice to do so,
provided that said public water distribution system is within two hundred feet of the
property line.

C. All water service for buildings and structures constructed after the date of the
ordinance codified in this chapter shall be metered. All meter and other installation
materials shall conform to the city standards. (Ord. 346 (part), 1991)

13.04.220  Meter—Installation
A. Building Permit Installation. As a condition to granting any building permit for construction of any new residential and/or commercial structure, the applicant shall be required to install water meter(s). The costs to purchase and install the water meter(s) shall be borne by the building permit applicant.

B. Customer Request Installation. A non-metered customer may request a meter installation at any time, provided that he pays the city’s actual costs for acquisition and installation of the meter. The consumer may not revert back to a flat rate after requesting and obtaining a meter. (Ord. 346 (part), 1991)

13.04.230 Meter—Location And Ownership
Meters shall be installed at the curb, property line or in sidewalk basement. The city will own all meters installed. (Ord. 346 (part), 1991)

13.04.240 Meter—Change In Location
Meters moved for the convenience of the customer will be relocated at the customer’s expense. Meters removed to protect the city’s property will be moved at the city’s expense. If the lateral distance which the customer desires to have the meter moved exceeds eight feet, he will be required to pay for new service at the desired location. (Ord. 346 (part), 1991)

13.04.250 Meter—Reading
Meters will be read as nearly as possible on the same day of each month. Billing periods containing less than twenty-five days and more than thirty-five days for bills rendered monthly, or less than fifty-four days and more than sixty-six days for bills rendered bimonthly, will be prorated. (Ord. 346 (part). 1991)

13.04.260 Meter—Testing—Deposit
All meters will be tested prior to installation and no meter will be installed which registers more than two percent fast. If a customer desires to have the meter servicing his premises’ tested, he shall first deposit the cost of testing; should the meter register more than two percent fast, the deposit will be refunded; but should the meter register less than two percent fast, the deposit will be retained by the water department. (Ord, 346 (part), 1991)

13.04.270 Meter—Refund Of Excess Charges
If a meter tested at the request of a customer, pursuant to Section 13.04.260, is more than two percent fast, the excess charges for the time service was rendered to the customer requesting the test, or a period of six months, whichever is less, shall be refunded to the customer, (Ord. 346 (part), 1991)

13.04.280 Meter—Nonregistering
A. If a meter is not registering, the charges for service shall be based on the estimating consumption. Such estimates shall be made from previous consumption for a comparable period or by such other method as is determined by the water department in its discretion shall be final.
B. The ordinance codified in this chapter shall take effect and be enforced thirty days from and after the date of its passage and after its passage shall be published and posted as provided for by law. (Ord. 346 (part), 1991)

13.04.290  Credit—Establishment And Maintenance
Each applicant for water service shall establish and maintain credit to the satisfaction of the water department by a cash guarantee deposit all as provided for in Section 13.04.300 before such service will be rendered. (Ord. 413 § 1 (part), 1995: Ord. 35 § 200. 1950)

13.04.300  Guarantee Deposit - Amount [Water]
The amount of the guarantee deposit required of each applicant for service shall be at least the amount of the monthly charge (rounded up to the nearest dollar). No interest will be paid on such guarantee deposits. (Ord. 469 § 1 (part), 2003: Ord. 413 § 1 (part), 1995: Ord. 35 § 201, 1950)

13.04.310  Guarantee Deposit—Deductions
Any amount due for water service that remains unpaid for twenty days after presentation of a bill therefore, during the depositor’s first year of service, may be deducted from the guarantee deposit, and service shall be subject to discontinuance until the deposit is again restored to the original amount. Any such unpaid amount accruing subsequent to the depositor’s first year of service may also be deducted from any guarantee deposit remaining in the water department’s possession. (Ord. 413 § 1 (part), 1995: Ord. 35 § 202, 1950)

13.04.320  Guarantee Deposit—Return
A guarantee deposit with the water department made by a consumer (who owns the premises for which, the deposit was made) and whose account has not been in arrears at any time during one year from the date of the initial deposit shall be returnable after that date. If the service should be discontinued in less than one year regardless of who owns the premises for which, the deposit was made, the deposit will be returned provided that all outstanding bills against the consumer for water service have been paid. Any deposit uncalled for within five years from the date when made will become the property of and be retained by the water department. (Ord. 469 § 2 (part), 2003: Ord. 413 § 1 (part), 1995: Ord. 35 § 203, 1950)

13.04.330  Bills—Bimonthly Period
The regular billing period will be bimonthly at the option of the water department. (Ord. 35 § 225, 1950)

13.04.340  Bills—Opening And Closing
Opening and closing bills for less than the normal billing period shall be prorated both as to minimum charges and quantity blocks. If the total period for which service is rendered is less than one month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the water department for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued. (Ord. 35 § 226, 1950)
13.04.350  Bills—Rendering—Payment

Bills for flat rate water service and for public fire protection shall be rendered at the beginning of each billing period. Bills for metered water service shall be rendered at the end of each billing period. All bills are payable upon presentation. (Ord. 64 § 1, 1952: Ord. 35 § 227, 1950)

13.04.360  Bills—Separate Meters Not Combined

Separate bills will be rendered for each meter installation except where the water department has, for its own convenience, installed two or more meters in place of one meter. Where such installations are made, the meter readings will be combined for billing purposes. (Ord. 35 § 228, 1950)

13.04.370  Public Fire Protection Service Charge

The rates and charges provided in Chapter 13.28 for public fire protection service shall be paid for all premises within a five hundred foot radius of any fire hydrant which are improved within a residence or building. (Ord. 35 § 229, 1950)

13.04.380  Collection Of Charges

Where a premise is subject to the rates and charges for any other water service provided in this title, such rates and charges shall be collected together with and not separately from the rates and charges provided in Chapter 13.28 for public fire protection service. (Ord. 35 § 230, 1950)

13.04.390  User Of Public Fire Protection Service

The owner shall constitute the user of the public fire protection service unless the premises are occupied by a tenant who is taking general water service, in which case, the occupant shall be the user of both services. (Ord. 35 § 231, 1950)

13.04.400  Temporary Service—Deposit

The applicant shall deposit, in advance, the estimated cost of installing and removing the facilities required to furnish temporary service, exclusive of the cost of salvageable material. Upon discontinuance of service, the actual cost shall be determined and an adjustment made as an additional charge, refund or credit. (Ord. 35 § 350, 1950)

13.04.410  Temporary Service—Installation And Operation

All facilities for temporary service to the customer’s connection shall be made by the water department and shall be operated in accordance with its instructions. (Ord. 35 § 351, 1950)

13.04.420  Temporary Service—Rates.

The rates for regular service shall be increased by fifty percent for temporary service. (Ord. 35 § 352, 1950)

13.04.430  Temporary Service—Payment In Advance Or Credit

The applicant for temporary service shall pay the estimated cost of service in advance or shall be otherwise required to establish credit. The minimum charge for water shall be four dollars. (Ord. 35 § 353, 1950)
13.04.440  Service Discontinuance—For Nonpayment
Service other than public fire protection service may be discontinued for nonpayment of bills on or before the twentieth day of the month, following the month for which the bill was sent. At least five days prior to such discontinuance the customer will be sent a final notice informing him that discontinuance will be enforced if payment is not made within the time specified in the notices. The failure of the city to send or any such person to receive the notice shall not affect the city’s power under this title. (Ord. 35 § 250, 1950)

13.04.450  Service Discontinuance—Fire Protection Charges Continued
The rates and charges provided in Chapter 13.28 for public fire protection service shall continue to become due, notwithstanding that the right of shut off may be exercised as to any other water service provided in this title. (Ord. 35 § 251, 1950)

13.04.460  Service Discontinuance—Reconnection Charge
Pursuant to the applicable provisions of law, including but not limited to Government Code Sections 54343, 54346, 54348 and 54350, a reconnection charge of five dollars plus penalties will be made and collected prior to renewing service following a discontinuance. In the event, however, a service discontinuance has been effected and following service discontinuance, the owner of the premises and/or occupant thereof takes it upon himself to re-effect water service to the premises in violation of Section 13.20.010 and 13.20.020 of the Live Oak Municipal Code, water service may then be effectively discontinued by severing the water service line into the premises at which point, notwithstanding any provision in this chapter to the contrary, in order to effect a restoration of water service to the premises, the owner and/or occupant of the premises shall pay a reconnection charge equal to one-half of the water connection charge as established pursuant to Section 13.08.090 of the Live Oak Municipal Code, together with all unpaid water service charges and penalties as provided for by this chapter, all of which shall be paid prior to a restoration and reconnection of service. (Ord. 305 § 1, 1986: Ord. 35 § 252, 1950)

13.04.470  Service Discontinuance—For Use Of Unsafe Apparatus
Water service may be refused or discontinued to any premises where apparatus devices or appliances are in use which constitute a nonapproved device, endangers or otherwise disturbs the service to other customers, or otherwise is in violation of the provisions of this chapter. (Ord. 306 § 3 (part), 1989: Ord, 35 § 253, 1950)

13.04.480  Service Discontinuance—For Unlawful Cross Connections
Water service may be refused or discontinued to any premises where there exists a cross connection either in violation of state or federal laws or in violation of this chapter. (Ord. 306 § 3 (part), 1987: Ord. 35 § 254, 1950)

13.04.490  Service Discontinuance—For Fraud Or Abuse
Service may be discontinued if necessary to protect the city against fraud or abuse. (Ord. 35 § 255, 1950)

13.04.500  Service Discontinuance—For Noncompliance
Service may be discontinued for non compliance with the water regulations set out in this chapter, or any other ordinance or regulation related to the city water service. (Ord. 306 § 3 (part), 1987; Ord. 35 § 256, 1950)

13.04.510  Service discontinuance— Notification to water department

Customers desiring to discontinue service should so notify the water department two days prior to vacating the premises. Unless discontinuance of service is ordered, the customer shall be liable for charges whether or not any water is used. (Ord. 35 § 257, 1950)

13.04.520  Rates and charges— Penalty for nonpayment

Rates and charges which are not paid on or before the twentieth day of the month following the month for which the charge was made shall be subject to a penalty of ten percent, and there after shall be subject to a further penalty of two percent per month on the first day of each month following. (Ord. 35 § 275, 1950)

13.04.530  Rates and charges— Collection by suit

All unpaid water service rates and charges and penalties provided in this title, may be collected by suit. (Ord. 35 § 276, 1950)

13.04.540  Rates and charges— Costs of collection by suit

The defendant shall pay all costs of suit in any judgment rendered in favor of the city. (Ord. 35 § 278, 1950)

13.04.550  Rates and charges— Owner responsible

The property owner shall be additionally responsible for payment of all unpaid utility bills, charges for public fire protection services and other fees owed to the City during the period the premises receiving the service are occupied by the property owner or by a tenant. The City Council authorizes the Finance Director to annually compile a list of all unpaid accounts due to the City and present to the City Council for approval and placement of liens on the property for any unpaid balance. The Finance Director will forward the approved lien list to the County for placement on the tax rolls each fiscal year. (Ord. 35 § 277, 1950; Ord. 505 § 1, 2007)

Chapter 13.08 - APPLICATION FOR WATER AND SEWER SERVICE

Sections:

13.08.010  Required—Service connection charges.
13.08.020  No existing service connection.
13.08.030  Undertaking of applicant.
13.08.040  Payment for previous service.
13.08.050  Installation of services.
13.08.060  Changes in customer’s equipment.
13.08.070  Installation charges—Ownership of pipes and fixtures.
13.08.010 Required—Service Connection Charges
Each applicant for water service shall be required to sign an application form provided by the city before the city will commence service, and during regular business hours, service will be connected without charge. However, before city water service will be connected on weekends, holidays, and after hours, a service charge of three dollars and fifty cents in advance shall be paid by the applicant (Ord. 175 § 1, 1973)

13.08.020 No Existing Service Connection
Applications for regular water service where no main extension is required shall be made upon a form provided by the city. (Ord. 1975 § 2, 1973)

13.08.030 Undertaking Of Applicant
Each application shall signify the customer’s willingness and intention to comply with this chapter and other laws and regulations relating to the regular water service and to make payment for the water services required. (Ord. 175 § 3, 1973)

13.08.040 Payment For Previous Service
An application shall not be honored unless payment in full has been made for water services previously rendered to the applicant by the city. (Ord. 175 § 4, 1973)

13.08.050 Installation Of Services
Regular water service shall be installed at the location desired by the applicant. The size of such service shall be finally determined by the city. Service installations may be made only to property abutting on public streets or abutting on such distribution mains as may be constructed in alleys or easements, at the convenience of the city. Services installed in new subdivisions prior to the construction of streets or in advance of street improvements shall be accepted by the applicant in the installed location. (Ord. 175 § 5, 1973)

13.08.060 Changes In Customer’s Equipment
Customers making any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the city written notice of the nature of the change and, if necessary, amend their applications. (Ord. 175 § 6, 1973)

13.08.070 Installation Charges—Ownership Of Pipes And Fixtures
A. Water installation charges shall be determined from time to time by resolution of the city council.
B. All installations of pipe and appurtenant fixtures shall remain the property of the city, and no part thereof shall be refunded to any utility customer at any time. (Ord. 253 § 1(a), 1980: Ord. 190, 1975: Ord. 175 § 7, 1973)

13.08.080 Installation Extension Charges
Where adequate water and/or sewer mains are existing and are contiguous to the property not previously served, main extension charges shall be charged within the corporate limits of the city, payable in advance, before the installation of new services and/or meters as determined from time to time by resolution of the city council. (Ord. 253 § 1(b), 1980; Ord. 182, 1974; Ord. 175 § 8, 1973)

13.08.090 Connection Charges

Water connection charges shall be determined from time to time by resolution of the city council. (Ord. 253 § 1(c), 1980; Ord. 175 § 9, 1973)

Chapter 13.12 - WELL STANDARDS ORDINANCE ADOPTED IN ACCORDANCE WITH WATER CODE SECTION 13801

Sections:

13.12.010 Purpose and intent.
13.12.030 Permit application—Requirements.
13.12.050 Permit application—Filing fees.
13.12.060 Permit conditions.
13.12.090 Permit—Suspension and revocation.
13.12.100 Well standards.
13.12.120 Special groundwater protection.
13.12.130 Inspections.
13.12.140 Completion reports.
13.12.150 Appeals.
13.12.170 Abatement of abandoned wells.
13.12.180 Criminal and civil enforcement.
13.12.190 Reports to the regional board.
13.12.200 Severability.

13.12.010 Purpose And Intent
Intent of Chapter. It is the purpose of this chapter to protect the health, safety and general welfare of the people of the city of Live Oak by ensuring that its groundwaters will not be polluted or contaminated. To this end, minimum requirements are contained in this chapter for construction, reconstruction, repair and destruction of water wells, cathodic protection wells and monitoring wells. (Ord. 338 (part), 1990)

13.12.020 Definitions And Interpretation

A. As Defined in Other Documents. Except as otherwise required in the context of this chapter, the terms used in this chapter shall have the same meaning as in Chapter 10 of Division 7 of the California Water Code and the Department of Water Resources Bulletin 74-81 and subsequent supplements or revisions.

B. “Board” means the governing board of the local jurisdiction having well standards authority: the city council.

C. “Enforcement agency” means that agency(ies) designated by the board to administer and enforce this chapter, i.e., the city engineer.

D. “Person” means any person, firm, corporation or governmental agency, to the extent authorized by law.

E. Well or Water Well. The California Water Code, Section 13710, defines “well or water well” to mean “any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the under ground.” The State Water Resources Control Board does not intend that potholes, drainage trenches or canals, wastewater ponds, shallow root zone piezometers, stock ponds or similar excavations be included within the definition of wells.

F. Tense or Gender. Words used in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural, and the plural the singular.

G. Section headings, when contained in this chapter, shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section. (Ord. 338 (part), 1990)

13.12.030 Permit Application— Requirements

A. When Required. No person shall dig, bore, drill, deepen, modify, repair or destroy a water well, cathodic protection well, observation well, monitoring well or any other excavation that may intersect groundwater without first applying for and receiving a permit as provided in this chapter unless exempted by law. It is unlawful for any person to use any water for domestic consumption from any well not owned or operated by the city unless a permit therefore has first been received from the office of the city engineer. Before a permit may be issued for the use of the well, it shall be altered and reconstructed to conform to the specifications for a new well. The city engineer or water engineer shall prepare or approve the plans and specifications pursuant to which the well is to be reconstructed and to report to the city council whether such well conforms to the requirements of a new well. All such work shall be done under the supervision and inspection of the city engineer or water engineer to his satisfaction.
B. Penalty for Failure to Obtain Permit. Any person who shall commence any work for which a permit is required by this chapter without having obtained a permit shall be required, if subsequently granted a permit for this work, to pay double the standard permit fee.

C. Emergency Work. The above provisions shall not apply to emergency work required on short notice to maintain drinking water or agriculture supply systems. In such cases, the person responsible for the emergency work shall:

1. Urgency. Satisfy the enforcement agency that such work was urgently necessary;

2. Conformance with Standards. Demonstrate that all work performed was in conformance with the technical standards as designated in Article 3. (Ord. 338 (part), 1990)

13.12.040  Permit Application—Procedure

Applications for permits shall be made to the enforcement agency on forms approved by the agency and shall contain all such information the enforcement agency requires to accomplish the purposes of this chapter. The application shall be accompanied by the required filing fee. If the enforcement agency finds the application contains all necessary information, it shall issue to the applicant a comprehensive permit containing such conditions as are necessary to fulfill the purposes of this chapter. (Ord. 338 (part), 1990)

13.12.050  Permit Application—Filing Fees

Filing fees may be set by the board from time to time by resolution. (Ord. 338 (part), 1990)

13.12.060  Permit Conditions

A. Limitations. When the enforcement agency issues a permit pursuant to this chapter, it may condition the permit in any manner necessary to carry out, the purposes of this chapter. Conditions may include, but are not limited to such quantity and quality testing methods as the enforcement agency finds necessary.

B. Performance Bond. The enforcement agency may require a performance bond as a condition to the permit.

C. Persons Permitted to Work on Wells. All construction, reconstruction or destruction work on wells shall be performed by a person who possesses an active C-57 contractor’s license in accordance with the provisions of the California Business and Professions Code, Section 7000, et seq., and Water Code Section 13750.5.

D. Proper Disposal of Drilling Fluids. The permit shall contain a clause requiring the safe and appropriate handling and disposal of drilling fluids and other drilling materials used in connection with the permitted work.

E. Abandoned Wells. As a condition of a construction or reconstruction permit, any abandoned wells on the property shall be destroyed in accordance with standards provided in this chapter.
F. Posting of Permit. It shall be the responsibility of the permittee to maintain a copy of this permit on the drilling site during all stages of construction or destruction. (Ord. 338 (part), 1990)

13.12.070  Permit—Denial

The enforcement agency shall deny an application for a permit if, in its judgment, issuance of a permit is not in the public interest. (Ord. 338 (part), 1990)

13.12.080  Permit—Expiration

The permittee shall complete the work authorized by the permit within the time and before the date set out in the permit. If there have been exceptional circumstances, the enforcement agency may grant the applicant an extension. Upon the expiration of the permit, no further work shall be done unless and until the applicant has received an extension or a new permit. (Ord. 338 (part), 1990)

13.12.090  Permit—Suspension And Revocation

A. Circumstances for such Action. The enforcement agency may suspend or revoke any permit issued pursuant to this chapter, whenever it finds that the permittee has violated any of the provisions of this chapter, or has misrepresented any material fact in his application, or any supporting documents, for such a permit. Prior to ordering any such suspension or revocation, the enforcement agency shall give the permittee an opportunity for a hearing thereon, after reasonable notice. The hearing shall be before the enforcement agency head or his designated representative. An appeal may be made as set forth in Section 13.12.150.

B. Consequences. No person whose permit has been suspended or revoked shall continue to perform the work for which the permit was granted until, in the case of suspension, such permit has been reinstated by the enforcement agency.

C. Ordered Additional Work. Upon suspending or revoking any permit, the enforcement agency may order the permittee to perform any work reasonably necessary to protect the underground waters from pollution or contamination, if any work already done by the permittee has left a well in such condition as to constitute a hazard to the quality of the underground waters. No permittee or person who has held any permit issued pursuant to this chapter shall fail to comply with any such order. (Ord. 338 (part), 1990)

13.12.100  Well Standards

Except as otherwise specified, the standards for the construction, repair, reconstruction or destruction of wells shall be as set forth in:


B. All Subsequent Supplements and Revisions. All subsequent Bulletin 74-81 supplements or revisions issued by the Department of Water Resources, once the revised standards have been reviewed at appropriate public hearing. (Ord. 338 (part), 1990)

The enforcement agency shall have the power under the following specified conditions to grant a variance from any provision of the standards referenced above and to prescribe alternative requirements in their place.

A. Special Circumstances. There must be in a specific case, a special circumstance where practical difficulties or unnecessary hardship would result from the strict interpretation and enforcement of any standard.

B. Intent of Chapter Not Compromised. The granting of such a variance is consistent with the purposes of this chapter. (Ord. 338 (part), 1990)

13.12.120 Special Groundwater Protection

The enforcement agency may designate areas where groundwater quality problems are known to exist and where a well will penetrate more than one aquifer. The enforcement agency may require in these designated areas special well seals to prevent mixing of water from several aquifers. Where an applicant proposes well construction, reconstruction or destruction work in such an area, the enforcement agency may require the applicant to provide a report prepared by a Registered Geologist or Registered Civil Engineer (California Business and Professions Code Sections 7850 and 6762 respectively) that identifies all strata containing poor-quality water and recommends the location and specifications of the seal or seals needed to prevent the entrance of poor-quality water or its migration into other aquifers. (Ord. 338 (part), 1990)

13.12.130 Inspections

The enforcement agency shall make an inspection of the annular seal construction work. It may make an initial inspection of each proposed drilling site, an inspection at the completion of the work, and inspections at such other times as it deems appropriate.

A. Initial Inspection. Upon receipt of an application, the enforcement agency may make an inspection of the drilling site prior to the issuance of a well permit. The purpose of this inspection is to determine whether there are any site conditions such that the enforcement agency shall do the following:

1. Relocation of Drilling Site. Require relocation of the drilling site should the location shown on the permit application be too close to potential sources of pollution;

2. Additional Conditions. Set additional conditions if needed to remediate any previously unknown groundwater quality protection problems.

B. Inspection of Well Seal. The enforcement agency shall inspect the annular space grout depth prior to the sealing.

1. Required Notice. The enforcement shall be notified by the well driller a minimum of twenty-four hours prior to sealing the annular space. Drillers who anticipate completing a well in less than one day shall notify the enforcement agency twenty-four hours prior to commencement of drilling and provide the anticipated time to commence the sealing of the annular space.

2. Should Enforcement Agency Fail to Be Present. If the enforcement agency wishes to allow a seal to be tremied or placed without inspection, the driller shall seal the well in
accordance with the standards of this chapter and any permit conditions. No seal shall be
tremied or placed until permission to proceed is given.

C. Final Inspection. If requested by the enforcement agency, the driller shall notify the
enforcement agency within seven days of the completion of their work at each drilling
site. The enforcement agency may make a final inspection after completion of the work
to determine whether the well was completed in accordance with this chapter.

D. Waiver of Inspections. The enforcement agency may waive inspections should any of
the following conditions exist:

1. Well Inspected by Other Agencies. Inspections may be waived where the work will be
inspected by the staff of the California Regional Water Quality Control Board or the
California Department of Health Services if these designated agencies will inspect and
report to the enforcement agency on all drilling features required by the Standards.

2. Monitoring Wells under Specified Conditions. Inspections may be waived for
monitoring wells that will penetrate only aquifers containing degraded waters or will
penetrate only formations that normally contain no water.

3. Drilling Sites Known to Have No Threats to Groundwater Quality. Initial inspections
may be waived when the drilling site is well known to the enforcement agency staff, and
it is known that no significant threats to groundwater quality exist in the area. (Ord. 338
(part), 1990)

13.12.140  Completion Reports

The driller shall provide the enforcement agency a completion report within thirty days of
the completion of any well construction, reconstruction or destruction job.

A. Submittal of State “Report of Completion.” A copy of the “Report of Completion”
(Water Well Driller’s Report, Department of Water Resources Form 188), required by
California Water Code Section 13751, shall be submitted by the permittee to the
enforcement agency within thirty days of construction, alteration or destruction of any
well. This report shall document that the work was completed in accordance with the
standards and all additional permit conditions. This section shall not be deemed to release
any person from the requirement to file the report with the state Department of Water
Resources.

B. Confidentiality of Report. In accordance with California Water Code Section 13752,
reports shall not be made available for inspection by the public but shall be made
available for inspection by governmental agencies for use in making studies. Reports
shall be made available to any person who obtains written authorization from the owner
of the well.

C. Other Agency’s Requirements. Nothing in this chapter shall be deemed to excuse any
person from compliance with the provisions of California Water Code Sections 13750
through 13755 relating to notices and reports of completion or any other federal, state or
local reporting regulations. (Ord. 338 (part), 1990)

13.12.150  Appeals
A. Right of Hearing. Any person whose application for a permit has been denied, or granted conditionally, or whose permit has been suspended or revoked, or whose variance request has been denied, may appeal to the board, in writing, within ten days after any such denial, conditional granting, suspension or revocation. Such appeal shall specify the grounds upon which it is taken, and shall be accompanied by a filing fee as set forth herein. The clerk of the board shall set such appeal for hearing at the earliest practicable time, and shall notify the appellant and the enforcement agency, in writing, of the time so set at least five days prior to the hearing.

B. Action by the Board. After such hearing, the board may reverse, wholly or partly, or may modify the order or determination appealed from, (Ord. 338 (part), 1990)

13.12.160  Right Of Entry And Inspection

Representatives of the enforcement agency shall have the right to enter upon any premises at all reasonable times to make inspections and tests for the purpose of such enforcement and administration. If any such premises are occupied, he shall first present proper credentials and demand entry. If the same is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of same and demand entry. If such entry is refused, he shall have recourse to such remedies as are provided by law to secure entry. (Ord. 338 (part), 1990)

13.12.170  Abatement Of Abandoned Wells

All persons owning an abandoned well as defined in the well standards shall destroy it before December 31, 1991, except those excluded by California Health and Safety Code Section 24440. (Ord. 338 (part), 1990)

13.12.180  Criminal And Civil Enforcement

A. Violation a Misdemeanor. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof is punishable by such penalties as the board shall from time to time set by ordinance.

B. Civil Enforcement—Notice of Violation.

1. Notice of Violation Recordation.
   a. Whenever the enforcement agency determines that a well (i) has not been completed in accordance with a well permit or the plans and specifications relating thereto, (ii) has been constructed without the required permit, or (iii) an abandoned well has not been destroyed in accordance with the standards, the enforcement agency may record a notice of violation with the office of the county recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible forth violation shall be notified of the recordation, if their address is available.
   b. If the property owner(s) or authorized agent disagree with the determination, he may submit evidence to the enforcement agency indicating that there is no violation and then shall have a right to appeal an adverse decision of the enforcement agency to the board in accordance with the provisions of paragraph 2 of this subsection.

2. Appeal—Action by the Board.
a. Date of Hearing. Upon receipt of the notice of appeal, the board shall, within fifteen
days following the filing of the appeal, set a date for public hearing thereon.

b. Evidence. The evidence before the board shall consist of the records in the
enforcement agency’s files and any other relevant evidence which, in the judgment of the
board, should be considered to effectuate and implement the policies of this chapter.

c. Decision by Board. The board may reverse or affirm, wholly or in part, or modify the
decision or the notice of violation and may make such order as should be made. Such
action shall be final.

3. Removal of Violation Notice. The enforcement agency shall submit a removal of
notice of violation to the county recorder when:

a. It is determined by the enforcement agency or the board, after review, that no violation
of this chapter exists; or

b. All required and corrective work has been completed and approved by the enforcement
agency.

C. Civil Enforcement—Violations of this chapter may also be redressed in the manner
hereinafter set forth by civil action. In addition to being subject to prosecution, any
person who violates any of the provisions of this chapter may be made the subject of a
civil action. Appropriate civil action includes, but is not limited to, injunctive relief and
cost recovery.

D. Remedies Cumulative. The remedies available to the board to enforce this chapter are
in addition to any other remedies available under ordinance or statute, and do not replace
or supplant any other remedy but are cumulative thereto. (Ord. 338 (part), 1990)

13.12.190 Reports To The Regional Board

Pursuant to California Water Code Section 13225(c), the enforcement agency shall
submit a report, not less than annually, to the California Regional Water Quality Control
Board(s) having jurisdiction in their area. This report shall contain the following data,
unless the regional board determines a lesser amount of information is necessary:

A. Wells Constructed or Destroyed. The number of wells constructed or destroyed;

B. Abatement Actions. Descriptions of all well destructions undertaken by the
enforcement agency using its regulatory authority under nuisance abatement powers;

C. Variances Granted. A description of each specific case where variances were granted
and the circumstances that made a variance necessary;

D. Inspection Waivers Granted. A description of each specific case where an inspection
was waived and the circumstances that made the waiver necessary. (Ord. 338 (part),
1990)

13.12.200 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this chapter is for any
reason held to be invalid, or unconstitutional by a decision of a court of competent
jurisdiction, it shall not affect the remaining portions of this chapter, including any other
section, subsection, sentence, clause or phrase therein. (Ord. 338 (part), 1990)
Chapter 13.16 - FIRE PROTECTION SERVICE

Sections:

13.16.010  Hydrants—Authorized use.
Fire hydrants are for use by the city or by organized fire protection agencies pursuant to contract with the city. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the water department prior to use and shall operate the hydrant in accordance with instructions issued by the water department. Unauthorized use of hydrants will be prosecuted according to law. (Ord. 35 § 300, 1950)

13.16.020  Hydrants—Relocation
Fire hydrants will be moved at the request of property owners, where such requests are found to be reasonable by the water superintendent. All costs shall be borne by the party requesting such relocation. (Ord. 35 § 301, 1950)

13.16.030  Private service—Payment of costs.
The applicant for private fire protection service shall pay the total actual cost of installation of the service from the distribution main to the customer’s premises, including the cost of a detector check meter or other suitable and equivalent device, valve and meter box, said installation to become the property of the city. (Ord. 35 § 325, 1950)

13.16.040  Private service—No connections to other systems
There shall be no connections between a private fire protection system and any other water distribution system on the premises. (Ord. 35 § 326, 1950)

13.16.050  Private service—Use restricted
There shall be no water used through the private fire protection service except to extinguish accidental fires and for testing the firefighting equipment. (Ord. 35 § 327, 1950)

13.16.060  Private service—Meter rates
Any consumption recorded on the meter for private fire protection service will be charged for at double the regular service rates; except, that no charge will be made for
water used to extinguish accidental fires where such fires have been reported to the fire department. (Ord. 35 § 328, 1950)

13.16.070 Private Service—Monthly Rates
The monthly rates for private fire protection shall be as indicated in the rate schedule provided in Chapter 13.28. (Ord. 35 § 329, 1950)

Chapter 13.20 - INTERFERING WITH WATER SERVICE
Sections:

13.20.010 Unauthorized turning on or off prohibited.
13.20.020 Unauthorized connections prohibited.

13.20.010 Unauthorized Turning On Or Off Prohibited
It is unlawful for any person, firm or corporation, excepting authorized personnel of the city, to turn any municipal water service on or off in the city or to interfere with the municipal water service of the city. (Ord. 86 § 1, 1957)

13.20.020 Unauthorized Connections Prohibited
It is unlawful for any person, firm or corporation, excepting authorized city personnel, to make any connection with or to the water pipes or mains of the city. (Ord. 86 § 2, 1957)

Chapter 13.24 - SEWER SERVICE
Sections:

13.24.010 Person defined
13.24.030 Discharging surface runoff or drainage prohibited.
13.24.040 Sewer pipes—Customer’s maintenance responsibility.
13.24.050 Sewer pipes—Customer’s failure to maintain—Action by city.
13.24.060 Charges—Collection when water user—Disconnection upon nonpayment.
13.24.080 Sewer bills—Due date—Delinquency date—Disconnection.
13.24.090 Relief from unjust rates.
13.24.100 Accounting and collection by water department.
13.24.110 Payments for water and sewer service inseparable.
13.24.120 Legal action by city.
13.24.130  User’s contractual obligation.

13.24.010  Person Defined

“Person” as used in this chapter means and includes human beings and private and public corporations, districts, and the United States of America, the state of California, and all political subdivisions, governmental agencies and mandatories thereof. (Ord. 60 § 13, 1952)

13.24.020  Conditions Requiring Connection

It is declared that the further maintenance and use of cesspools or other local means of sewage disposal constitutes a public nuisance. All buildings inhabited or used by human beings, and in which any sewage is produced that will be within two hundred feet from connection with the sewer system shall connect with the sewer system within thirty days from the time when such a connection can be made. (Ord. 60 § 2, 1952)

13.24.030  Discharging Surface Runoff Or Drainage Prohibited

No person shall intentionally discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, swimming pool drainage or subsurface drainage into any sanitary sewer. (Ord. 155, 1969: Ord. 60 § 2.5, 1952)

13.24.040  Sewer Pipes—Customer’s Maintenance Responsibility

Sewer customers shall maintain and clean any and all sewer pipes leading to the city’s main sewer lines at the sole cost and expense of the sewer customer. (Ord. 192 § 1, 1975)

13.24.050  Sewer Pipes—Customer’s Failure To Maintain—Action By City

If a sewer customer fails to maintain or clean such lines for a period of ten days after written notice to so do, the city shall perform such work and charge the same to the customer adding an amount equal to the cost thereof to the customer’s bill. (Ord. 192 § 2. 1975)

13.24.060  Charges—Collection When Water User—Disconnection Upon Nonpayment

When a premises is a user of the city water system, sewer service charges shall be collected with and not separately from the charges for water services rendered by the city, and all charges shall be billed upon the same bill and collected as one item. If all or any part of the bill is not paid, the city may discontinue any and all services for which the bill was rendered. (Ord. 60 § 4, 1952)

13.24.070  Charges—Collection When Not Water User—Disconnection Upon Nonpayment—Reconnection

A. Where the user of the city sewer system is not a user of the city water system, he shall be billed separately for the sewer service charges of the premises. Where such user becomes delinquent in payment of the sewer service charge, he shall be disconnected from the city sewer system, and the superintendent of the water department or other person in charge of the sewer system shall estimate the cost of disconnection of such user from the city sewer system, and the cost of reconnecting the user to the city sewer
system, and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the city sewer system.

B. In the event such arrearages are paid and the user is reconnected to the city sewer system, the superintendent of the water department or other person in charge of the sewer system shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

C. During the period of such disconnection, the inhabitation of such premises by human beings constitutes a public nuisance. (Ord. 60 § 5, 1952)

13.24.080 Sewer Bills—Due Date—Delinquency Date—Disconnection

A. All bills for service charges shall be come delinquent on the fifteenth day of the second month following the month for which the billing is made. All bills represent a period of sewer services that has been previously provided.

B. If not paid at the time herein provided for, sewer services shall be disconnected. Once a disconnection has been made, reconnection may on be had at such time as: (1) the bill has been paid; (2) a disconnection charge has been paid in the sum of $5.00 during regular work hours, ($7.75 outside regular work hours); and (3) a reconnection charge has been paid in the sum of $5.00 during regular work hours, ($7.75 outside regular work hours). Once a disconnection has been made for nonpayment, all bills for sewer service charges thereafter shall become delinquent on the fifteenth day of the first month following the month for which the bill is made. (Ord. 331 § 3, 1989: Ord. 320 § 3, 1988: Ord. 60 § 6, 1952)

13.24.090 Relief From Unjust Rates

The owner or occupant of any premises who, by reason of special circumstances, finds that the sewer rates, as set out in Section 13.28.030, are unjust or inequitable as applied to his premises, may make written application to the council, stating the circumstances and requesting a different basis of charges for sewer services to his premises. If such application is approved, the city council may by resolution fix and establish fair and equitable rates for such premises to be effective as of the date of the application, and continuing during the period of such special circumstances, The council may, on its own motion, find that by reason of special circumstances the foregoing rates are unjust and inequitable as applied to particular premises, and may be resolution fix and establish fair and equitable charges for such premises during the period of special circumstances, or any part thereof; (Ord. 60 § 7, 1952)

13.24.100 Accounting And Collection By Water Department

The employees of the water department shall keep the books of account, issue statements and collect the sewer service charges, but all receipts therefore shall be credited to the sewer revenue fund. (Ord. 60 § 8, 1952)

13.24.110 Payments For Water And Sewer Service Inseparable

No payment of water charges shall be accepted without payment of the sewer service charges. The water department shall discontinue water service to any premises for which the sewer service charge is in arrears. (Ord. 60 § 9. 1952)
13.24.120  Legal Action By City
In addition to the right to discontinue any service, the city shall have the right to collect
the sewer service charges from the occupant of any premises, or from the owner of the
premises at its discretion by a suitable action at law. (Ord. 60 § 10, 1952)

13.24.130  User’s Contractual Obligation
All users of the sewer system shall be deemed to have contracted with the city for the
services of the city sewer system and to have agreed to comply with all of the regulations
of the city in regard thereto. (Ord. 60 § II. 1952)

Chapter 13.28 - WATER AND SEWER RATES

Sections:

13.28.010  Single Monthly Rate For Water And Fire Protection Services
Where a premises is connected to the water system the user shall pay a single monthly
rate for the water which shall be the total of the charges for regular water service and for
public fire protection service, computed as provided in Section 13.28.020. (Ord. 55 § I.
1951: Ord. 35 § 401. 1950)

13.28.020  Water Service—Schedule Of Rates
A. Pursuant to Division 5, Part 3, Chapter 6, Article IV, commencing with Section 5471
of the Health & Safety Code, the following rates for water services charges shall be
decreased from the rates currently in effect:

<table>
<thead>
<tr>
<th>Minimum Charge</th>
<th>Minimum Use Hundred Cubic Feet (HCF)</th>
<th>Rate/Units per Additional HCF</th>
<th>Pipe Size</th>
</tr>
</thead>
</table>

13.28.030  Sewer service—Schedule of rates.
13.28.031  Credit—Establishment and maintenance.
13.28.032  Guarantee deposit—Amount.
13.28.033  Guarantee deposit—Deductions.
13.28.034  Guarantee deposit—Return.
13.28.040  Discount for advance payment.
13.28.050  Waiver of sewer service charge for single-family residences which
have never been occupied.
B. Water Connection/hook-up Charges: The connection charge shall be collected as follows:

1. At the time the owner connects to the City water;
2. Upon altering or expanding existing facilities, which changes water usage or increases the need for additional facilities;
3. Charges for water connection to the City water facilities shall be as follows:
   a.
   
<table>
<thead>
<tr>
<th>Size of Service Line</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾”</td>
<td>$3,938</td>
</tr>
<tr>
<td>1”</td>
<td>$7,010</td>
</tr>
<tr>
<td>1 ¼”</td>
<td>$11,814</td>
</tr>
<tr>
<td>1 ½”</td>
<td>$15,752</td>
</tr>
<tr>
<td>2”</td>
<td>$27,566</td>
</tr>
</tbody>
</table>

b. For service lines greater than two inches, the City Engineer will determine the proportional flow increase multiplier to be used in calculating the connection charge. Charges for water connection to the City water facilities shall be as follows: Larger service line connection fees will be calculated based on the service line proportional flow increase over the ¾ inch service line times the charge for a ¾” service connection. By way of example, if a two inch service line provides approximately seven (7) times the flow of a ¾ inch line, the connection charge will be 7 times $3,938 = $27,566.

C. The City Council may from time to time adjust connection charges by resolution.

Pursuant to Paragraph A, Division 5, Part 3, Chapter 5, Article VII, commencing with Section 5040 of the Health & Safety Code, the following rates for sewer service charges shall be increased from the rates currently in effect, such increase rates to be effective on and after January 7, 2006, as follows:

A.

<table>
<thead>
<tr>
<th>Category</th>
<th>Rate per month, per unit or per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, single family</td>
<td>$45.16</td>
</tr>
<tr>
<td>Residential, multi family</td>
<td>$34.28</td>
</tr>
<tr>
<td>Cabins, mobile homes &amp; motels</td>
<td>$26.25</td>
</tr>
<tr>
<td>Nursing and rest homes</td>
<td>$14.57</td>
</tr>
<tr>
<td>Churches, lodges</td>
<td>$48.78</td>
</tr>
<tr>
<td>High schools</td>
<td>$48.78</td>
</tr>
<tr>
<td>Elementary school &amp; Center for Education</td>
<td>$16.73</td>
</tr>
<tr>
<td>Business, retail</td>
<td>$39.04</td>
</tr>
<tr>
<td>Restaurant/Bar</td>
<td>$276.61</td>
</tr>
<tr>
<td>Laundries</td>
<td>$223.00</td>
</tr>
<tr>
<td>Service Stations</td>
<td>$411.00</td>
</tr>
<tr>
<td>Car Washes</td>
<td>$139.38</td>
</tr>
<tr>
<td>Warehouses</td>
<td>$83.63</td>
</tr>
<tr>
<td>Sunsweet Dryers</td>
<td>$633.01</td>
</tr>
<tr>
<td>Diamond Walnuts</td>
<td>$316.50</td>
</tr>
<tr>
<td>Detention centers</td>
<td>$14.57</td>
</tr>
<tr>
<td>Medical Clinic</td>
<td>$366.96</td>
</tr>
<tr>
<td>Daycare centers &amp; pre-school facilities</td>
<td>$47.35 per month up to 10 children</td>
</tr>
<tr>
<td>Daycare centers &amp; pre-school facilities</td>
<td>$66.28 per month more than 10 children</td>
</tr>
</tbody>
</table>

B. Other Industrial Users Rates to be determined pursuant to Section 13.32.475 of the City of Live Oak Municipal Code.


F. The rates for sewer service charges established in Subsection E above shall be increased annually by the Consumer Price Index (CPI) plus 1 percent (1%) annually, effective July 1, of each respective year.

By way of example, the sewer service charges for a single-family residential unit on July 1, 2005 shall be $45.16 per month. On July 1, 2006, assuming a 3% CPI plus 1%, the sewer service charges for a single-family residential unit shall increase to $46.96 per month ($45.16 increased by 4%).
H. Sewer Connection/hook-up Charges: The connection charge shall be collected as follows:

1. At the time the owner connects to City sewers;
2. Upon altering or expanding existing facilities which increases wastewater flows or creates the need for additional facilities.
3. Charges for sewer connection to the City wastewater facilities shall be as follows:
   a. Residential Users, single family home: $7,077
   b. Multiple Family Dwellings, each apartment $4,708
   c. Mobile Home Parks, each home: $4,409
   d. Commercial users, lodges, churches, halls: $98 per fixture unit
   e. Industrial users: A charge equivalent to a single family rate paid on analysis of flow BOD and suspended solids.
4. The City Council may from time to time adjust connections charges by resolution.

I. Detention Center Sewer Rate Application Procedures: The detention center per bed per month Sewer rate calculations will be based on multiplying the average daily inmate head count specified by the dollar amount listed in the appropriate section above. The average daily inmate head count will be calculated by totaling the daily inmate population for the month and dividing that number by the number of days in that month. The detention center will provide this figure to the City by the 20th of the following month. Should the City not receive this number by the 25th of the month, the default value of 220 will be deemed to be the inmate head count for the previous month and the sewer rate calculation will be based on this number.

13.28.031 Credit—Establishment And Maintenance
Each applicant for sewer service shall establish and maintain credit to the satisfaction of the sewer department by making a cash guarantee deposit before such service shall be rendered as provided for in Section 13.28.032. (Ord. 412 § 1 (part), 1995)

13.28.032 Guarantee Deposit—Amount [Sewer]
The amount of the guarantee deposit required of each applicant for service shall be equal to at least the amount of the monthly charge (rounded up to the nearest dollar). No interest will be paid on such guarantee deposits. (Ord. 469 § 2 (part), 2003: Ord. 412 § 1 (part), 1995)
13.28.033  Guarantee Deposit—Deductions
Any amount due for sewer service that remains unpaid for twenty days after presentation of a bill therefore, during the depositor’s first year of service, may be deducted from the guarantee deposit and such service shall be subject to discontinuance until the deposit is again restored to the original amount. Any such unpaid amount accruing subsequent to the depositor’s first year of service may also be deducted from any guarantee deposit remaining in the sewer department’s possession. (Ord. 412 § 1 (part). 1995)

13.28.034  Guarantee Deposit—Return
A guarantee deposit with the sewer department made by a consumer (who owns the premises for which the deposit was made) and whose account has not been in arrears at any time during the first year of the date of the initial deposit is returnable after that date. In the event sewer service is discontinued in less than one year regardless who owns the premises for which the deposit was made, that deposit will be returned provided that all outstanding bills against the consumer for sewer service have been paid. Any such deposit uncalled for within five years from the date when made will become the property of and be retained by the sewer department. (Ord. 469 § 4 (part), 2003; Ord. 412 § 1 (part), 1995)

13.28.040  Discount For Advance Payment
Any person paying water and sewer charges at least six months in advance, but less than twelve months in advance, shall be entitled to a discount equal to three percent of such amount paid, and any person paying water and sewer charges at least twelve months in advance shall be entitled to a discount equal to six percent of such amount paid. (Ord. 201, 1977)

13.28.050  Waiver Of Sewer Service Charge For Single-Family Residences Which Have Never Been Occupied
Any person responsible for paying sewer service charges imposed by this chapter for a single-family residence which has never been occupied, may submit to the city an application for waiver of the monthly sewer service charge. The sewer service charge will be waived beginning the first full month after receipt of the application and upon verification by the city that the single-family residence is unoccupied. The applicant for waiver of sewer service charges is responsible for notifying the city as soon as the single-family residence is occupied. If the applicant fails to notify the city when the single-family residence is occupied, the applicant shall be responsible for payment of the sewer service charges and any applicable late fees, fines, or penalties established under this code for failure to pay sewer service charges during the time the single-family residence was occupied and no sewer service charges were collected. (Ord. 392 § 2, 1993)
Chapter 13.32 - SEWER USE REGULATIONS

Sections:

**ARTICLE I. GENERAL PROVISIONS**

- 13.32.005 Rules and regulations.
- 13.32.010 Purpose.
- 13.32.015 Short title.
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13.32.005 Rules And Regulations

The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the city are adopted, and all work in respect thereto shall be performed as required in this chapter and not otherwise. (Ord. 249 § 201, 1979)

13.32.010 Purpose

This chapter is intended to provide rules and regulations for the use, reconstruction, replacement, repair and construction of sanitary sewer facilities installed, altered and repaired within the city. (Ord. 293 § 1 (part), 1985; Ord. 249 § 202, 1979)

13.32.015 Short Title

This chapter shall be known as the “Sewer Use Ordinance” of the city. (Ord. 249 § 203, 1979)

13.32.020 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

1. For the purpose of this chapter, additional terms shall have the meaning indicated in Chapter 1 of the Uniform Plumbing Code as adopted in this chapter.

2. “Applicant” means the person making application for a permit for a sewer or plumbing installation and shall be the owner of premises to be served by the sewer for which a permit is requested or his authorized agent.

3. “Biochemical oxygen demand” (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.

4. “Building” means any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

5. “Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning two feet outside the building wall,

6. “Building official” means the chief building inspector and his representatives, acting for the city.
7. “Building sewer” means that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal.

8. “City” means the city of Live Oak.

9. “City council” means the city council of the city.

10. “City engineer” means the civil engineer appointed by the city and acting for the city council.


12. “Combined sewer” means a sewer intended to receive both wastewater and storm or surface water.

13. “Contractor” means an individual, firm, corporation, partnership or association duly licensed by the state of California to perform the type of work to be done under the permit.

14. “County” means the county of Sutter.

15. “Director” means the director of public works who is the person appointed by the city and acting for the city council.

16. “Drainage System.” A drainage system includes all the piping within public or private premises, which conveys sewage or other liquid wastes to a legal point of disposal, but does not include the mains of a public sewer system or a public sewer system or a public sewage treatment or disposal plant.

17. “Easement” means an acquired legal right for the specific use of land owned by others.

18. “Fixture units” means fixture unit load values for drainage piping and shall be computed from the Uniform Plumbing Code adopted in this chapter.

19. “Floatable oil” means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

20. “Garbage” means solid wastes from the preparation, cooking, and the dispensing of food, and from the handling, storage and sale of produce.

21. “Industrial user” includes any nongovernmental, nonresidential user which discharges more than the equivalent of twenty-five thousand gallons per day of wastewater and which is identified in the Standard Industrial Classification Manual, 1972, under Division A, B, D, E and I, and any nongovernmental user discharging toxic wastes, no matter what the volume.

22. “Industrial wastes” means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

23. “Lateral sewer” means the portion of a building sewer lying within a public street or easement connecting a building sewer to the main sewer, or public sewers.
24. “Main sewer” means a public sewer designed to accommodate more than one lateral sewer.

25. “May” is permissive.

26. “Natural outlet” means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

27. “Outside sewer” means a sanitary sewer beyond the limits of the city not subject to the control or jurisdiction of the city.

28. “Permit” means any written authorization required pursuant to this or any other regulation of the city for the installation of any sewage facilities.

29. “Person” means any human being, or beings, individual, individuals, firm, company, partnership, association and private or public or municipal corporations, the United States of America, the state of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

30. “pH” means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^-7.

31. “Plumbing system” means and includes all potable water supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipe and all building drains, including their respective joints and connections, devices, receptacles and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, fuel gas piping, water heaters and vents for same.

32. “Private sewer” means a sewer serving an independent sewage disposal system not connected with a public sewer and which accommodates one or more buildings or industries.

33. “Properly shredded garbage” means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

34. “Public sewer” means a sewer controlled by the city and lying within a public street or easement, and includes lateral sewers.

35. “Sanitary sewer” means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

36. “Sewage” is the spent water of a community. The preferred term is “wastewater.”

37. “Sewage facilities” means all facilities for collecting, transporting, pumping, treating and disposing of sewage.

38. “Sewer” means a pipe or conduit that carries wastewater.

39. “Shall” is mandatory.
40. “Side sewer” means the sewer line beginning at the foundation wall of any building and terminating at the main sewer and including the building sewer and lateral sewer together.

41. “Slug” means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works as determined by the director.

42. “Storm drain,” sometimes termed “storm sewer,” means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

43. “Street” means any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way.

44. “Suspended solids” means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as non-filterable residue.

45. “Unpolluted water” means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

46. “Wastewater” means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

47. “Wastewater facilities” means the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

48. “Wastewater treatment works” means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant.”

49. “Watercourse” means a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 249 Art. 1, 1979)

13.32.025 Uniform Plumbing Code Adopted

All that certain issue of the Uniform Plumbing Code, entitled “International Association of Plumbing and Mechanical Officials, Uniform Plumbing Code,” copies of which are on file in the office of the building official of the city for use and examination by the public, is adopted as the Uniform Plumbing Code of the city, to which reference is made in this chapter and which is adopted by reference in this chapter. Said code shall be referred to in this chapter as the “Code.”

In case of conflict between the International Association of Plumbing and Mechanical Officials Uniform Plumbing Code and this chapter, this chapter shall take precedence
over and be used in lieu of such conflicting portions. (Ord. 293 § 1 (part). 1985: Ord. 249 § 204, 1979)

13.32.030 Administrative Authority

Whenever the term “administrative authority” is used in the Code it shall be construed to mean only those persons duly authorized by the City Council to administer the Code as follows:

A. Administration of the Code and enforcement of the regulations thereof insofar as the Code affects city facilities, including public sewers, shall be under the jurisdiction of the Director and his authorized assistants.

B. Plumbing systems and building sewers in the city shall be inspected by the building official.

C. The provisions of the ordinance codified in this chapter and subsequent amendments thereto may be enforced by the director and his authorized representatives. (Ord. 293 § 1 (part), 1985: Ord. 249 § 205, 1979)

13.32.035 Powers And Authorities Of Inspectors

The officers, inspectors, and any duly authorized employees of the city shall, upon exhibiting the proper credentials and identification, be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinance rules and regulations of the city. (Ord. 249 § 206, 1979)

13.32.040 Unlawful To Deposit

It shall be unlawful for any person to place, deposit or permit to be deposited any human or animal excrement, garbage, sewage or other waste in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city. The determination of unsanitary shall be made by the city, county and/or state authorities having jurisdiction. (Ord. 293 § 1 (part), 1985: Ord. 249 § 207, 1979)

13.32.045 Unlawful Discharge

It is unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided for by law of the state. (Ord. 249 § 208, 1979)

13.32.050 No Privies, Etc

Except as provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater on public or private property within the city or in any area under jurisdiction of the city. (Ord. 249 § 209, 1979)

13.32.055 Protection From Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which
is a part of the city’s sewage works. Any person violating this provision shall be subject to the penalties provided by law. (Ord. 249 § 210, 1979)

13.32.060 Connect To Public Facilities

The owner of all houses, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is required at the owner’s expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within ninety days after date of official notice to do so, provided that said public sewer is within two hundred feet of the property line. (Ord. 249 § 211, 1979)

13.32.065 Relief On Own Motion

The city council may, on its own motion, find that by reason of special circumstances any provision of this regulation and chapter should be suspended or modified as applied to a particular premises and they may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof. (Ord. 249 § 213, 1979)

13.32.070 Reconsideration And Appeal Procedures

Any permit applicant, permit holder, authorized industrial wastewater discharger or other discharger adversely affected by any decision, action or determination made by or on behalf of the city in interpreting or implementing the provisions of this chapter or any permit issued hereto may file with the city a written request for reconsideration. Said request shall be made within ten days of said decision, action or determination. Such request shall be acted upon by the director within forty-five days from the date of filing.

If the ruling by the director is unsatisfactory to the person requesting reconsideration, the person may make a written appeal to the city council within ten days after notice of the action taken by the director. The written appeal shall be acted upon within forty-five days from the date of filing.

The written appeal shall state all the pertinent aspects of the matter, and shall be accompanied by a fee of two hundred dollars which shall be refunded if the appeal is sustained. Within forty-five days after the written appeal is received, the city council shall hold a hearing on this matter. At this hearing the discharger may appear in person or through counsel to examine witnesses and present evidence in his own behalf. Notice of the hearing shall be presented in accordance with Section 13.32.565 at least fifteen days prior to the date of hearing. Within forty-five days after the hearing is closed the council shall make a final ruling on the appeal. (Ord. 249 § 214, 1979)

ARTICLE II. PRIVATE WASTEWATER DISPOSAL

13.32.075 Required When

Where a public sanitary sewer is not available under the provisions of Sections 13.32.075 through 13.32.105, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of Sections 13.32.075 through 13.32.105. (Ord. 249 § 301, 1979)
13.32.080  Permit—Required
Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the building official. The application for such permit shall be made by the applicant and shall supplement the application with specifications, and other information deemed necessary by the building official, and shall pay any fees in connection with said application. (Ord. 249 § 302, 1979)

13.32.085  Permit—Inspection
A permit for a private, wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the building official. The building official shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the building official when the work is ready for final inspection, and before any underground portions are covered. (Ord. 249 § 303, 1979)

13.32.090  Health Department Requirements
The type, design, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the building official and the county health department (Ord. 249 § 304, 1979)

13.32.095  Must Connect To Public Sewers
At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Sections 13.32.075 through 13.32.105, a direct connection shall be made to the public sewer if said private wastewater disposal system is within two hundred feet, within sixty days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material as determined by the director and the county health department. (Ord. 249 § 305, 1979)

13.32.100  Owner’s Responsibility
The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city. Sludge removal from private disposal systems shall be performed by licensed operators and disposed of where permitted by the county health department. (Ord. 249 § 306, 1979)

13.32.105  Additional Health Department Requirements
No statement contained in Sections 13.32.075 through 13.32.105 shall be construed to interfere with any additional requirements that may be imposed by the county health department. (Ord. 249 § 307, 1979)

ARTICLE III BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

13.32.110  Permit Required
In accordance with Sections 13.32.485 through 13.32.525 of this chapter, no person shall construct, repair or alter a public sewer, including lateral sewers, without first obtaining a written encroachment permit from the city and paying all fees and connection charges as required in this chapter. Permits for constructing plumbing systems shall be obtained from the building official of the city. (Ord. 249 § 401, 1979)

13.32.115 Construction Requirements

Construction of public sewers, and lateral sewers shall be in accordance with the applicable requirements of Sections 13.32.415 through 13.32.480 of this chapter. Construction of building sewers shall be in accordance with the applicable provisions of the Code. (Ord. 249 § 402, 1979)

13.32.120 Connections To Public Sewer

Building sewers shall not be connected to any public sewer unless such building sewers meet the requirements of this chapter. (Ord. 249 § 403. 1979)

13.32.125 Owner To Pay Costs

The owner shall pay costs and expenses incidental to the installation and/or repair and/or replacement of the building sewer to the lateral or main sewer. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation and/or repair and/or replacement of the building sewers or lateral sewers. (Ord. 299 § 1(a), 1986: Ord. 249 § 404, 1979)

13.32.130 Minimum Size Of Building And Lateral Sewers

Pipe for building sewers shall have an internal diameter equal to or greater than that of the building drain to which it connects. The minimum diameter of building sewers shall be three inches and lateral sewers shall be four inches. When more than one building sewer is allowed to be connected to a single side sewer, the side sewer from the point of intersection of one or more building sewers to the public sewer shall be not less than six inches in diameter. (Ord. 249 § 405, 1979)

13.32.135 Building Drain Location

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 249 § 406, 1979)

13.32.140 Surface Runoff

Surface runoffs, such as the connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater seepage to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, shall not be made. (Ord. 249 § 407, 1979)

13.32.145 Connecting The Building Sewer To The Public Sewer

The connection of the building sewer to the public sewer shall be made at the termination of the sewer lateral, if such lateral is available. If an existing sewer lateral is unavailable,
and a public sewer main is available, a lateral sewer will be constructed by the city to connect to the public sewer main providing that all fees and connection charges are paid as required by this chapter. All such connections shall be made gastight and watertight and shall be tested, if required by the building official, for leakage. The applicant for the building sewer permit shall notify the building official when the building sewer is ready for connection to the public sewer. The connection and testing shall be done by the applicant and shall be inspected and approved by the building official or his authorized representative. (Ord. 299 § 1(b), 1986; Ord. 249 § 408, 1979)

13.32.150 Separate Laterals And Building Sewers

A separate and independent lateral and building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. (Ord. 249 § 409, 1979)

13.32.155 Sewer Too Low

In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the director, and discharged to the public sewer at the expense of the owner. (Ord. 249 § 410, 1979)

13.32.157 Repair And Replacement Of Building Drains And Building Sewers

Existing building drains and building sewers which have become deteriorated or sewers which have become distorted in cross-section and which no longer retain their original cross-sectional shape shall be replaced at the expense of the owner. If the director or building official inspects any building drain or building sewer and determines that it is collapsed and distorted in cross-section or deterioration has occurred, he may direct that all or a portion of the building drain and building sewer be removed and replaced with approved materials. If a building sewer, upon inspection, is determined to be made of bituminous fiber pipe, notwithstanding the absence of any deterioration or distortion, said bituminous fiber pipe shall be replaced with approved materials in its entirety, except as otherwise permitted by the director.

Portions of existing building drains and building sewers which are deteriorated or collapsed permit excessive infiltration and inflow into the public sewer system which results in sewage spills into streets and public areas and excessive costs for operating and maintaining the city sewage system. Spills of sewage are a violation of the waste discharge requirements of the state of California, are a violation of the Health and Safety Code of the state and are a threat to public health and safety.

Upon written notification to a property owner that a building sewer or building drain is deteriorated or distorted, the owner shall replace such deteriorated and distorted building drains and building sewers in accordance with the provisions of this chapter and the Uniform Plumbing Code as adopted by the city. Property owners shall replace such drains and sewers within a period of ninety days after receipt of official notification by
the city that building drains and building sewers are deteriorated or distorted and require replacement. (Ord. 298 § 1, 1986: Ord. 288 § 1, 1984: Ord. 249 § 411, 1979)

13.32.160 Old Building Sewers

Existing building sewers may be used in connection with new buildings only when they are found, on examination and possible testing, to meet all requirements of the city and are approved by the building official and director. (Ord. 249 § 412, 1979)

13.32.165 Backflow Prevention Devices— Maintenance

Where a sewer serves plumbing fixtures that are located less than one foot above the rim elevation of the upstream manhole or rod hole in the reach of the main sewer into which the side sewer connects, it shall be protected from backflow of sewage by installing a backflow prevention device of an approved type and in the manner prescribed by the director. Any such backflow device shall be installed by the applicant for sewer service at the sole cost and expense of the applicant. The maintenance of the backflow device shall be the sole obligation of the permittee or his successor in interest. The city shall be under no obligation to ascertain that the backflow device continues in operating condition. (Ord. 249 § 413, 1979)

13.32.170 Maintenance Of Sewers

Building sewers and building drains shall be maintained by the owner of the property served. Damaged, deteriorated or collapsed building drains and building sewers shall be repaired or replaced so as to eliminate inflow of surface water, groundwater infiltration and leakage of wastewater.

Building sewers which have been installed without cleanouts and risers shall not be cleaned by breaking a hole in the building sewer or building drain. Such building sewers which are cleaned shall have a permanent cleanout consisting of a wye fitting, riser and plug installed at the end of the building sewer or in the building drain for the purpose of cleaning. Cleanouts shall be watertight and shall be marked for a convenient location and shall be approved by the building official. Any costs involved in conforming to the provisions of this section shall be borne by the owner. (Ord. 293 § 2 (part), 1985: Ord. 249 § 414, 1979)

13.32.175 Protection Of The Public

All excavations for building sewers and building drains shall be maintained by the owner of the property being served thereby to the satisfaction of the director or building official. All state laws regarding excavation safety and public safety shall be complied with. (Ord. 293 § 2 (part), 1985: Ord. 249 § 414, 1979)

13.32.180 Building Sewer Materials

All building sewers constructed in the city shall be as specified in the Code, except that building sewer materials shall be limited to the following:

A. Clay pipe and fittings, ASTM, C-700 extra strength with compression joints conforming to ASTM C425;
B. Cast iron pipe and fittings, ASTM, A and ASTM, A74;
C. Acrylonitrile Butadiene Styrene (ABS);
D. Polyvinyl chloride (PVC) pipe and fittings. (Ord. 249 § 416, 1979)

13.32.185 Sewer Service Lateral Cleanouts

A. Sewer service laterals shall terminate at property lines with an approved cleanout consisting of a wye, fitting, riser, cap, concrete service box complete with a lid marked “C.O.” Service box lids shall be sufficient to support motor vehicle traffic unless otherwise permitted. The cleanout and cap shall be placed and constructed to specifically prevent infiltration and the entry of surface waters from surrounding land. The location of sewer service cleanouts shall be permanently marked with a letter “S” marked on new or existing sidewalks nearest the cleanout at a directed location whenever possible. In the case of new subdivision construction, cleanouts shall be shown on improvement plans and shall be referenced to property lines with specific dimensions.

B. Whenever a building sewer line within the city is required to be repaired and/or replaced, a cleanout as specified in this section shall be installed at the property line (street easement line). The cleanout as so installed, shall be installed in accordance with city of Live Oak standard specifications and the pipe material utilized to make up the cleanout shall be the same type material as the existing sewer lateral, which is located in the street right-of-way. It shall be the property owner’s sole obligation to furnish all labor and materials necessary and incidental to the cleanout installation. (Ord. 299 § 1(c), 1986: Ord. 249 § 417, 1979)

ARTICLE IV. PUBLIC SEWER CONSTRUCTION

13.32.190 Permits—Required When

In accordance with Sections 13.32.485 through 13.32.525 of this chapter, no person shall construct, extend or connect to any public sewer without first obtaining a written encroachment permit. The provisions of this section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the city. Permits for constructing sewers in connection with approved plans for new subdivisions shall not be required. (Ord. 299 § 1(c), 1986: Ord. 249 § 417, 1979)

13.32.195 Permit—Plans, Profiles And Specifications Required

The application for a permit for public sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the city, prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground, except that such plans, profiles and specifications for minor construction such as lateral sewer connections, at the discretion of the director, may not be required. The application, together with the plans, profiles, specifications, and design calculations, when required, shall be examined by the city engineer, who shall approve them as filed or require them to be modified as deemed necessary for proper installation. When the city engineer is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, except as otherwise provided in this chapter, the director shall issue an encroachment permit predicated upon the payment of all connection charges,
fees and furnishing bonds, if required by the city. The permit shall prescribe such terms and conditions as the director finds necessary in the public interest. (Ord. 249 § 502, 1979)

13.32.200  Separate Sewers Required

No two adjacent buildings fronting on the same street shall be permitted to join in the use of the same side sewer. Every building or industrial facility shall be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve such property. However, one or more buildings located on property belonging to the same owner may be served with the same side sewer during the period of such ownership. Upon the subsequent subdivision and sale of a portion of such lot, the portion not directly connected to such public sewer shall be separately connected to a public sewer, and it is unlawful for the owner thereof to continue to use or maintain such indirect connection. (Ord. 249 § 503, 1979)

13.32.205  Sewers Too Low

If any building sewer is too low to permit gravity flow to the public sewer, the sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the director, and discharged to the public sewer at the expense of the owner. (Ord. 249 § 504, 1979)

13.32.210  Connections To Public Sewers

The connection of new public sewers to existing public sewers shall be made as shown on approved construction plans and as approved by the director. The connection of new lateral sewers to existing public sewers shall be made by the city as set forth in Section 13.32.145. (Ord. 249 § 505, 1979)

13.32.215  Easements Or Rights-Of-Way

In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the city an easement or grant of right-of-way sufficient in law to allow the laying and maintenance of such extension or connection and of a width acceptable to the director. (Ord. 249 § 506, 1979)

13.32.220  Grade Stakes

Grade and line stakes shall be set by a licensed surveyor or registered civil engineer prior to the start of work on any public sewer construction. The contractor shall be responsible for accurately transferring grades to grade bars and sewer invert. (Ord. 249 § 507, 1979)

13.32.225  Protection Of Excavation

The applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. He shall also likewise protect the public in the use of the side walk against any such conditions in connection with the construction of the sewer. Streets, side walks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the city or any other person having jurisdiction thereover. (Ord. 249 § 508, 1979)
13.32.230  Design And Construction Standards
Minimum standards for the design and construction of sewers within the city shall be in accordance with Sections 13.32.190 through 13.32.360, the applicable portions of the subdivision ordinance of the city and the “Standard Details of the City of Live Oak,” heretofore or hereafter adopted by the city, copies of which are on file within the city. The city may permit modification or may require higher standards where unusual conditions are encountered. (Ord. 249 § 509, 1979)

13.32.235  Completion Of Sewer Required
Before the acceptance of any public sewer line by the city and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the city and to the satisfaction of the city engineer. If the work of constructing public sewage facilities is not completed within the time limit specified in the permit, the city may extend said time limit or may complete the work and take appropriate steps to enforce the provisions of the improvement security furnished by the permittee pursuant to this chapter. (Ord, 249 § 510, 1979)

13.32.240  Permits Required
No person shall construct, extend, or connect to any public sewer without first obtaining a written permit from the city and paying all the fees and connection charges and furnishing the bonds as required therein. The provisions of this section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the city. (Ord. 249 § 511, 1979)

13.32.245  Subdivisions
The requirements of this chapter shall be fully complied with before any final subdivision map shall be approved by the city. The final subdivision map shall provide for the dedication for public use of streets, easements, or rights-of-way in which public sewer lines are to be constructed. (Ord. 249 § 513, 1979)

13.32.250  Easements Or Rights-Of-Way
In the event an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the city a proper easement or grant of right-of-way having a minimum width sufficient to allow the laying and maintenance of such extension or connection. (Ord. 249 § 514, 1979)

13.32.255  Persons Authorized To Perform Work
Only properly licensed contractors shall be authorized to perform the work of public sewer construction under contract within the city. All terms and conditions of the permit issued by the city to the applicant shall be binding on the contractor. The requirements of this section shall apply to side sewers installed concurrently with public sewer construction. (Ord. 249 § 515, 1979)

13.32.260  Compliance With Other Regulations
Any person constructing a sewer within a street shall comply with all state, county, or city laws, ordinances, rules, and regulations pertaining to the cutting of pavement, the opening, barricading, lighting, and protecting of trenches and the backfilling and repaving
thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the city. (Ord. 249 § 516, 1979)

13.32.265  As-Built Drawings

As a condition of final acceptance by the city, copies of as-built drawings showing the actual locations of all mains, structures, wyes, laterals, and other changes to the construction drawings shall be filed with the city. As-built drawings shall be drawn to scale, shall be on a permanent reproducible medium and shall be of a standard city sheet size. (Ord. 249 § 517, 1979)

13.32.270  Design Calculations

Design calculations submitted for city review shall be in a neat, acceptable form and shall indicate the date and the signature of the supervising engineer and his state registration number. Design calculations will be required for all subdivision sewers with a total ultimate tributary area of fifty acres or more or where, in the judgment of the director, they are necessary. (Ord. 249 § 518, 1979)

13.32.275  Sewers And Pipelines

Design calculations when required for sewers and pipelines shall be presented in tabular form and shall include the following information for each section of sewer: the terminal manhole designation, ground elevations at the terminal man holes, incremental and cumulative tributary areas, incremental and cumulative tributary population, incremental average and maximum domestic sewage flow, incremental infiltration allowance, cumulative design flow, invert elevations or terminal manholes, length of sewer run, and sewer size, slope, capacity, and velocity. (Ord. 249 § 519, 1979)

13.32.280  Pumping Stations

Design calculations for pumping stations shall include soils data, structural design calculations, hydraulic calculations, including the basis for average and peak flows, calculations for wet well volumes, curves indicating force main characteristics, and individual and combined pump head capacity curves. (Ord. 249 § 520, 1979)

13.32.285  Unit Design Factors

The average dry weather per capita domestic flow is taken as one hundred gallons per day. The following average daily flows shall be used if, in the opinion of the director, population cannot be estimated:

<table>
<thead>
<tr>
<th>ZONE</th>
<th>CFS/ACRE</th>
<th>GALLON/ACRE/DAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>.002</td>
<td>1300</td>
</tr>
<tr>
<td>R-2</td>
<td>.006</td>
<td>3900</td>
</tr>
<tr>
<td>R-3 and R-4</td>
<td>.009</td>
<td>5800</td>
</tr>
<tr>
<td>Commercial</td>
<td>.004</td>
<td>2600</td>
</tr>
</tbody>
</table>

(Ord. 249 §521, 1979)
13.32.290 Public Sewers

A. Minimum Size. The minimum diameter for sewer mains shall be eight inches, except as approved by the city engineer.

B. Gradient. Sanitary sewer main grader should be designed to provide a minimum velocity of two feet per second when flowing full. The following table indicates the slopes which will provide that velocity, and these shall be used as the standard for design. Recognizing that occasionally it is difficult to maintain these grades, we have also listed the minimum acceptable slope. These shall be used only when topographic features preclude the use of standard slopes.

<table>
<thead>
<tr>
<th>Diameter (in inches)</th>
<th>Standard</th>
<th>Minimum Acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>0.5</td>
<td>0.35</td>
</tr>
<tr>
<td>8</td>
<td>0.35</td>
<td>0.25</td>
</tr>
<tr>
<td>10</td>
<td>0.25</td>
<td>0.15</td>
</tr>
<tr>
<td>12</td>
<td>0.2</td>
<td>0.12</td>
</tr>
<tr>
<td>15</td>
<td>0.15</td>
<td>0.08</td>
</tr>
<tr>
<td>18</td>
<td>0.12</td>
<td>0.06</td>
</tr>
</tbody>
</table>

Sewer lateral gradients shall be in accordance with the Code.

Wherever a change in the size of the pipe, or an angle of twenty degrees or greater in alignment occurs, the flowline of the pipe flowing into the manhole shall be a minimum of 0.17 feet above the flowline of the pipe flowing from the manhole, or an amount necessary to match the inside crowns of the pipe, whichever is greater, if in the opinion of the city engineer sufficient total gradient is available for construction.

C. Location and Alignment. All sanitary sewers designed for the collection and transportation of domestic sewage and/or industrial wastes shall be constructed and installed within rights-of-way dedicated for public streets or roads, unless such construction or installation is determined to be impractical by the city engineer.

Whenever it is essential that curved alignment be used, a radius of not less than four hundred feet shall be required, but shall be greater whenever possible. The location and installation requirements for any sanitary sewer to be installed in an existing street or road shall be obtained from the director prior to submission of the plans.

D. Minimum Depth of Sewers. The minimum depth of cover for any public sewer shall be three feet. If it is impossible to obtain the specified minimum depth, the sewer shall be encased in concrete, or other acceptable protective measures shall be taken. For sewer services, the minimum depth of cover shall be three feet at the property line. Where the minimum depths of cover set forth in this subsection are impossible to obtain, concrete encased pipe or other suitable protection shall be required. (Ord. 249 § 522, 1979)
13.32.295 Steep Slopes
For main or lateral sewers installed on steep slopes, special design features may be required. Depending upon conditions of the specific installation, such items as underdrains, check dams, special anchorage, or special pipe material may be required. Based upon the data supplies, the director will assess each case and recommend certain special requirements. (Ord. 249 § 523, 1979)

13.32.300 Manholes
Manholes shall conform to the “Standard Details of the City of Live Oak.” Manholes shall be watertight structures. Normal maximum spacing for manholes shall be four hundred feet or less. Where the location of two manholes are determined by intersecting lines, the distances between intervening manholes shall be approximately equal. Sewers on curve alignment with a radius of less than four hundred feet shall have manholes spaced at a maximum of three hundred feet, or adjusted to fit the individual case.
A drop connection shall be constructed whenever any sewer enters a manhole more than two feet above the flowline of the manhole. (Ord. 249 § 524, 1979)

13.32.305 Flusher Branches
Flusher branches may be used in lieu of a manhole only when specifically permitted by the director. In general, sewer stub lines of relatively short lengths which may be extended in future construction operations and lines extended into cul-de-sacs and dead-end streets may be terminated with a flusher branch. Flusher branches risers shall be constructed on firm, undisturbed soil and not in backfilled material. (Ord. 249 § 525, 1979)

13.32.310 Cleanouts And Sewer Services
Each sewer service shall have a cleanout installed as set forth in the current Uniform Plumbing Code. (Ord. 249 § 527, 1979)

13.32.315 Force Mains
Force mains shall be designed using a Williams and Hazen coefficient or roughness “C” of one hundred. (Ord. 249 § 528, 1979)

13.32.320 Pumping Stations
Pumping station designs vary according to the location and nature of flows. Each specific design shall be in general accordance with similar designs of existing pumping stations. The design parameters shall be thoroughly reviewed with the director prior to commencing with the detailed design. The director shall be the sole judge as to all design features for pumping stations. (Ord. 249 § 529, 1979)

13.32.325 Standard Details
The construction of sanitary sewers and related facilities shall be in accordance with the latest edition of the “Standard Details of the City of Live Oak.”
A. Ratio of Peak to Average Flow. The ratio of peak to average dry weather sewage flow is a function of the tributary area, and the following tabulated values shall be used:
B. Industrial Sewage Flow, Sewage flow for industrial areas shall be determined by the proposed type of industry. If the type of industry is unknown, design values shall be five one-thousandths CFS per acre average flow and fifteen one-thousandths per acre peak flow.

C. Infiltration and Stormwater Inflow. An allowance shall be made for infiltration in an amount approved by the director. (Ord. 249 § 530, 1979)

13.32.330 Marking Lateral Sewer Lines

On all new subdivision work, the lateral sewer lines from the main sewer to the property line shall be installed and capped if necessary at the time the sewer is constructed. Each lateral sewer line shall be referenced to the plan stationing, and the terminal end marked with a two inch by two inch by twenty-four inch redwood stake painted white if the subdivision does not have curbs. If the subdivision has curbs and gutters, the location of each sewer lateral shall be indicated on the face of the curb by a capital letter “S” indented into the concrete face of the curb. The letter shall be placed on the curb by using a stamping tool. The position of the letter shall be uniformly placed at each location and the letter shall be approximately two inches in height. The style and depth of the indented portion of the letter shall be approved by the director. (Ord, 249 § 531, 1979)

13.32.335 Materials

All gravity sanitary sewer lines shall be clay pipe and fittings and/or cast iron pipe and fittings.

Vitrified clay pipe and fittings shall conform to and meet all the requirements for Clay Sewer Pipe ASTM C700 and shall be bell and spigot pipe with compression type joints conforming to ASTM C425 unless otherwise approved.

Force main pipe shall be cast iron pipe or asbestos cement pipe in full flowing force mains of the size and type approved by the city engineer. (Ord. 249 § 532, 1979)

13.32.340 Installation Of Sewers

A. Lines and Grades. All lines and grades will be given by the city engineer and the director shall be informed twenty-four hours in advance of the time and places at which work is to be done in order that lines and grades may be inspected. All stakes and marks once placed shall be fully protected and preserved. Flow line elevations shall be established at all changes in grade and at a minimum of fifty-foot intervals.

B. Excavation. Trenches shall be excavated to three inches below flow line or one inch below outside diameter of bell, whichever is greater. Under cutting to be filled with clean sand or pea gravel unless trench material is granular or sandy. Director is to be the sole judge of the suitability of the material. When the trench is in an existing paved area, the
pavement is to be cut accurately with proper tools and equipment of required width for trench. Whenever the bottom of the trench is soft, yielding or unsuitable as a foundation for pipe, sufficient crushed rock or clean gravel is to be tamped into the soft material.

Whenever water is encountered all trenches shall be kept dry until the placing of the bedding materials has been completed, inspected and approved.

Whenever the bottom of the trench is in rocky material, the trench shall be excavated to six inches below flowline and backfilled to grade with crushed and graded rock of three-fourths inch maximum size, or approved granular material.

C. Bracing and Shoring. As required by the Trench Construction Safety Orders of the California State Division of Industrial Safety, sufficient bracing and shoring shall be installed in trenches to insure the safety of workmen, and to protect and facilitate the work.

D. Pipe Laying. Sewer pipe shall be laid to the line and grade established by the city engineer by measuring down to the flowline of each joint as it is laid from an overhead string line supported by the batter boards at each point which has been set by the city engineer. The string line shall be set and maintained by the contractor by measuring from three consecutive points shown on the same rate of grade or slope, in order to detect any variation from a straight grade, and in case any such discrepancy exists, it must be reported to the city engineer. If such discrepancy is not reported to the city engineer, the contractor shall be responsible for any error in the finished work.

Pipe shall be laid continuously upgrade with the bell of the pipe upstream. Each length of pipe shall be laid on a firm bed and shall have a true bearing for the entire length between bell holes. No wedging or blocking up of the pipe will be permitted. Pipe found to be damaged must be replaced by new sections. Repair clamps will not be allowed.

Both bell and spigot shall be clean before the joint is made and care shall be taken that nothing but the joint making material enters the joints. When for any reason, pipe laying is discontinued for an hour or more, the open end of all lines shall be closed with a close-fitting stopper.

E. Trench Backfill. Material compaction and placement of trench backfill shall conform to Section 19 of the Standard Specifications of the Department of Transportation of the state of California except as otherwise permitted by the director.

F. Bedding. Selected backfill material, approved by the director and meeting the minimum standards listed below, shall be deposited and compacted in the trench uniformly on both sides of the pipe for the full width of the trench and to a depth of six inches over the top of the pipe.

G. Backfill Material. Trench backfill material and construction shall conform to the requirements of Structure Backfill Material as set forth in Section 19 of the California Standard Specifications unless otherwise approved by the director. (Ord. 249 § 533, 1979)

13.32.345 Testing Of Sewer Lines

After sewer lines have been backfilled to a depth where additional backfilling will not disturb the position of the pipe and before placing permanent surfacing, all or any
sections that the director may select shall be hydrostatically tested, except as specified in this chapter. In no case shall the required minimum compacted backfill be less than three feet above the top of the pipe before subjecting the line to the test. Service laterals shall be considered part of main for purposes of leakage testing. Any individually detectable leaks shall be repaired regardless of the results of testing. The permittee shall furnish all labor, tools, material and equipment for testing.

A. Exfiltration Test. A section of sewer line shall be prepared for testing by plugging the upstream side of a downstream manhole and all openings in the upstream manhole except the downstream opening. Where grades are slight, two or more sections between manholes may be tested at one time. Where grades are steep, and excessive test heads would be developed by testing from one manhole to another, test tees the full size of the main shall be installed at intermediate points so that the maximum head on any section under test will not exceed twelve feet. A section of sewer line prepared as herein described shall be tested by filling the water to an elevation of five feet above the top of the pipe at the upstream end of the test section or five feet above the existing groundwater elevation, which ever is greater.

Water shall be introduced into the test section a minimum of four hours in advance of the test period to allow for saturation. The pipe line being tested shall then be refilled to the original water level.

At the beginning of the test, the elevation of the water in the upper manhole shall be carefully measured from a point on the manhole rim. After a period of four hours or less, with the approval of the director, the water elevation shall be measured from the same point of the manhole rim and the loss of water during this test period calculated. If this calculation shows a decrease, enough water shall be measured into the upper manhole to restore the water to the level existing at the beginning of the test and the amount added be taken as the total leakage.

Should an initial test show excessive leakage in a section of line, it is permissible to test the individual manholes separately. This test shall be made by plugging all the openings in the manhole and filling with water to the same elevation as existed during the test. The leakage from the manhole may be deducted from the total leakage of the test section in arriving at the test leakage.

After testing is completed, the manholes shall be waterproofed by grouting and/or other approved waterproofing methods otherwise satisfactory to the director. The allowable leakage in the test section shall, under no circumstances, exceed one hundred gallons per mile per day per inch of diameter of pipe tested at the specified five-foot test head. If it is necessary or desirable to increase the test head above five feet, the allowable leakage will be increased to the rate of eighty gallons for each foot of increase in head. Test sections showing leakage in excess of that allowed shall be repaired or reconstructed as necessary to reduce the leakage to the within specified limits and the line shall be again tested in accordance with the above procedure.

B. Infiltration Test. Should the presence of groundwater, in the opinion of the director, cause the exfiltration test to be nonconclusive, the contractor shall conduct an infiltration test by plugging to a watertight condition a section of any line. A suitable measuring device shall be employed at the lower end of a section to measure the amount of water
flowing through the device during a specified period of time. This leakage shall not exceed one hundred gallons per mile per day per inch of diameter of pipe tested.

All service lines to individual services shall be considered as part of the lines to be tested. Trapped air shall be released from lines being tested. Test sections showing leakage in excess of that allowed by these specifications shall be repaired or reconstructed as necessary to reduce the leakage to allowable limits as specified in this chapter.

The use of repair clamps shall not be allowed on new construction.

C. Air Testing. Should the permittee so elect he may request the director to permit air testing. The director may then approve or disapprove air testing. (Ord. 249 § 534, 1979)

13.32.350 Manholes

Manholes shall conform to the “Standard Details of the City of Live Oak.” Manholes shall be watertight structures and shall not be subject to infiltration at maximum heads. (Ord. 249 § 535, 1979)

13.32.355 Sewer Construction Inspections

A. All Work to be Inspected. All sewer construction work shall be inspected by an inspector acting for the city to insure compliance with all the requirements of the city. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the city’s public sewer until the work covered by the permit has been completed, inspected, and approved by the inspector. If the test proves satisfactory and the sewer has been cleaned of all debris accumulated from construction operations, the director shall issue a certificate of satisfactory completion.

B. Time Limits on Permits. If work under a permit is not commenced within six months after the date of the issuance of the permit, or if, after partial completion, the work is discontinued for a period of one year, the permit shall thereupon become void, and no further work shall be done until a new permit shall have been secured. A new fee shall be paid upon the issuance of such new permit.

C. Notification. It shall be the duty of the person doing the work authorized by the permit to notify the public works department that such work is ready for inspection. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the city before giving such notification.

D. Condemned Work. When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the laws, rules, and regulations of the city.

E. All Costs Paid by Owners. All costs and expenses incident to the installation and connection of any sewer or other work for which an encroachment permit has been issued shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the work.
F. Street Excavation Permits. A separate encroachment permit shall be secured from the city by owners or contractors intending to excavate in a public street for the purpose of installing public sewers.

G. Liability. The city and its officers, agents, and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by such applicant. The applicant shall be answerable for, and shall save the city and its officers, agents, and employees harmless from, any liability imposed by law upon the city or its officers, agents, or employees, including all costs, expenses, fees, and interest incurred in defending the same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein. (Ord. 249 § 536, 1979)

13.32.360 Guarantee

All work shall be unconditionally guaranteed by the permittee against defects for one year from the date of completion.

If within the guarantee period, repairs are required in connection with the work which, in the opinion of the director, is necessary as the result of the use of materials, equipment, or workmanship which are inferior, defective, or otherwise not in accordance with the terms of the permit, the permittee shall, promptly upon receipt of notice from the city, and without expense to the city, place in satisfactory condition in every particular, all work correcting all defects therein; make good all damage to structures, the site, plantings, or work disturbed in fulfilling the guarantee. Defects to be corrected by the permittee shall include, but are not limited to, broken or damaged pipe, infiltration or exfiltration, offset pipe joints, variations from the planned line and grade which in the opinion of the city affect the serviceability or maintenance of the system. Subsidence of surfaced and unsurfaced sewer line trench backfill shall be considered as a defect in workmanship. Correction of any such defects will be made by the permittee at no cost to the city. (Ord. 249 § 537, 1979)

ARTICLE V. USE OF THE PUBLIC SEWERS

13.32.365 Unlawful Discharges

No person shall discharge or cause to be discharged any, rainwater leaders, rainwater, stormwater, groundwater, seepage, street drainage, subsurface drainage, water from swimming pools, yard drainage, including evaporative air cooler discharge water, cooling water or unpolluted industrial process water into any sewerage facility of the city. (Ord. 249 Art. 6(part), 1979)

13.32.367 Inflow Prohibited

No person shall discharge or cause to be discharged any rainwater, leaders, stormwater, groundwater, seepage, street drainage, subsurface drainage, water from swimming pools, yard drainage, including evaporative air cooler discharge water, cooling water or unpolluted industrial process water, into any sewage facility of the city. (Ord. 293 § 3, 1985)

13.32.370 Types Of Waste Prohibited
Except as provided in this chapter, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

B. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the receiving waters of the wastewater treatment plant;

C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works or wastes with a pH high enough to cause alkaline incrustations in sewers and appurtenances;

D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;

E. Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations;

F. Any waste with an excessively high concentration of cyanide;

G. Any unreasonably large amounts, in the opinion of the director, of undissolved or dissolved solids;

H. Any wastes containing over 0.1 milligram/liter of dissolved sulfides;

I. Any substance promoting or causing the promotion of toxic gases;

J. Any wastes requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes;

K. Any excessive amounts of chlorinated hydrocarbon or organic phosphorus type compounds;

L. Any excessive amounts of deionized water, steam condensate or distilled water;

M. Any waste containing substances that may precipitate, solidify or become viscous at temperatures between fifty degrees Fahrenheit and one hundred degrees Fahrenheit.

N. Any blow-down or bleed water from cooling towers or other evaporative coolers exceeding one-third of the makeup water;

O. Any single pass cooling water:

P. Any excessive quantities of radioactive material wastes:

Q. Discharge from salt (sodium chloride) regenerated water softeners:

R. Swimming pool contents. (Ord. 249 § 601, 1979)
**13.32.375 Limited Discharges**

The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The director may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the director will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the director are as follows:

A. Wastewater having a temperature higher than one hundred twenty degrees Fahrenheit;

B. Wastewater containing more than twenty-five milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin;

C. Wastewater from industrial plants containing floatable oils, fat, or grease;

D. Any garbage that has not been properly shredded (see Section 13.32.020). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;

E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the director for such materials;

F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the director;

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations;

H. Quantities of flow, concentrations, or both which constitute a “slug” as defined in Section 13.32.020;

I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

J. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the
collection system, or create a condition deleterious to structures and treatment processes. (Ord. 249 § 602, 1979)

13.32.380 Other Requirements

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Sections 13.32.365 through 13.32.410, and which in the judgment of the director, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:

A. Reject the wastes;
B. Require pretreatment to an acceptable condition for discharge to the public sewers:
C. Require control over the quantities and rates of discharge; and/or
D. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Sections 13.32.365 through 13.32.410.

When considering the above alternatives, the director shall give consideration to the economic impact of each alternative on the discharger. If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the director. (Ord. 249 § 603, 1979)

13.32.385 Grease, Oil And Sand Interceptors

Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Sections 13.32.365 through 13.32.410, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the director. Any removal and hauling of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms. (Ord. 249 § 604, 1979)

13.32.390 Pretreatment

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. 249 § 605, 1979)

13.32.395 Measuring Devices

When required by the director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling,
and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the director. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. (Ord. 249 § 606, 1979)

13.32.400 Information Required

The director may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include but are not limited to the following:

A. Wastewaters discharge peak rate and volume over a specified time period;
B. Chemical analysis of wastewaters;
C. Information on raw materials processes, and products affecting wastewater volume and quality;
D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
E. A plot plan of sewers of the user’s property showing sewer and pretreatment facility location;
F. Details of wastewater pretreatment facilities;
G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer. (Ord. 249 § 607, 1979)

13.32.405 Standard Methods

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the director. (Ord, 249 § 608, 1979)

13.32.410 Special Agreement

No statement contained in Sections 13.32.365 through 13.32.410 shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment. (Ord. 249 § 609, 1979)

ARTICLE VI INDUSTRIAL WASTE WATER

13.32.415 Industrial User Defined

“Industrial user” means any nongovernmental user of publicly-owned treatment works. An industrial user shall be defined as any user who discharges more than twenty-five thousand gallons per day of wastewater, or its equivalent into the public sewage system and this includes all discharges of toxic wastewater at any volume. For purposes of determining an equivalent discharge of industrial wastewater, standard BOD shall be
taken not to exceed two hundred parts per million and suspended solids shall not exceed two hundred parts per million. In determining the amount of an industrial users discharge for the purposes of industrial cost recovery, the amount of sewage which is domestic waste from sanitary conveniences may be excluded. (Ord. 249 § 701, 1979)

13.32.420 Existing Industrial Wastewater Dischargers

All persons discharging industrial wastewater directly or indirectly to the city’s sewage systems prior to the effective date of this chapter and who have obtained a permit or approval of industrial wastewater discharge from the city, shall be granted a temporary permit to discharge industrial wastewaters. This temporary permit shall expire in six months after notification by the director of public works that a new permit is to be obtained, or after notification by the effective date of this chapter, whichever shall occur first. Prior to the expiration of the temporary permit, the industrial wastewater discharger shall apply for and obtain a permit for industrial wastewater discharge. (Ord. 249 § 702, 1979)

13.32.425 Discharge Permit—Required

No person shall discharge, or cause to be discharged, any industrial wastewaters directly or indirectly to sewage facilities owned by the city without first obtaining a city permit for industrial wastewater discharge. The permit for industrial wastewater discharge may require the pretreatment of industrial wastewaters before discharge, the restriction of peak flow discharges, the discharge of certain wastewaters only to specified sewers of the city, the relocation of the point of discharge, the prohibition of the discharge of certain wastewater components, the restriction of discharge to certain hours of the day, the payment of additional charges to defray the increased costs of the city created by the wastewater discharge and such other conditions as may be required to effectuate the purposes of this chapter.

No city permit for industrial wastewater discharge shall be transferable without the prior written consent of the director.

No person shall discharge industrial wastewaters in excess of the quantity or quality limitations set by the permit for industrial wastewater discharge. Any person desiring to discharge wastewaters or use facilities which are not in conformance with the industrial wastewater permit should apply to the city for an amended permit. All pretreatment systems and devices shall be approved by the city engineer. (Ord. 249 § 703, 1979)

13.32.430 Discharge Permit—Application—Restrictions

A. Procedure. Applicants for permits for industrial wastewater discharges shall complete a city application form and submit the application form and appurtenant plans and data to the city for review and approval. The city may require additional information on the characteristics of the wastewater discharges beyond that required on the application form.

Upon the receipt of all required information, the application shall be processed and, upon approval, be signed by representatives of the city and one copy returned to the applicant. When properly signed, the application form shall constitute a valid permit for industrial wastewater discharge.
The application shall be approved if the applicant has complied with all the applicable requirements of this chapter and furnished to the city all of the requested information, if the director determines that there is adequate capacity in the city facilities to convey, treat, and dispose of such wastewaters.

B. Change of Industrial Wastewater Permit Restrictions. The city may change the restrictions or conditions of a permit for industrial wastewater discharge from time to time as circumstances may require. The city shall allow an industrial discharger a reasonable period of time to comply with any changes in the industrial wastewater permit required by the city. (Ord. 249 § 704, 1979)

13.32.435 Discharge Permit—Suspension

The director may suspend a permit for industrial wastewater discharge for a period not to exceed forty-five days when such suspension is necessary in order to stop a discharge which presents an imminent hazard to the public health, safety or welfare, to the local environment or to the city’s sewage system.

Any discharger notified of a suspension of his industrial wastewater permit shall immediately cease and desist the discharge of all industrial wastewater to the sewage system. In the event of failure of the discharger to comply voluntarily with the suspension order, the director shall take such steps as necessary to insure compliance.

Appeals from suspension may be made under Section 13.32.070. The permit shall be reinstated upon proof of satisfactory compliance with all discharge requirements of the city. (Ord. 249 § 705, 1979)

13.32.440 Discharge Permit—Revocation

The city council may revoke a permit for industrial wastewater discharge upon finding that the discharger has violated any provision of this chapter. No revocation shall be ordered until a hearing has been held by the city council under Sections 13.32.530 through 13.32.570 of this chapter.

Any discharger whose industrial wastewater permit has been revoked shall immediately stop all discharge of any liquid-carried wastes covered by the permit to any public sewer that is tributary to the sewer or sewage system of the city. The director may block from such public sewer, or may permanently disconnect the industrial connection sewer of any discharger whose permit has been revoked, if such action is necessary to insure compliance.

Before any further discharge of industrial wastewater may be made by the discharger, he must apply for a new permit for industrial wastewater discharge, pay all charges that would be required upon initial application together with any delinquent fees, and penalties and such other sums as the discharger may owe to the city. Costs incurred by the city in revoking the permit and disconnecting the industrial connection sewer shall be paid by the discharger before the issuance of a new permit for industrial wastewater discharge. (Ord. 249 § 706. 1979)

13.32.445 Availability Of City’s Facilities

If sewage capacity is not available, the city may require the industrial wastewater discharger to restrict his discharge until sufficient capacity can be made available. When
requested, the city will advise persons desiring to locate new facilities as to the areas where industrial wastewater of their proposed quantity or quality can be received by available sewage facilities. The city may refuse service to persons locating facilities in areas where their proposed quantities or qualities of industrial wastewater is unacceptable in the available treatment facility. (Ord. 249 § 707, 1979)

13.32.450 Control Manhole And Separation Of Domestic And Industrial Wastewaters

All domestic or sanitary wastewaters from restrooms, showers, drinking fountains, etc., shall be kept separated from all industrial wastewaters until the industrial wastewaters have passed through any required pretreatment system or device.

A control manhole of a design approved by the director shall be furnished and installed by the industrial wastewater dischargers to facilitate inspection, sampling and flow measurement by personnel of the city. This control manhole shall be located so as to provide access at all times to personnel of the city. (Ord. 249 § 708, 1979)

13.32.455 Damage Caused By Wastewater Discharge

Any industrial wastewater discharger whose discharges cause damage to the city’s facilities, detrimental effects on the treatment processes or any other damage resulting in costs, shall be liable to the city for all damages occasioned thereby. (Ord. 249 § 709, 1979)

13.32.460 Industrial Wastewater Sampling, Analyses, And Flow Measurements

A. Measurements. Periodic measurements of flow rates, volumes, BOD, and suspended solids for use in determining the annual industrial wastewater treatment capital charge and such measurements of other constituents believed necessary by the director shall be made by all industrial wastewater dischargers, unless specifically relieved of such obligation by the director. The city shall have the option of accepting the metered water consumption as the volume of sewage flow for an industrial discharger or the city may require that an industrial discharger provide, install and maintain in good operating condition an accurate sewage metering device acceptable to the city, at the user’s expense, to permit the determination of the volume of wastewater discharged into the city sewage system. All sampling and analyses of industrial wastewaters shall be performed by a state certified independent laboratory, or by a laboratory of an industrial discharger approved by the director. If performed by a state certified laboratory, an appropriate charge shall be paid by the discharger requesting the tests. Prior to the submittal to the city of the data developed in the laboratory of an industrial discharger, the results shall be verified by a responsible administrative official of the industrial discharger under the penalty of perjury.

B. Analyses. All wastewater analyses shall be conducted in accordance with the appropriate procedure contained in “Standard Methods” prepared and published by the American Public Health Association and others. If no appropriate procedure is contained therein, the standard procedure of the industry or a procedure judged satisfactory by the director shall be used to measure wastewater constituents. Any independent laboratory or discharger performing tests shall furnish any required test data or information on the test methods or equipment used, if requested to do so by the director.
C. Measurement Devices. All dischargers making periodic measurements shall furnish and install at the control manhole or other appropriate location a calibrated flume, weir, flow meter, or similar device approved by the director and suitable to measure the industrial wastewater flow rate and total volume. A flow indicating, recording and totalizing register may be required by the director. In lieu of the wastewater flow measurement, the director may accept records of water usage and adjust the flow volumes by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharger.

D. Inspections of Measurement Devices. The sampling, analysis, and flow measurement procedures, equipment and results shall be subject at any time to inspection by the city. The sampling and flow measurement facilities shall be such as to provide safe access to authorized personnel.

E. Measurement Frequency. Those industrial wastewater discharges required by the director to make periodic measurements of industrial wastewater flows and constituents shall annually make the minimum number of such measurements required. The minimum requirements for such periodic measurements shall be:

1. A minimum of one twenty-four-hour measurement per year. Representative samples of the industrial wastewaters shall be obtained at least once per hour over the twenty-four-hour period, properly refrigerated, composited according to measured flow rates during the twenty-four hours, and analyzed for the specified wastewater constituents;

2. Dischargers required to sample on only a few days per year shall sample during the periods of highest wastewater flow and wastewater constituent discharges;

3. Industrial plants with large fluctuations in quantity or quality of wastewaters may be required to provide continuous sampling and analyses for every working day. When required by the director, dischargers shall install and maintain in proper order automatic flow-proportional sampling equipment and/or automatic analysis and recording equipment;

4. Measurements to verify the quantities of waste flows and waste constituents reported by industrial dischargers will be conducted on a random basis by personnel of the city. (Ord. 249 § 710, 1979)

13.32.465 Discrepancies Between Actual And Reported Industrial Wastewater Discharge Quantities

Should measurements or other investigations reveal that the industrial discharger is discharging a flow rate or a quantity of biochemical oxygen demand or suspended solids significantly in excess of that stated in the industrial wastewater permit or in excess of the quantities reported to the city by the discharger and upon which the industrial wastewater treatment charges are based, the discharger shall apply for an amended industrial wastewater permit and shall be assessed for all delinquent charges, together with the penalty and interest. Before these charges shall be assessed, at least two additional twenty-four-hour samples and flow measurements shall be obtained by the city with all the costs of sampling and analyses to be paid by the discharger. All expense of determining the need for an amended permit shall be paid by the discharger.
An industrial discharger found in violation shall be presumed in the absence of other evidence, to have been discharging at the determined parameter values over the preceding three years or subsequent to the previous city verification of quantity parameters, whichever period is shorter. (Ord. 249 § 711, 1979)

13.32.470    Pretreatment Of Industrial Wastewater

Pretreatment systems or devices may be required by the director to treat wastewaters prior to discharge to the community sewer when it is necessary to restrict or prevent the discharge to the community sewer of wastewaters having strength in violation of the prohibitions, or exceeding the limits established by this chapter, or to distribute wastewater discharges over a period of time.

All pretreatment systems or devices shall be approved by the director, but such approval shall not relieve a discharger of the responsibility for taking all steps necessary to comply with the wastewater limitations established by the city. All required pretreatment equipment shall be installed and operated at the discharger’s expense. (Ord. 249 § 712, 1979)

13.32.475    Industrial Wastewater Charges

A. General. The capital and interest costs to be charged the user shall be determined by his plant capacity required of each industrial user.

Those industries with grant eligible capacity will pay capital and interest costs based on the original design capacity as stated in the revenue plan approved by the state, unless they exercise their option to make periodic deposits based on their estimated maximum need of the ensuing year with adjustment billings or credits, whichever the case may be, within thirty days after the end of the fiscal year. If an industry elects to pay on its actual required capacity, rather than its grant eligible design capacity, the industry shall lose its rights to the design capacity if its actual required capacity is less than the design, and the city may allocate that excess capacity to other users. If the industry’s actual capacity is greater than the design capacity, the industry will be required to pay connection charges for the difference of its design capacity and its actual required capacity and the required capacity will establish its plant capacity.

B. Industrial User Rates. Industrial users will be charged the rates stated in any revenue programs as adopted by the council, and will include charges for capital recovery, interest costs, operation and maintenance costs, and administration and collection system costs. The charges shall reflect the user’s contribution to the total wastewater loading of the treatment works and will recognize volume, BOD and suspended solids to insure a proportional distribution of costs to each user.

C. Billing Period. During each fiscal year, there will be billing periods as determined by the city clerk. The city clerk may divide the annual cost into equal billings and combine the user’s share of operation and maintenance costs, plus any assessment for additional costs caused by the user discharging wastewater in violation of the provisions of this chapter.

D. Due Date for Payment of Charges and Disconnection Following Delinquency. All fees and charges imposed under the provisions of Section 13.32.415 through and including Section 13.32.480 shall be due and payable upon the receipt of the notice of charges.
Underpayment charges shall become delinquent thereafter as provided for in Section 13.24.080 and when delinquent shall be subject to the disconnection penalties provided for in Section 13.24.080.

E. Determination of Charges.

1. Capacity. The actual plant capacity for each industrial user will be determined by the highest daily volume, pounds of BOD, and pounds of suspended solids discharged into the sanitary sewer system measured by averaging the highest three consecutive days during the prior fiscal year. The three determining factors for industrial capacity will not necessarily peak during the same period. New industrial users will estimate their plant capacity requirements and make periodic deposits as determined by the director during their first year of operation with an adjustment billing or credit, whichever the case may be, within thirty days after the end of the fiscal year. If the period of operation during the first fiscal year is not sufficient to determine a plant capacity, the second year operation capacity requirements will be used as if the industry was a new user in that year.

2. Actual Discharges. The operation and maintenance costs will be based on the actual volume, pounds of BOD, and suspended solids. It will be the industrial user’s responsibility to provide composite samples of its discharges for determining the BOD and suspended solid testing. Each sample shall be marked with the beginning and ending meter reading of the volume discharge during the period the composite sample is taken. The volume measured by the meter readings and the test results of the composite samples will be used to calculate the pounds of BOD and suspended solids and will be the basis of the billing operation and maintenance charges. If there are time periods when the meter readings of the composite samples are not consecutive, the city, at its sole discretion, will determine the parts per million of the BOD and suspended solids for that volume that a sample was not received. (Ord. 331 § 4, 1989; Ord. 320 § 4, 1988; Ord. 249 § 703, 1979)

13.32.480 Special Dumping Permit

Special dumping permits shall be required when any person desires to discharge liquid waste from campers, recreation vehicles, transient mobile homes, transient trailer houses and similar vehicles directly or indirectly into the sewage facilities of the city. Waste discharged into the city system from such sources shall not consist of septic tank or cesspool contents, industrial wastes and any other wastewater of a nature prohibited by this chapter.

All applicants for a special dumping permit shall construct and maintain a special dumping structure approved by the director and the county health department. Dumping structures shall be constructed at locations approved by the director at the sole cost of the permittee.

The city may require payment for the treatment of such wastes and the applicant shall pay all such costs or the city may refuse permission to discharge certain wastes. A special discharge permit shall be valid for one year from the date of issuance. Any person negligently or willfully violating the requirements of the city for such discharges shall be in violation of this chapter and may have his permit revoked by the city council. (Ord. 249 § 714, 1979)

ARTICLE VII PERMITS, FEES AND
SERVICE CHARGES

13.32.485  Permit Required

It is unlawful for any person to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing drainage piping work or any fixture in a building or premises without first obtaining a permit to do such work from the building official. A separate permit shall be obtained for each building or structure. No person shall allow any other person to do or cause to be done any work under a permit secured by a permittee except persons in his employ.

No unauthorized person shall uncover, make any connection to, make any opening into, use, alter, or disturb any public sewer, sewer lateral or appurtenance thereto without first obtaining a written encroachment permit as required by the city ordinance. (See city ordinances covering encroachment permits.)

Permits for industrial discharges shall conform to the provisions of Sections 13.32.415 through 13.32.480. (Ord. 249 § 801, 1979)

13.32.490  Work Not Requiring A Permit

No permit shall be required in the case of any repair work as follows: the stopping of leaks in drains, soil, waste or vent pipe; provided, however, that should any trap, drainpipe, soil, waste or vent pipe be or become defective and it becomes necessary to remove and replace the same with new material in any part or parts, the same shall be considered as such new work and a permit shall be procured and inspection made as provided in this chapter. No permit shall be required for the cleaning or stoppages or the repairing of leaks in pipes, valves, or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures. (Ord. 249 § 802, 1979)

13.32.495  Application For An Encroachment Permit And Payment Of Charges

Any person legally entitled to apply for and receive an encroachment permit, shall make such application on forms provided by the city for that purpose. He shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The director may require plans, specifications or drawings and such other information as he may deem necessary.

In the event the applicant for a permit is required to provide plans, specifications or drawings and information as a condition to the issuance of the permit, the applicant shall pay all engineering, legal, administrative and other expenses and charges prior to the issuance of the permit.

If the director determines that the plans, specifications, drawings and other information furnished by the applicant are satisfactory and are in compliance with the ordinances, rules and regulations of the city, he shall issue the encroachment permit applied for upon payment of the charges referred to in this chapter and of the fees as hereinafter fixed. (Ord. 249 § 803, 1979)

13.32.500  Compliance With The Encroachment Permit

After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those
described in the permit or as shown on the plans and specifications for which the permit
was issued except with written permission from the city, the director, or other authorized
representatives. (Ord. 249 § 804, 1979)

13.32.505 Fees—Annexation Charges
The owner or owners of lands within areas proposed to be annexed to the city shall
deposit with the city a sum to be fixed by the city council prior to the commencement of
proceedings by the city council on the proposed annexation. The amount to be fixed by
the city shall be in a sum estimated to equal the engineering, legal and publication costs
and all other charges which may be incurred in connection therewith, and any other
annexation fees set by the city council. The City Council may from time to time adjust
annexation fees charged by resolution. (Ord. 249 § 805, 1979, Ord. 485 § 1, 2005)

13.32.510 Fees And Charges
Pursuant to the authority vested in the city council by the terms of Ordinance 249 as
amended by Ordinance 282, Ordinance 292 and Ordinance 320, the city council declares
as follows:

In addition to any other fees and charges established by the ordinances, rules and
regulations of the city, there shall be collected, prior to connection to the sanitary sewage
system of the city, the following:

A, Assessment Sewer Extension Charge. For any parcel, unit or lot, or part of said
property, lying within the present boundaries of the city or hereafter annexed to the city,
which abuts on or can be served by any existing sewer main or other special assessment
proceedings, additional connection charges to be paid prior to the issuance of a permit for
sewer connection in any such areas, are established as follows:

Assessment sewer extension charges shall be collected in a sum to be computed by the
director, as said property share of the cost of the existing sewage facilities of the city to
be used by said property. The sum shall be the equivalent of the cost to similar properties
within the city which were fully assessed for said facilities so to be used. Said sum must
be paid prior to the issuance of a permit for sewer connection and shall include all costs
incident to the installation of such facilities, together with interest charges thereon.
Properties subject to such additional connection charge include, but are not limited to:

1. Properties outside of the boundaries of assessment proceedings;
2. Properties within the boundaries of an assessment district but against which no
   assessment was levied; and
3. Properties within the boundaries of an assessment district but against which a partial
   assessment only was levied on the theory of partial benefit, as for example, in the case of
   adjoining lots with substandard frontage in common ownership.

B. Special Agreement Sewer Extension Charge. For any parcel, unit or lot, or part of said
property which abuts on or can be served by any existing sewer main or other sanitary
sewage facilities of the city constructed pursuant to a special agreement, wherein the city
has agreed to reimburse to the party making the original installation a share of the cost of
original construction attributable to parcels of property later connecting to said main or
facilities, special connection charges in addition to any other charges established by the
city, which must be paid prior to the issuance of a permit for sewer connection, are established.

A special agreement sewer extension charge shall be collected in a sum to be computed by the director or as said property’s share of the cost of the sewer mains and other sanitary sewage facilities of the city, constructed pursuant to special agreement, to be used by said property. The sum shall be equivalent to the prorata share of the cost of the installation made pursuant to the special agreement which would have been paid by said property for the facilities so to be used if said property had contributed its equitable share to the original cost of construction. Said sum shall include all costs incident to the installation of such mains and facilities.

C. Sewer Extension Charges. Sewer extension charges are for the purpose of reimbursing the city for its costs to extend sewer mains. Before any person may connect to mains which have been extended by the city, after the initial basic city sewer system was installed by the city, they shall pay an extension charge.

The amount of such extension charges which shall be paid prior to the issuance of a permit for sewer connection shall be the sum of eighteen dollars per front foot whether the property be residentially zoned, commercially or industrially zoned.

Such charges are established as a minimum requirement for the extension of a sewer main. Corner lots shall be charged unless otherwise determined as follows:

Existing subdivision lots having more than one street frontage shall pay extension fees based on a total of the lot frontage plus fifty percent of the side street frontage as measured along the property lines and at curves along property lines extended.

New subdivisions, created primarily by parcel maps and developments shall pay extension charges based on all of the frontage, unless otherwise determined by the city council.

For sewer mains serving property on one side only, the cost shall be twice the front footage cost set forth herein.

Owners, subdividers and developers may extend city sewer mains at their expense in accordance with this chapter and in accordance with a reimbursement agreement approved by the city council.

D. Sewer Connection Charges. The sewer connection charge is for recovering from each connection owner his proportionate cost of the sewage system which has been constructed in the city to convey and process wastewater. The connection charge shall be collected as follows:

1. At the time the owner connects to city sewers;
2. Upon altering or expanding existing facilities which change wastewater flows or increase the need for additional facilities.

Charges for sewer connection to city wastewater facilities shall be as follows:

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<td>Residential users, single family</td>
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Multiple-family dwellings, each 865.00
Mobile home parks 810.00
Commercial users, lodges, churches, halls 70.00 per fixture unit
Industrial users A charge equivalent to a single-family rate paid on analysis of flow BOD and suspended solids

E. Special Connection or Installation Charges. In addition to any other charges established in this chapter, there are imposed the following special connection charges:

Special connection charges for sewer installation where the city makes connection to the main line terminating at the property line, sewer lateral installation charge, four-inch lateral and smaller, shall be nine hundred dollars.

Sewer lateral installation charge where larger than four inches shall be the actual cost thereof, as determined by the director of public works.

F. Sewer Service Charges.

1. Pursuant to Division 5, Part 3, Chapter 5, Article VII, commencing with Section 5040 of the Health and Safety Code of the state of California, the city council fixes and establishes the following wastewater service or rate charges, such service or rate charges to be as follows until amended by appropriate ordinance: the purpose of the sewer service charge being to provide necessary revenue to operate the sewage system and to finance the improvements to the system, through the retirement of bonds issued in connection therewith:

Said sewer service charges shall be as established pursuant to Section 13.28.030 of the Live Oak Municipal Code which is by this reference incorporated herein as though set forth at length herein.

The industrial user rates shall be as set forth in Section 13.32.475 (Ord.331 § 2, 1989; Ord. 320 § 2, 1988; Ord. 274 § 1, 1983; Ord, 249 § 806, 1979)

13.32.511 Adjustments In Rates For Sewer Service

Monthly rates for sewer service shall be adjusted from time to time by ordinance as necessary to provide in each year funds beyond all reasonable doubt sufficient, together with other revenues from operation of the works for the payment of the proper and reasonable expenses of operation, repair, replacement and maintenance of the works and payment of the principal and interest on any bonds issued to finance construction or improvement of said works. (Ord. 331 § 6, 1989: Ord. 320 § 6, 1988)

13.32.515 Outside Sewers

Permission shall not be granted to connect any lot or parcel of land outside the city to any public sewer in or under the jurisdiction of the city unless a permit therefore is obtained. The applicant shall first enter into a contract in writing whereby he shall bind himself, his
heirs, successors and assigns to abide by all ordinances, rules and regulations in regard to the manner in which such sewer shall be used, the manner of connecting therewith, and the plumbing and drainage in connection therewith and also shall agree to pay all fees required for securing the permit and a monthly fee in the amount set by the city for the privilege of using such sewer. The granting of such permission for an outside sewer in any event shall be optional with the city council. (Ord. 249 § 807, 1979)

13.32.520 Special Outside Agreements
Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the city. (Ord, 249 § 808, 1979)

13.32.525 Liability
The city or any employee charged with the enforcement of this chapter, acting in good faith and without malice for the city in the discharge of his duties, shall not thereby render himself liable personally and he is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the city or employees because of such act or omission performed by him in the enforcement of any provisions of this chapter, shall be defended by the city until final termination of the proceedings. (Ord. 249 § 809, 1979)

ARTICLE VIII, ENFORCEMENT

13.32.530 Violation
Any person found to be violating any provision of this chapter, including the failure to pay any fees or surcharges imposed in this chapter, or any condition or limitation of a permit or plan approval issued pursuant thereto, shall be served by the director or other authorized person with written notice as set forth in this chapter stating the nature of the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the city. Upon being notified by the director of any defect arising in any sewer or of any violation of this chapter, the person or persons having charge of said work shall immediately correct the same. (Ord. 249 § 901, 1979)

13.32.535 Public Nuisance—Declaration
Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulations of the city is declared to be a public nuisance. The city may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation. (Ord. 249 § 902, 1979)

13.32.540 Disconnection
As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the city, the director shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the city. Upon disconnection from and reconnection to the system, any such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The
director shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. (Ord. 249 § 903, 1979)

13.32.545 Public Nuisance—Abatement

During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the city shall cause proceedings to be brought for the abatement for the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the city a reasonable attorney’s fee and cost of suit arising in said action. (Ord. 249 § 904, 1979)

13.32.550 Repair And Replacement Of Defective Sewer Materials By City

As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the city, the director shall have the power to act according to California Health and Safety Code, Section 5463. As provided therein, if an owner has clearly refused to repair or replace defective sewer laterals after notice thereof, then the city may repair or replace, utilize the mechanic’s lien procedures or assess the owner’s tax bill, all as provided for in Health and Safety Code, Section 5463. The use of any of the enumerated enforcement procedures shall be discretionary with the director. (Ord. 296 § 2, 1986; Ord 249 § 905, 1979)

13.32.555 Means Of Enforcement Only

The city declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty. (Ord. 296 § 1(part), 1986; Ord. 249 § 906, 1979)

13.32.560 Penalty For Violation And Civil Liability

Every person violating any provision of this chapter, including the failure to pay any fees, charges or surcharges imposed in this chapter, or any condition or limitation of a permit or plan approval issued pursuant thereto, is guilty of a misdemeanor, and upon conviction is punishable by a fine not to exceed one hundred dollars, imprisonment not to exceed thirty days, or both. Each day during which any violation continues shall constitute a separate offense punishable as provided above.

Any person, who intentionally or negligently violates any provision of this chapter pertaining to the subject matter of either subsections A or B below of any condition or limitation of a permit of plan approval related thereto shall be civilly liable to the city in a sum not to exceed six thousand dollars for each day in which such violation occurs:

A. The pretreatment of any industrial wastewater which would otherwise be detrimental to the treatment works or its proper and efficient operation and maintenance;

B. The prevention of the entry of such wastewater into the collecting system and treatment works. (Ord. 296 § l(part), 1986; Ord. 249 § 907, 1979)

13.32.565 Validity

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provisions to other
persons or circumstances shall not be affected thereby. (Ord. 296 § 1(part), 1986; Ord, 249 § 908, 1979)

13.32.570  Notice

The director shall notify any person found to be in violation of this chapter or of any limitation or requirement of a permit issued hereunder before the director takes any action to implement Section 13.32.560 and the director shall take no such action until the elapse of ten days from the date notice is given. Unless otherwise provided in this chapter, any notice required to be given under this chapter shall be in writing and served on the person of by registered or certified mail. If served by mail, the notice shall be sent to the last address known to the director. Where the address is unknown, service may be made upon the owner of record of the property involved.

Notice shall be deemed to have been given at the time of deposit postage prepaid, in a facility regularly serviced by the United States Postal Service. (Ord. 296 § 1(part), 1986; Ord. 249 § 909, 1979)

13.32.575  Time Limits

Any time limit provided in any written notice of in any provision of this chapter may be extended only by written directive of the director. (Ord. 296 § 1(part), 1986; Ord, 249 § 910, 1979)
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13.34.010  Purpose And Policy

This chapter sets forth uniform requirements for industrial users of the Publicly Owned Treatment Works for the City of Live Oak and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 ci seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this chapter are:

A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

C. To protect both Publicly Owned Treatment Works personnel who may be affected by industrial wastewater and sludge in the course of their employment and the general public;

D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

F. To enable the City of Live Oak to comply with its Waste Discharge Permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This chapter shall apply to all industrial users of the Publicly Owned Treatment Works. This chapter authorizes the issuance of industrial wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

13.34.020  Administration

Except as otherwise provided herein, the Director of Public Works shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director of Public Works to other City personnel.
13.34.030  Abbreviations

The following abbreviations, when used in this chapter, shall have the designated meanings:

- BOD-Biochemical Oxygen Demand
- CFR-Code of Federal Regulations
- COD-Chemical Oxygen Demand
- EPA-U.S. Environmental Protection Agency
- gpd-gallons per day
- mg/l-milligrams per liter
- NPDES-National Pollutant Discharge Elimination System
- POTW-Publicly Owned Treatment Works
- RCRA-Resource Conservation and Recovery Act
- SIC-Standard Industrial Classification
- TSS-Total Suspended Solids
- U.S.C.-United States Code

13.34.040  Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

A. Act or “The Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

B. Approval Authority. The California Regional Water Quality Control Board.

C. Authorized Representative of the User.

1. If the user is a corporation:
   
   a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
   
   b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

3. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
(4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Live Oak.

D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20E centigrade, usually expressed as a concentration (e.g., mg/l).

E. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

F. City. The City of Live Oak or the City Council of the City of Live Oak.

G. Director of Public Works. The person designated by the City of Live Oak to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

H. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

I. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

J. Grab Sample. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes;

K. Industrial Discharge or Industrial Wastewater Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

L. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

M. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City’s Waste Discharge Requirements or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste
Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

N. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

O. New Source

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or industrial wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 13.34.010 (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

P. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
Q. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City’s Waste Discharge permit, including an increase in the magnitude or duration of a violation.

R. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

S. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

T. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of industrial wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

U. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in industrial wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

V. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

W. Pretreatment Standards or Standards Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

X. Prohibited. Discharge Standards or Prohibited Discharges Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 13.34.050 of this chapter.

Y. Publicly Owned Treatment Works or POTW. A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. § 1251 et seq) which is owned by the City of Live Oak. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey industrial wastewater to a treatment plant.

Z. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

AA. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

BB. Significant Industrial User.

(1) A user subject to categorical pretreatment standards; or

(2) A user that:
(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City of Live Oak on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the City of Live Oak may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

CC. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards of this chapter.


EE. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

FF. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

GG. User or Industrial User. A source of non-domestic wastewater discharge.

HH. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

II. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

13.34.050 General Sewer Use Requirements -- Prohibited Discharges

A. General Prohibitions. No non-domestic user shall introduce or cause to be introduced into the POTW any pollutant or industrial wastewater which causes pass through or interference. These general prohibitions apply to all non-domestic users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or industrial wastewater:
(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140EF (60EC) using the test methods specified in 40 CFR 261.21;

(2) Industrial wastewater having a pH less than 6.0 or more than 8.5, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one and one-half inches (1.5") in any dimension;

(4) Pollutants, including oxygen-demanding pollutants (BOD 300 mg/l, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Industrial wastewater having a temperature greater than 150EF, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case industrial wastewater which causes the temperature at the introduction into the treatment plant to exceed 104EF;

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by the Director of Public Works in accordance with this chapter;

(9) Noxious or malodorous liquids, gases, solids, or other industrial wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Industrial wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant’s effluent, thereby violating the City’s Waste Discharge permit;

(11) Industrial wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director of Public Works;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Director of Public Works in an industrial wastewater discharge permit;

(15) Industrial wastewater causing, alone or in conjunction with other sources, the treatment plant’s treated wastewater to fail a toxicity test;
(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;

(18) Total Suspended Solids concentrations greater than 200 mg/l.

(19) Specific Conductivity greater than 200 micromhos/cm above source water levels.

(20) Industrial wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.

Pollutants, substances, or industrial wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

13.34.060 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in industrial wastewater, the Director of Public Works may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

B. When industrial wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Public Works shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

13.34.070 Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge industrial wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Limit</th>
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<tbody>
<tr>
<td>Arsenic</td>
<td>1.0 mg/l</td>
</tr>
<tr>
<td>Benzene</td>
<td>0.0 mg/l</td>
</tr>
<tr>
<td>Beryllium</td>
<td>0.75 mg/l</td>
</tr>
<tr>
<td>BOD₅</td>
<td>300. mg/l</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.7 mg/l</td>
</tr>
<tr>
<td>Chromium, Total</td>
<td>1.0 mg/l</td>
</tr>
</tbody>
</table>
Copper 2.7 mg/l  
Cyanides 0.5 mg/l  
Lead 0.4 mg/l  
Mercury 0.01 mg/l  
Nickel 2.6 mg/l  
Phenols, Total 30.0 mg/l  
Oil & Grease 100. mg/l  
Selenium 2.0 mg/l  
Silver 0.7 mg/l  
Suspended Solids 200. mg/l  
Zinc 2.6 mg/l  

The above limits apply at the point where the industrial wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Director of Public Works may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

13.34.080 City’s Right of Revision

The City of Live Oak reserves the right to establish, by ordinance or in industrial wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

13.34.090 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director of Public Works may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

13.34.100 Pretreatment Facilities

Users shall provide industrial wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 13.34.050 within the time limitations specified by EPA, the State, or the Director of Public Works, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director of Public Works for review, and shall be acceptable to the Director of Public Works before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City of Live Oak under the provisions of this chapter.

13.34.110 Additional Pretreatment Measures
A. Whenever deemed necessary, the Director of Public Works may require users to restrict their discharge during peak flow periods, designate that certain industrial wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the users compliance with the requirements of this chapter.

B. The Director of Public Works may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An industrial wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director of Public Works, they are necessary for the proper handling of industrial wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director of Public Works and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

13.34.120 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Director of Public Works shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Director of Public Works may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Director of Public Works may develop such a plan for any user. An accidental discharge/ slug control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the Director of Public Works of any accidental or slug discharge, as required by Section 13.34.330 of this chapter; and

D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

13.34.130 Hauled Wastewater

A. Septic tank waste may be introduced into the POTW only at locations designated by the Director of Public Works, and at such times as are established by the Director of Public Works. Such waste shall not violate Section 13.34.050 of this chapter or any other requirements established by the City of Live Oak. The Director of Public Works may require septic tank waste haulers to obtain industrial wastewater discharge permits.
B. The Director of Public Works shall require haulers of industrial waste to obtain industrial wastewater discharge permits. The Director of Public Works may require generators of hauled industrial waste to obtain industrial wastewater discharge permits. The Director of Public Works also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

C. Industrial waste haulers may discharge loads only at locations designated by the Director of Public Works. No load may be discharged without prior consent of the Director of Public Works. The Director of Public Works may collect samples of each hauled load to ensure compliance with applicable standards. The Director of Public Works may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

13.34.140 Industrial Wastewater Discharge Permit Application

A. Wastewater Analysis

When requested by the Director of Public Works, a user must submit information on the nature and characteristics of its industrial wastewater within ten (10) days of the request. The Director of Public Works is authorized to prepare a form for this purpose and may periodically require users to update this information.

B. Industrial Wastewater Discharge Permit Requirement

1. No significant industrial user shall discharge industrial wastewater into the POTW without first obtaining an industrial wastewater discharge permit from the Director of Public Works, except that a significant industrial user that has filed a timely application pursuant to Section 13.34.150 of this chapter may continue to discharge for the time period specified therein.

2. The Director of Public Works may require other users to obtain industrial wastewater discharge permits as necessary to carry out the purposes of this chapter.

3. Any violation of the terms and conditions of an industrial wastewater discharge permit shall be deemed a violation of this chapter and subjects the industrial wastewater discharge permittee to the sanctions set out in Sections 13.34.450 - 13.34.620 of this chapter. Obtaining an industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

13.34.150 Industrial Wastewater Discharge Permitting—Existing Connections

Any user required to obtain an industrial wastewater discharge permit who was discharging industrial wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Director of Public Works for an industrial wastewater
discharge permit in accordance with Section 13.34.210 of this chapter, and shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this chapter except in accordance with an industrial wastewater discharge permit issued by the Director of Public Works.

13.34.160 Industrial Wastewater Discharge Permitting—New Connections

Any user required to obtain an industrial wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this industrial wastewater discharge permit, in accordance with Section 13.34.210 of this chapter, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

13.34.170 Industrial Wastewater Discharge Permit Application Contents

All users required to obtain an industrial wastewater discharge permit must submit a permit application. The Director of Public Works may require all users to submit as part of an application the following information:

A. All information required by Section 13.34.280 (B) of this chapter;

B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

C. Number and type of employees, hours of operation, and proposed or actual hours of operation;

D. Each product produced by type, amount, process or processes, and rate of production;

E. Type and amount of raw materials processed (average and maximum per day);

F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

G. Time and duration of discharges; and

H. Any other information as may be deemed necessary by the Director of Public Works to evaluate the industrial wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

13.34.180 Application Signatories and Certification

All industrial wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted, Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for
gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

13.34.190 Industrial Wastewater Discharge Permit Decisions

The Director of Public Works will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete industrial wastewater discharge permit application, the Director of Public Works will determine whether or not to issue an industrial wastewater discharge permit. The Director of Public Works may deny any application for an industrial wastewater discharge permit.

13.34.200 Industrial Wastewater Discharge Permit Duration

An industrial wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An industrial wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director of Public Works. Each industrial wastewater discharge permit will indicate a specific date upon which it will expire.

13.34.210 Industrial Wastewater Discharge Permit Contents

An industrial wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director of Public Works to prevent pass through or interference, protect the quality of the groundwater receiving the treatment plant’s effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Industrial wastewater discharge permits must contain:

(1) A statement that indicates industrial wastewater discharge permit duration, which in no event shall exceed five (5) years;

(2) A statement that the industrial wastewater discharge permit is nontransferable without prior notification to the City of Live Oak in accordance with Section 13.34.240 of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing industrial wastewater discharge permit;

(3) Effluent limits based on applicable pretreatment standards;

(4) Self monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

B. Industrial wastewater discharge permits may contain, but need not be limited to, the following conditions:
(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of user charges and fees for the management of the industrial wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(7) A statement that compliance with the industrial wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the industrial wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the Director of Public Works to ensure compliance with this chapter, and State and Federal laws, rules, and regulations.

13.34.220 Industrial Wastewater Discharge Permit Appeals

The Director of Public Works shall provide public notice of the issuance of an industrial wastewater discharge permit. Any person, including the user, may petition the Director of Public Works to reconsider the terms of an industrial wastewater discharge permit within ten (10) days of notice of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing party must indicate the industrial wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the industrial wastewater discharge permit.

C. The effectiveness of the industrial wastewater discharge permit shall not be stayed pending the appeal.

D. If the Director of Public Works fails to act within twenty (20) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an industrial wastewater discharge permit, not to issue an industrial wastewater discharge permit, or not to modify an industrial wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

E. Aggrieved parties seeking judicial review of the final administrative industrial wastewater discharge permit decision must do so by filing a complaint with the Sutter County Superior Court within 90 days of the decision.
13.34.230  Industrial Wastewater Discharge Permit Modification

The Director of Public Works may modify an industrial wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
B. To address significant alterations or additions to the user’s operation, processes, or industrial wastewater volume or character since the time of industrial wastewater discharge permit issuance;
C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
D. Information indicating that the permitted discharge poses a threat to the City’s POTW, City personnel, or the groundwater;
E. Violation of any terms or conditions of the industrial wastewater discharge permit;
F. Misrepresentations or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application or in any required reporting;
G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
H. To correct typographical or other errors in the industrial wastewater discharge permit; or
I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

13.34.240  Industrial Wastewater Discharge Permit Transfer

Industrial wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director of Public Works and the Director of Public Works approves the industrial wastewater discharge permit transfer. The notice to the Director of Public Works must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility’s operations and processes;
B. Identifies the specific date on which the transfer is to occur; and
C. Acknowledges full responsibility for complying with the existing industrial wastewater discharge permit.

Failure to provide advance notice of a transfer renders the industrial wastewater discharge permit void as of the date of facility transfer.

13.34.250  Industrial Wastewater Discharge Permit Revocation

The Director of Public Works may revoke an industrial wastewater discharge permit for good cause, including, but not limited to, any of the following reasons:

A. Failure to notify the Director of Public Works of significant changes to the industrial wastewater prior to the changed discharge;
B. Failure to provide prior notification to the Director of Public Works of changed conditions pursuant to Section 13.34.320 of this chapter;

C. Misrepresentation or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application;

D. Falsifying self-monitoring reports;

E. Tampering with monitoring equipment;

F. Refusing to allow the Director of Public Works timely access to the facility premises and records;

G. Failure to meet effluent limitations;

H. Failure to pay fines;

I. Failure to pay sewer charges;

J. Failure to meet compliance schedules;

K. Failure to complete an industrial wastewater survey or the industrial wastewater discharge permit application;

L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

M. Violation of any pretreatment standard or requirement, or any terms of the industrial wastewater discharge permit or this chapter.

Industrial wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All industrial wastewater discharge permits issued to a particular user are void upon the issuance of a new industrial wastewater discharge permit to that user.

13.34.260 Industrial Wastewater Discharge Permit Reissuance

A user with an expiring industrial wastewater discharge permit shall apply for industrial wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 13.34.170 of this chapter, a minimum of thirty (30) days prior to the expiration of the user’s existing industrial wastewater discharge permit.

13.34.270 Regulation of Waste Received from Other Jurisdictions

A. If another municipality, or user located within another municipality, contributes industrial wastewater to the POTW, the Director of Public Works shall enter into an intermunicipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by paragraph A, above, the Director of Public Works shall request the following information from the contributing municipality:

(1) A description of the quality and volume of industrial wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the Director of Public Works may deem necessary.
C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits which are at least as stringent as those set out in Section 13.34.070 of this chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City’s ordinance or local limits;

(2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including industrial wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director of Public Works; and which of these activities will be conducted jointly by the contributing municipality and the Director of Public Works;

(4) A requirement for the contributing municipality to provide the Director of Public Works with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality’s industrial wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality’s discharge;

(7) A provision ensuring the Director of Public Works access to the facilities of users located within the contributing municipality’s jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director of Public Works; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

13.34.280  Baseline Monitoring Reports

A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Public Works a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director of Public Works a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of Pollutants.

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director of Public Works, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 13.34.370 of this chapter.

(c) Sampling must be performed in accordance with procedures set out in Section 13.34.380 of this chapter.

(6) Certification. A statement, reviewed by the user’s authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 13.34.290 of this chapter.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 13.34.180 of this chapter.

13.34.290 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 13.34.280 (B)(7) of this chapter:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing
preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The user shall submit a progress report to the Director of Public Works no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Director of Public Works.

13.34.300 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of industrial wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Director of Public Works a report containing the information described in Section 13.34.280 (B)(4-6) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user’s long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the users actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 13.34.180 of this chapter.

13.34.310 Periodic Compliance Reports

A. All significant industrial users shall, at a frequency determined by the Director of Public Works but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 13.34.180 of this chapter.

B. All industrial wastewater samples must be representative of the user discharge. Industrial wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director of Public Works, using the procedures prescribed in Section 13.34.380 of this chapter, the results of this monitoring shall be included in the report.

13.34.320 Reports of Changed Conditions
Each user must notify the Director of Public Works of any planned significant changes to the users operations or system which might alter the nature, quality, or volume of its industrial wastewater at least ten (10) days before the change.

A. The Director of Public Works may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an industrial wastewater discharge permit application under Section 13.34.170 of this chapter.

B. The Director of Public Works may issue an industrial wastewater discharge permit under Section 13.34.190 of this chapter or modify an existing industrial wastewater discharge permit under Section 13.34.230 of this chapter in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

13.34.330 Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non routine, episodic nature, a non customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director of Public Works of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five (5) days following such discharge, the user shall, unless waived by the Director of Public Works, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

C. A notice shall be permanently posted on the user’s bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

13.34.340 Reports from Unpermitted Users

All users not required to obtain an industrial wastewater discharge permit shall provide appropriate reports to the Director of Public Works as the Director of Public Works may require.

13.34.350 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Director of Public Works within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director of Public Works within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Director of Public Works monitors at
the user’s facility at least once a month, or if the Director of Public Works samples between the user’s initial sampling and when the user receives the results of this sampling.

13.34.360 Discharge of Hazardous Waste Prohibited

No hazardous waste shall be discharged to the Live Oak POTW in amounts that cause problems or adverse impacts.

13.34.370 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of an industrial wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

13.34.380 Sample Collection

A. Except as indicated in Section B, below, the user must collect industrial wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director of Public Works may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

13.34.390 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

13.34.400 Record Keeping

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City of Live Oak, or where the user has been specifically notified of a longer retention period by the Director of Public Works.

13.34.410 Right of Entry: Inspection and Sampling
The Director of Public Works shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any industrial wastewater discharge permit or order issued hereunder. Users shall allow the Director of Public Works ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Public Works will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Director of Public Works shall have the right to set up on the user’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user’s operations.

C. The Director of Public Works may require the user to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure industrial wastewater flow and quality shall be calibrated at least annually to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director of Public Works and shall not be replaced. The costs of clearing such access shall be born by the user.

E. Unreasonable delays in allowing the Director of Public Works access to the user’s premises shall be a violation of this chapter.

13.34.420 Search Warrants

If the Director of Public Works has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City of Live Oak designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director of Public Works may seek issuance of a search warrant from a court of appropriate jurisdiction.

13.34.430 Confidential Information

Information and data on a user obtained from reports, surveys, industrial wastewater discharge permit applications, industrial wastewater discharge permits, and monitoring programs, and from the Director of Public Work’s inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director of Public Works, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When
requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Industrial wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

13.34.440 Publication Of Users In Significant Noncompliance

The Director of Public Works shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

A. Chronic violations of industrial wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of industrial wastewater measurements taken during a six- (6-)month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of industrial wastewater measurements taken for each pollutant parameter during a six- (6-)month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other discharge violation that the Director of Public Works believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director of Public Work’s exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s) which the Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

13.34.450 Notification of Violation
When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may serve upon that user a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director of Public Works. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director of Public Works to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

13.34.460  Consent Orders

The Director of Public Works may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 13.34.480 and 13.34.490 of this chapter and shall be judicially enforceable.

13.34.470  Show Cause Hearing

The Director of Public Works may order a user which has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director of Public Works and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

13.34.480  Compliance Orders

When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing
violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.34.490  Cease and Desist Orders

When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user’s past violations are likely to recur, the Director of Public Works may issue an order to the user directing it to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.34.500  Administrative Fines

A. When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may fine such user in an amount not to exceed $1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of 25 percent (25%) of the unpaid balance, and interest shall accrue thereafter at a rate of 0.83 percent (0.83%) per month. A lien against the user’s property will be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the Director of Public Works to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Director of Public Works may convene a hearing on the matter. In the event the user’s appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Director of Public Works may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.34.510  Emergency Suspensions

The Director of Public Works may immediately suspend a user’s discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director of Public Works may also immediately suspend a user’s discharge, after notice and opportunity to
respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user’s failure to immediately comply voluntarily with the suspension order, the Director of Public Works may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, groundwater, or endangerment to any individuals. The Director of Public Works may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director of Public Works that the period of endangerment has passed, unless the termination proceedings in Section 13.34.520 of this chapter are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director of Public Works prior to the date of any show cause or termination hearing under Sections 13.34.470 or 13.34.520 of this chapter.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

13.34.520 Termination of Discharge

In addition to the provisions in Section 13.34.250 of this chapter, any user who violates the following conditions is subject to discharge termination:

A. Violation of industrial wastewater discharge permit conditions;

B. Failure to accurately report the industrial wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or industrial wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the user’s premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the pretreatment standards in Sections 13.34.050 - 13.34.090 of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 13.34.470 of this chapter why the proposed action should not be taken. Exercise of this option by the Director of Public Works shall not be a bar to, or a prerequisite for, taking any other action against the user.

13.34.530 Injunctive Relief

When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may petition a court of appropriate jurisdiction through the City’s Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restraints or compels the specific performance of the industrial wastewater discharge permit, order, or
other requirement imposed by this chapter on activities of the user. The Director of Public Works may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

13.34.540   Civil Penalties

A. A user who has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City of Live Oak for a maximum civil penalty of $1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The Director of Public Works may recover reasonable attorneys’ fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Live Oak.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the users violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

13.34.550   Criminal Prosecution

A. A user who willfully or negligently violates any provision of this chapter, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000 per violation, per day, or imprisonment for not more than six (6) months, or both.

B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least $1,000, or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, industrial wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than $1,000 per violation, per day, or imprisonment for not more than six (6) months, or both.

D. In the event of a second conviction, a user shall be punished by a fine of not more than $1,000 per violation, per day, or imprisonment for not more than one (1) year, or both.
13.34.560 Remedies Nonexclusive
The remedies provided for in this chapter are not exclusive. The Director of Public Works may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City’s enforcement response plan. However, the Director of Public Works may take other action against any user when the circumstances warrant. Further, the Director of Public Works is empowered to take more than one enforcement action against any noncompliant user.

13.34.570 Performance Bonds
The Director of Public Works may decline to issue or reissue an industrial wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City of Live Oak, in a sum not to exceed a value determined by the Director of Public Works to be necessary to achieve consistent compliance.

13.34.580 Liability Insurance
The Director of Public Works may decline to issue or reissue an industrial wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

13.34.590 Water Supply Severance
Whenever a user has violated or continues to violate any provision of this chapter, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user’s expense, after it has satisfactorily demonstrated its ability to comply.

13.34.600 Public Nuisances
A violation of any provision of this chapter, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and may be connected or abated as directed by the Director of Public Works. Any person(s) creating a public nuisance shall be subject to the provisions of the Live Oak Municipal Code Chapter 8.10 (Section 8.10.060-8.10.090 inclusive), governing the abatement of nuisances.

13.34.610 Contractor Listing
Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City of Live Oak. Existing contracts for the sale of goods or services to the City of Live Oak held by a user found to be in significant noncompliance with
pretreatment standards or requirements may be terminated at the discretion of the Director of Public Works.

13.34.620  Upset

A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the Director of Public Works within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.34.630  Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 13.34.050 (A) of this chapter or the specific prohibitions in Section 13.34.050 (B)(3) through (B)(20) of this chapter if it
can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user’s prior discharge when the City of Live Oak was regularly in compliance with its Waste Discharge Requirements, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.34.640 Bypass

A. For the purposes of this section,

(1) “Bypass” means the intentional diversion of waste streams from any portion of a user’s treatment facility.

(2) “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

C. (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director of Public Works, at least ten (10) days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the Director of Public Works of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director of Public Works may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. (1) Bypass is prohibited, and the Director of Public Works may take an enforcement action against a user for a bypass, unless

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods.
of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under paragraph (C) of this section.

(2) The Director of Public Works may approve an anticipated bypass, after considering its adverse effects, if the Director of Public Works determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

13.34.650  Industrial Wastewater Charges and Fees

The City of Live Oak may adopt reasonable fees for reimbursement of costs of setting up and operating the City’s Industrial Wastewater Program which may include:

A. Fees for industrial wastewater discharge permit applications including the cost of processing such applications;

B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user’s discharge, and reviewing monitoring reports submitted by users;

C. Fees for reviewing and responding to accidental discharge procedures and construction;

D. Fees for filing appeals; and

E. Other fees as the City of Live Oak may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the City of Live Oak.

13.34.660  Severability

If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

13.34.670  Effective Date

This chapter shall be in full force and effect immediately following its passage, approval, and publication, as provided by law. (Ord. 461, 2002)
Chapter 13.36 - DRAINAGE IMPROVEMENT FACILITIES

Sections:

13.36.010 Declaration
The city council of the city finds and declares that new building and improvement projects greatly heighten and increase stormwater runoff; that there is certain flooding and the potential for flooding in certain areas of the city; and that in the best interests of the citizens of the city and to promote and protect the health and welfare of the residents
of the city it is necessary for persons who carry out such projects within those areas to pay a reasonable fee to control and prevent such flooding. (Ord. 263 § 1, 1981)

13.36.020  Applicable Areas

The area to which this chapter shall apply is the entire corporate limits of the city. (Ord. 263 § 2, 1981)

13.36.030  Definitions

For the purposes of this chapter, the following meaning shall apply whenever the following terms are used:

A. “Net area” includes the land surface areas of each parcel including public roads and road right-of-way existing prior to city approval of development which will continue in use after approval of the project. Net area includes public utility easements, drainage easements and other undefined easements.

B. “Oversizing” is defined as drainage improvements dedicated to the public and constructed by a subdivider, or developer, for the benefit of the subdivision or development which contain supplemental size, capacity or number for the benefit of property not within the subdivision or development.

C. “Stormwater collectors” or “collectors” means a system of pipelines used to carry stormwater obtained from several different sources to a common point, being not smaller than fifteen inches in diameter.

D. “Trunk drainage lines and facilities” means the principal main drainage pipelines and facilities to which one or more branch storm-water collecting systems are tributary. (Ord. 263 § 3, 1981)

13.36.040  Fees Established

There is established the following schedule of fees reflected on Exhibit A set out at the end of this chapter to be collected upon the construction of new buildings and improvements within the above described area of the city. Such fees shall be used to pay for: the development of drainage plans; the cost of oversizing main drainage lines and collectors within subdivisions where internal and external drainage is paid for by developers; the improvement of existing drainage facilities; and the construction of trunk and collector drainage facilities, as defined in this chapter. Fees will be used to finance trunk and collector drainage facilities which serve buildings, improvements (including but not limited to paving) or structures which, as determined by the city, impair perviousness of the surface of the land or speed the concentration of stormwaters. The fees provided for by this chapter shall be set forth by resolution of the city council which may be amended from time to time by an appropriate amending resolution. (Ord. 263 § 4, 1981)

13.36.050  Fees—Residential

For any residential structure, residential subdivisions or parcel maps, whether for single-family or multiple-family use, and any structures or improvements appurtenant thereto, the fee shall be per dwelling unit. Such rate shall not exceed the amount per acre for the net area of the site set forth by resolution. (Ord. 263 § 5, 1981)
13.36.060 Fees—Parks, Auto Wrecking Yards
For parks and auto wrecking yards, the fees shall be per acre, for the net area of the site not covered by impervious surface, plus the amount per acre for the area of the site covered by impervious surfaces, as set forth by resolution. (Ord. 263 § 6, 1981)

13.36.070 Fees—Commercial
For commercial or industrial buildings, commercial or industrial subdivisions, and all other land uses not otherwise provided for in this chapter, or improvements appurtenant thereto, the fee shall be per acre for the net area of the site, as set forth by resolution. When only a portion of a site is being developed, the city may, by written agreement with the property owner, defer that portion of the fees due on the undeveloped portion of the site; provided, however, that the fees due and payable shall not be less than the cost of any new trunk facilities required to be constructed pursuant to the city standards. This subsection shall not operate to increase the total fees due for the entire site. (Ord. 263 § 7, 1981)

13.36.080 Fees—Agricultural use
No fee shall be collected for agricultural uses on parcels of property. The city shall determine whether a parcel or portion of a parcel is used in accordance with this section. (Ord. 263 § 8, 1981)

13.36.090 Fees—Additions
For additions to existing buildings, structures, pavements, or other improvements that were in existence prior to the effective date of the ordinance codified in this chapter, the fee shall be the amount set forth by resolution per square foot for additional impervious surfaces and required setback and planter areas for the addition as determined by the zoning ordinance of the city but shall not exceed the fee computed for the net area of the site pursuant to Sections 13.36.010 through 13.36.080 except that no fee shall be required for additions to existing detached single-family dwellings and/or accessory buildings. (Ord. 263 § 9, 1981)

13.36.100 Fees—Change In Use
Whenever a change in the use of a parcel of land occurs, which would require a drainage fee greater than the fee which was required for the prior use, the fee shall be computed at the rate required in this chapter for the new use, less the amount of any drainage fees which, have been paid for said parcel of land. In the event such fee previously paid exceeds the fee required for the proposed uses, no refund of the difference shall be made. The provisions of this section shall not apply to use of a parcel of land existing on the effective date of the ordinance codified in this chapter. (Ord. 263 § 10, 1981)

13.36.110 Payment Of Fees
Unless otherwise provided in this chapter, the fees required by this chapter will be due and payable at the time a building permit is issued, or improvement plans for the construction of street or subdivision improvements are approved by the city or improvements are constructed which as determined by the city, impair the perviousness of the surface of the land, except, however, when frontage improvements in public right-of-way are placed at the option of the owner and not as a requirement of the city, then the
city may defer such fees until improvements impairing the perviousness of the surface are constructed. (Ord. 263 § 11, 1981)

13.36.120  Record Of Fees Paid

The city shall keep accurate records concerning the collection of fees under this chapter. Such records shall set forth the amount of fees paid as to each parcel of land, building, or improvement to which the fees apply. (Ord. 263 § 12, 1981)

13.36.130  Rounding Of Fees

All fees and credits as defined in this chapter shall be rounded to the nearest dollar. (Ord. 263 § 13, 1981)

13.36.140  Reimbursement Agreement

A. Whenever trunk and collector drainage facilities are constructed by a developer or subdivider pursuant to plans approved by the city, and the cost thereof as determined by this chapter exceeds the amount of the fee remaining after deduction of the credits authorized in this chapter, a reimbursement shall be made for the amount in excess of the required fee pursuant to a written reimbursement agreement, provided such installation is not financed by an assessment district. The written agreement shall be completed prior to the final approval of a subdivision improvement plan, or construction of the drainage facilities where no subdivision map is to be filed, with the party designated in writing by the property owner or developer’s engineer; or with whomever such party may designate in writing. The agreement shall set forth the terms, conditions, amounts and time of reimbursement, on forms approved by the city. Each such agreement must be approved by the city council of the city, but shall not become effective prior to such drainage installation having been accepted by the city for maintenance. No reimbursement agreement shall be entered into for a period longer than five years from the date the drainage facilities were accepted by the city for maintenance.

B. The city may fulfill without penalty any reimbursement agreement within less than the specified time. Interest shall be computed at the rate of seven percent per year on the unpaid balance from the date such construction is accepted by the city for maintenance until the date of reimbursement. No interest will be paid on reimbursements paid within sixty days of acceptance by the city. (Ord. 263 § 14, 1981)

13.36.150  Assessment District Reimbursement

Where the installation of the trunk and collector drainage facilities is financed by an assessment district, and where the developer deposits cash into a special deposit trust fund established for such assessment district, the amount that the cost of oversizing of the required facilities exceeds the drainage fees due each developer, may be reimbursed pursuant to a reimbursement agreement the amount expended in excess of such fees or the amount deposited whichever is the lesser. The costs eligible for reimbursement shall be computed pursuant to this chapter, (Ord. 263; § 15, 1981)

13.36.160  Assessment District—Previous Fees

In the event an assessment district is formed for the construction and financing of drainage facilities, and fees have been previously collected to finance such facilities within the assessment district by the city, the assessment which would be levied against
the property from which the fee was collected shall be reduced by the amount of such fee or fees; or, upon application in writing by the owner, and approval by the city, such fees may be refunded to the owner. (Ord. 263 § 16, 1981)

13.36.170  Fees—Special Districts

Special districts, including school districts, may pay any required fees in five equal annual payments, upon the following terms and conditions:

A. First payment is paid at the time the building permit is issued or site improvement plans are approved;

B. No new trunk facilities are required to immediately serve the property;

C. A written agreement is executed between the district and the city under which payment may be deferred as provided in this chapter. (Ord. 263 § 17, 1981)

13.36.180  Construction Of Replacements

Buildings or improvements which are to replace and are substantially equivalent to existing or destroyed buildings or improvements at the same location shall not be new buildings or improvements for the purposes of the imposition of fees established by Section 13.36.040. Any portions of buildings or improvements which are not substantially equivalent to existing or destroyed buildings or improvements at the same location will be deemed to be new buildings or improvements, and only those portions which exceed substantially equivalent buildings or improvements shall be subject to the fees established by Section 13.36.040. For the purposes of this section, “substantially equivalent” shall mean the same as “substantially equivalent” as set forth by California Revenue and Taxation Code §70(c) except that as used by this section, “substantially equivalent” shall also apply to buildings replaced for reasons other than misfortune or calamity. (Ord. 387 § 2, 1993: Ord. 263 § 18, 1981)

13.36.190  Credits

Credits for oversizing of trunk and collector facilities constructed by the developer must meet the following conditions:

A. The facilities have been actually constructed and conform to city standards and specifications that were in effect at the time the facilities were built.

B. The construction of the facilities was part of the improvements required by the city. (Ord. 263 § 19, 1981)

13.36.200  Credits—Apportionment

Credits for trunk and collector facilities shall be apportioned to that subdivision or parcels for which such facilities were approved at the time of construction, unless the developer of such subdivision or parcels applies to the city to have such credits reapportioned and the city agrees to reapportioning. The reapportionment of such credits must meet the following conditions:

A. The parcel or parcels on which credit is sought were contiguous holdings of an individual or firm at the time construction of such improvements was begun.
B. Only credits in excess of the amount of the drainage fee which would have been due on such subdivision or parcel and each subsequent unit thereof within such contiguous holding, may be apportioned to other contiguous parcels.

C. The parcel or parcels to which such credits are to be apportioned must be served by the facilities constructed with funds from which the credits were derived. (Ord. 263 § 20, 1981)

13.36.210  Credits—Conditions

Credits for trunk and collector facilities financed by assessment district must meet the following conditions:

A. Facilities must conform to standards and specifications in effect at the time of their installation.

B. The value of such facilities shall be determined by the city.

C. Credit will be allowed for a pro rata portion of those incidental expenses of the assessment district which would be ordinary expenses of constructing such facilities, and which are not incidental to and peculiar to an assessment proceeding. Such incidental expenses for which credit will not be allowed will include, but not be limited to, the following items: attorneys’ fees, assessment district description, preparation of assessment maps and assessment spreads, printing of bonds, and other city expenses.

D. Facilities were required by the city.

E. Distribution of the value of credits as determined in subsection B of this section is made on the same basis as the original assessments were levied. (Ord. 263 § 21, 1981)

13.36.220  Credit—Required Construction

Whenever the city requires construction of main drainage lines and collector drainage facilities, the cost of oversizing facilities may become a credit and may be deducted from the fees required by this chapter. (Ord. 263 § 22, 1981)

13.36.230  Determination Of Fee Payment

The drainage fee for any site shall be considered paid in full only when the full commercial rates in effect at the time of payment have been paid for the entire site. When a portion of the total fee due for a site has been paid pursuant to this chapter, that paid portion shall become a credit toward payment of the total fee. (Ord. 263 § 23, 1981)

13.36.240  Prior Approved Developments

The provisions of this chapter shall have no application and shall not apply to developments the subject of approved tentative subdivision maps and/or approved parcel maps prior to the effective date of the ordinance codified in this chapter nor shall the provisions of this chapter apply to development projects on which applications for building permits have been filed prior to the effective date of the ordinance codified in this chapter, it being the intention of the city council of the city in enacting the ordinance codified in this chapter, that the provisions thereof are prospective and shall not apply to any ongoing construction projects or developments in which appropriate approvals have been given by the city in terms of approved tentative map approvals or projects on which
appropriate applications are pending for the issuance of construction permits prior to the effective date of the ordinance codified in this chapter. (Ord. 263 § 24, 1981)

APPENDIX A

SCHEDULE OF FEES

1. Fees—Residential. For any residential structure, residential subdivisions or parcel maps, whether for single-family or multiple-family use, and any structures or improvements appurtenant thereto, the fee shall be five hundred dollars per dwelling unit; provided, however, that such rate shall not exceed two thousand five hundred dollars per acre.

2. Fees—Parks, auto wrecking yards. For parks and auto wrecking yards, the fees shall be five hundred dollars per acre, for the net area of the site not covered by impervious surface, plus two thousand five hundred dollars per acre for the area of the site covered by impervious surfaces.

3. Fees—For commercial or industrial buildings, commercial or industrial subdivisions, and all other land uses not otherwise provided for in this chapter, or improvements appurtenant thereto, the fee shall be three thousand dollars per acre for the net area of the site. When only a portion of a site is being developed, the city may, by written agreement with the property owner, defer that portion of the fees due on the undeveloped portion of the site; provided, however, that the fees due and payable shall not be less than the cost of any new trunk facilities required to be constructed pursuant to the city standards. This paragraph shall not operate to increase the total fees due for the entire site.

4. Fees—Agricultural uses. No fee shall be collected for agricultural uses on parcels of property. The city shall determine if parcels of property are used for agriculture.

5. Fees: Additions. For additions to existing buildings, structures, pavements, or other improvements that were in existence prior to the effective date of this chapter, the fee shall be eight cents per square foot for additional impervious surfaces and required setback and planter areas as determined by the zoning provisions of the city, but shall not exceed the fee computed for the net area of the site pursuant to Sections 1, 2, or 3 of this resolution except that no fee shall be required for additions to existing detached single-family dwellings.

6. Fees—Change in use. Whenever a change in the use of parcel of land occurs, which would require a drainage fee greater than the fee which was required for the prior use the fee shall be computed at the rate required herein for the new use, less the amount of any drainage fees which have been previously paid for the parcel of land. In the event such fee previously paid exceeds the fee required for the proposed uses, no refund of the difference shall be made. The provisions of this section shall not apply to a use of a parcel of land existing on the effective date of this chapter.

The foregoing drainage improvement fees as herein fixed and set forth shall be effective the 15th day of July, 1981, and shall constitute the fees and charges collected prior to the issuance of a building permit or improvement plan or plans for the construction of streets and subdivision improvements are approved by the city or improvements are constructed, which, as determined by the city, impair the imperviousness of the surface of the land; except, that when frontage improvements are placed at the option of the owner and are
not a requirement of the city, the fees may be deferred by the city until improvements impairing the perviousness of the surface are constructed.
14.01.010  Purpose
The Live Oak Neighborhood and Community Preservation Division provides professional code enforcement services with the goal of improving and stabilizing neighborhoods, protecting property values and helping to promote a healthy, safe environment.

Substandard structures and buildings are a very serious problem in the City of Live Oak, especially in older neighborhoods. The problems that stem as a result of blighted properties affect the entire community in many ways. For example, it is a well established fact that blighted conditions encourage crime and degrades the viability of a City. The Live Oak Neighborhood and Community Preservation Division is dedicated to working with the community to improve deteriorating properties and blighted conditions by placing a high priority on encouraging voluntary abatement by property owners of these types of problems and conditions.

14.01.020  Mission Statement
The Live Oak Neighborhood and Community Preservation Division will make every effort to assist the community during any stage of the Neighborhood and Community
Preservation Program process and acknowledge any effort made by the citizens of the City of Live Oak to keep the city beautiful and vital.

**14.01.030 Enforcement**

This chapter provides a supplemental method to enforce the 1997 Edition of “The Uniform Code for the Abatement of Dangerous Buildings” and the 1997 Edition of “The Uniform Housing Code”.

The City reserves any other enforcement method allowed by law.

**14.01.040 Property Maintenance/Dangerous Buildings Code Violations**

The City Inspector conducts an inspection of the property to determine whether or not a code violation(s) exists. If a Code violation(s) exists on the property the City Inspector will proceed to the noticing process.

If a code violation(s) does not exist on the property the investigation process is terminated.

**14.04.050 Notice and Order Process**

If a code violation(s) is present, the City Inspector will mail a certified legal notice to the legal property owner to request the code violation(s) be corrected; the notice process is as follows:

A. The first legal notice letter provides a 30-day period of time for the legal property owner to correct the violation(s). Additionally, the City Inspector will also make every attempt to contact the legal property owner by phone at this stage of the noticing process. At the end of this time period, the City Inspector will re-inspect the property to determine whether or not the code violation(s) has been corrected. If the code violation(s) has been corrected to the satisfaction of the City Inspector, the City Inspector will notify the legal property owner in writing indicating the case has been closed.

1. If the code violation(s) has not been corrected and the property owner has not requested an extension of time from the City Inspector, the City Inspector mails a second certified legal notice letter to the legal property owner.

B. The second legal notice letter provides a 10-day period of time for the legal property owner to correct the violation(s). The City Inspector will make every attempt to contact the property owner by phone at this stage of the noticing process. At the end of this time period the City Inspector will re-inspect the property to determine whether or not the code violation(s) has been corrected.

1. If the code violation has been corrected to the satisfaction of the inspector, the inspector will notify the legal property owner in writing indicating the case has been closed.

2. If the code violation has not been corrected and the property owner has not requested an extension of time from the inspector, the inspector mails a third and final certified legal notice letter to the legal property owner.
C. The third and final legal notice letter provides a 5-day period of time for the legal property owner to correct the violation(s). At the end of this period of time the City Inspector will re-inspect the property to determine if the code violation(s) has been corrected.

1. If the code violation has been corrected to the satisfaction of the inspector, the inspector will notify the legal property owner in writing indicating the case has been closed.

2. If the code violation has not been corrected and the legal property owner has not requested an extension from the City Inspector a “Notice and Order” will be issued by the Building Official.

D. Depending on the severity of the violation(s), the Building Official may dispense with any of the above notices and proceed immediately to the “Notice and Order” process OR take any other appropriate action.

14.01.060 Notice and Order Process

Important Note: There are certain resources available to assist the property owner, who qualifies, in correcting the property maintenance/Dangerous Building Codes violation(s). It is the property owner’s responsibility to contact the City Building Official before the 30-day time period expires to inform him that resource assistance is needed.

The Building Official will issue a “Notice and Order’ directed to the legal property owner of the building in accordance with Sect. 401 of the 1997 Edition of the “Uniform Code for the Abatement of Dangerous Buildings”. The notice and order will contain the following:

1. Street address and a legal description sufficient for identification of the premises upon which the building is located.

2. A brief and concise description of the deficiencies found to render the building dangerous under the provisions of Sec. 302 of the code referenced above.

3. A statement of the action required to be taken as determined by the Building Official.
   a. If the Building Official determines that the building or structure must be repaired, all required permits shall be secured and the work physically commenced within 30 days from the date of the notice and order and the work shall be completed within 60 days from the date of the notice and order.
   b. If the Building Official determines the building or structure must be vacated, the building or structure shall be vacated within 30 days from the date of the notice and order.
   c. If the Building Official determines that the building or structure must be demolished, all required permits shall be secured and the work physically commenced within 30 days from the date of the notice and order and the work completed within 60 days from the date of the notice and order.

14.01.070 Notice of Non-Compliance
When all measures for code violation compliance have been exhausted the City staff, as outlined above, and code violation(s) still exist the Building Official shall file a notice of non-compliance with the Sutter County Recorders Office. The cost to file a Notice of Non-Compliance will be charged to the property owner.

14.01.080  Release of Notice of Non-Compliance

When code violation(s) compliance has been achieved to the satisfaction of the City Inspector a release of the Notice of Non-Compliance will be granted to the property owner. The cost for the release of the Notice of Non-Compliance will be charged to the property.

14.01.090  Repealed (Ord. 519 §2, 2009)
14.01.100  Repealed (Ord. 519 §2, 2009)
14.01.110  Repealed (Ord. 519 §2, 2009)
14.01.120  Repealed (Ord. 519 §2, 2009)
14.01.130  Repealed (Ord. 519 §2, 2009)
14.01.140  Repealed (Ord. 519 §2, 2009)
14.01.150  Repealed (Ord. 519 §2, 2009)

Chapter 14.08 - NUISANCES

Sections:
14.08.010  Findings
14.08.020  Definitions
14.08.030  Declaration of Nuisance
14.08.040  Administration and Enforcement
14.08.050  Administrative Penalties
14.08.060  Right of Entry and Inspection
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14.08.080  Commencement of Nuisance Abatement
14.08.090  Fees Imposed
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14.08.110  Appeal
14.08.120  Appeal Hearing
14.08.130  Hearing Officer Decision
14.08.140  Summary Abatement
14.08.150  Recovery of Costs of Abatement
14.08.010 Findings

The City Council of the City of Live Oak finds and determines as follows:

a. The City wishes to encourage the maintenance of well-kept properties. The City recognizes that property values and the general welfare of the community are founded in large part on the appearance, maintenance and safety of properties.

b. The existence of property in a condition constituting a nuisance as defined in this chapter is injurious to the public health, safety and welfare of the residents of the City. Such conditions contribute substantially and increasingly to the necessity for excessive expenditures for protection against hazards, diminution of property values, and the preservation of the public health and safety.

c. Public nuisances are those affecting the entire community, neighborhood or a considerable number of people. Under California law, local governments have standing to intercede and to abate a public nuisance.

d. The existence of public nuisances of the type designated and the abatement of these public nuisances, is reasonably related to the proper exercise of the police power in protecting the health, safety and welfare of the public, and the exercise of that power by the city is authorized by the constitution of the state and applicable laws.

e. Unless uniform and expedient corrective measures are available to be undertaken to alleviate such conditions, the public health, safety and general welfare and the property values and social and economic standards of this community will be substantially depreciated. The abatement of such conditions will enhance the appearance and value of such properties and will improve the tax base of the city.

f. It is in the public interest to establish a cost recovery procedure so that the abatement of a public nuisance is at the expense of the person(s) creating, causing, committing or maintaining the nuisance.

g. It is the intent of the City Council of the City of Live Oak in adopting this chapter to provide a comprehensive method for the identification and abatement of certain public nuisances within the City.

h. The provisions of this chapter are supplementary and complementary to all of the provisions of the Live Oak Municipal Code, state law, and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the city to abate any and all nuisances. (Ord. 519 §1, 2009)

14.08.020 Definitions
As used in this chapter:

“Administrative costs” shall mean that segment of costs of abatement that includes staff time expended that was reasonably related to enforcement activities under this chapter. Administrative costs shall include, but not be limited to, site inspections and re-inspections, third party inspections, investigations, printing, research, preparation of summaries, reports, notices, and the time and expense of preparing for and attending meetings and/or hearings related abatement proceedings. The hourly rate for staff time shall be set by Resolution of the City Council and may be revised from time to time.

“Cost of Abatement” means the total cost incurred by the City in connection with a public nuisance including, but not limited to:

1. Any cost incurred in removing or remedying a public nuisance;

2. The notice and order, appeal and termination of fees for administrative services rendered by the City in connection with the inspection, notification, prosecution and abatement procedures authorized by this chapter;

   The notice and order, appeal and termination fees shall be in such amounts as are determined from time to time by resolution of the City Council.

   The notice and order, appeal and termination fees will be calculated based on services rendered by the city from the time of the initial complaint intake for the purpose of documenting a violation of this chapter until the violation is corrected.

   The notice and order, appeal and termination fees are not intended to be a penalty imposed for violation of this chapter or other laws.

3. Any cost incurred by the City in collecting the costs enumerated in subsections 1 and 2 of this definition, including administrative costs.

“Junk” means any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, metal, paper, plaster, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance, having no substantial market value or requiring reconditioning in order to be used for its original purpose.

“Nuisance” means anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the use in the customary manner of any public park, street, highway or other public property.

“Owner” means owner of record of real property, occupant, lessee, interested holder in same, or homeowners association, as the case may be. For purposes of this chapter, a homeowners association which exercises management and/or control over a common area shall be deemed an owner of the area over which such control is exercised. Exercising control includes but is not limited to maintenance, ownership, easements and/or assessing fees on property owners pursuant to agreements, deeds or recorded documents.
“Premises” means any real property, or improvements thereon, as the case may be, including but not limited to, an area designated as a common area within a condominium or similar project.

“Property” means premises.

“Public nuisance” means a nuisance which affects at the same time a substantial portion of a community, neighborhood or any considerable number of persons residing or working in such area, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (Ord. 519 §1, 2009)

**14.08.030 Declaration of Nuisance**

It is unlawful and hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this city to maintain such premises in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist and allowed to continue:

a. The keeping, storage, depositing, or accumulation on the premises of any personal property which is within the view of persons on adjacent or nearby real property or the public right-of-way when such personal property constitutes visual blight, reduces the aesthetic appearance of the neighborhood, is offensive to the senses, or is detrimental to nearby property or property values, including but not limited to: trash, junk, garbage, debris, household goods, mattresses, paints and solvents, vehicle and/or bicycle tires, tire racks, rims, wheels, inoperative vehicles, vehicles in various states of disrepair, vehicle parts, cabinets, furniture clothing, appliances, boxes, construction materials and/or tools, yard and garden equipment in excess of that which is reasonable and acceptable for maintaining the property at which it is located, bicycles, scooters and like items in excess of that which is reasonable for use by the current occupants of a property and unseaworthy boats or vessels. Wood and building materials being used, or to be used, for a project of repair or renovation and for which an active building permit is in existence may be stored for as long as is necessary to complete the project expeditiously. Upon expiration or cancellation of the permit, wood and building materials for the project must be immediately removed;

b. The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials that constitute visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values;

c. A swimming pool, pond or other body of water on the premises which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted; “polluted water” means water contained in a swimming pool, pond, or other body of water, which includes but is not limited to bacterial growth, including algae, vector breeding, remains of insects, remains of deceased animals, reptiles, rubbish, refuse, debris, papers and any other foreign matter or material which because of its nature or location constitutes an unhealthy, unsafe or unsightly condition.

d. Buildings which are abandoned, boarded up, partially destroyed, structurally unsafe, substantially deteriorated, or left unreasonably in a state of partial construction without an active building permit; unpainted, unmaintained or otherwise unprotected buildings,
causing deterioration in the form of dry rot, warping, buckling, twisting, bowing, and infestations of various kinds; buildings with broken windows constituting hazardous conditions and inviting trespassers, illegal or unauthorized uses, and malicious mischief; and buildings which are a fire hazard or otherwise present a danger to the public;


f. Any condition in violation of the State Housing law.


h. Any condition in violation of Title 8 of the Live Oak Municipal Code, (refuse collection and disposal, fire prevention code, motor vehicle racing, trailers and trailer camps, smoking in public places, Nuisance Abatement Code).

i. Any condition in violation of Title 17, of the Live Oak Municipal Code (zoning).

j. Any condition in violation of any provision of the Live Oak Municipal Code defined to be a nuisance.


l. Any unimproved real property which has become a dumping ground for litter, garbage, junk, debris or discarded vehicles, vehicle parts and/or vehicle hulks.

m. Any illegal activity occurring on the property which is detrimental to the life, health, safety and welfare of the residents, neighbors or public. For purposes of this chapter, illegal activity is defined as any violation of state of federal law, rules or regulations or local ordinances. (Ord. 519 §1, 2009)

14.08.040 Administration and Enforcement

The City Manager shall be the primary city official responsible for the administration and enforcement of this chapter. The City Manager may appoint a nuisance abatement team or other city official as his/her designee and delegate all or a portion of the administration and enforcement responsibilities to that team or official. Any legal remedies available may be pursued by the city manager or his/her designee and the City Attorney to address violations of this chapter. The City Manager shall follow the provisions of Live Oak Municipal Codes Sections 14.01.040 and 14.01.110 when enforcing the provisions of this chapter.

Enforcement of this chapter shall occur when violations are public nuisances as defined herein. Enforcement of violations which are visible from the public right-of-way shall be given priority, unless otherwise specified or determined to be an imminent hazard by the city manager or his/her designee.

Nothing in this chapter shall prevent the City Council from ordering the city attorney to commence a civil proceeding to abate a public nuisance as an alternative to the proceedings set forth in this chapter. The procedures set forth in this Chapter shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city
ordinances or abating public nuisances in any other manner provided by law. (Ord. 519 §1, 2009)

14.08.050 Administrative Penalties

A. In addition to any other penalties or remedies available to the City for a violation of this Ordinance, every violation of this Ordinance determined to be an infraction is punishable by (1) a fine not exceeding $100.00 for a first violation; (2) a fine not exceeding $200.00 for a second violation of the same Ordinance within one year; (3) a fine not exceeding $500.00 for each additional violation of the same Ordinance within one year. Each day that a violation exists shall be a separate and distinct violation.

B. Notwithstanding Subsection A, above, in addition to any other remedies available for a violation of this Chapter, a violation of local Building and Safety Codes determined to be an infraction is punishable by (1) a fine not exceeding $100.00 for a first violation; (2) a fine not exceeding $500.00 for a second violation of the same Ordinance within one year; (3) a fine not exceeding $1,000.00 for each additional violation of the same Ordinance within one year for the first violation. Each day that a violation exists shall be a separate and distinct violation.

14.08.060 Right of Entry and Inspection

The City Manager or personnel acting under his or her direction may enter upon private or public property to enforce or administer the provisions of this chapter; (i) with the voluntary consent of the owner or occupant of the premises; (ii) where there is no reasonable expectation of privacy; or (iii) pursuant to an inspection warrant in accordance with Sections 18.22.50 to 18.22.57 of the California Code of Civil Procedure. An inspection warrant shall be issued by a judge upon cause, unless some other provision of state or federal law makes another standard applicable, and shall be supported by an affidavit that particularly describes the premises to be inspected, the purpose of the inspection, and a statement that consent was sought and refused or facts reasonably justifying a failure to seek consent. Unless specifically authorized by the judge issuing the inspection warrant, an inspection may not be made between 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, nor in the absence of an owner or occupant at the premises, or by forcible entry. (Ord. 519 §1, 2009)

14.08.070 Abatement

It shall be the responsibility of an owner to abate any public nuisance located on property that is owned, controlled, leased or occupied by such person.

Alternatively, the city may petition a court of competent jurisdiction for an abatement warrant authorizing the city manager or his/her designee, or contractor of the City to enter onto the premises to abate a public nuisance. An abatement warrant shall be requested in the same manner, and be in substantially the same form, as an inspection warrant, as referenced in Section 14.08.060 of this chapter. (Ord. 519 §1, 2009)

14.080.080 Commencement of Nuisance Abatement

Whenever the city manager or his/her designee has inspected or caused to be inspected any premises and has found and determined that such premise are in violation of this chapter, he or she may commence proceedings to cause abatement of the nuisance as
provided herein. The City Manager or his/her designee shall also respond to and investigate citizen complaints regarding public nuisances.

Upon a determination that any public nuisance exists in violation of this chapter, the City Manager or his/her designee shall issue a notice of violation and order to abate (notice and order) directed to the record owner(s) of the premises. The Notice and Order shall contain:

The street address and/or such other description as is required to identify the premises;

A statement specifying the conditions which constitute the nuisance and declaring such conditions to be a public nuisance pursuant to Section 14.08.030 of this chapter;

A statement of the action required to be taken to eliminate the public nuisance;

A statement ordering the owner to abate the nuisance prior to a set date;

A statement advising that any person having any record title or legal interest in the premises may appeal the notice and order provided that the appeal is made in writing as provided by Section 14.08.110 of this Chapter;

A statement that the appeal request must be in writing and filed with the City Manager within thirty (30) days of service of the Notice and Order.

A statement that failure to appeal the notice and order will constitute a waiver of all right to an administrative hearing and will be a final determination of the matter.

A statement that if the public nuisance is not abated within the time set forth in the Notice and Order, the city will arrange for abatement at the expense of any or all owners;

If the City intends to seek attorney’s fees pursuant to Section 38773.5 of the Government Code, a statement that the City intends to seek and recover attorney’s fees. (Ord. 519 §1, 2009)

14.08.090 Fees Imposed

A fee shall be imposed on the owner of any property for which a Noticed and Order is issued pursuant to this chapter. The fee shall be calculated to recover the total City cost of inspections and enforcement and shall be set by resolution of the City Council. An additional fee which shall be set by resolution of the City Council shall be imposed on the owner of the property at the conclusion of any matter in which a notice and order has been issued. This termination fee shall be calculated to recover the cost of closing the file, removing or placing liens, and other associated administrative costs. The fees imposed pursuant to this section shall be due and owing regardless of whether the public nuisance is eliminated in response to the notice and order. All fees shall be a personal obligation of the owner and a lien upon the property and are due and payable within thirty (30) days of issuance of the notice and order of closing of the file respectively; provided that if an appeal is filed, the fees shall be due and payable upon a final decision on the appeal. Any fee not paid within that time shall be collected pursuant to the procedure set forth in Section 14.08.150 of this chapter. (Ord. 519 §1, 2009)

14.08.100 Service of Notice and Order
The Notice and Order and any amended or supplemental notice and order shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the City Manager or his/her designee or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the City Manager or his/her designee to serve any person required herein to be served shall no invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

Service of the notice and order may be made upon all persons entitled thereto in the following manner:

1. Personal service; or

Certified mail, postage prepaid, return receipt requested to each person as required pursuant to the provisions of subsection (1) of this section at the address as it appears on the last equalized assessment roll of the county, and as known to the City Manager or his/her designee. The address of the owner shown on the assessment roll shall be conclusively deemed to be the property address for the purpose of mailing such notice. Simultaneously, the same notice may be sent by first class (regular) mail. If a notice that is sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.

   a. Service by certified or regular mail in the manner described above shall be effective of the date of mailing.

   b. The failure of any person with an interest in the property to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this code. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Government Code Section 6062.

   c. Proof of service of the notice and order shall be certified by written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt returned in acknowledgement of receipt by certified mail shall be made part of the city’s permanent record. (Ord. 519 §1, 2009)

14.08.110 Appeal

Form of Appeal. Any person having any record title or legal interest in the premises may appeal from any notice and order of the city manager under this chapter by filing at the office of the city manager within thirty (30) days from the date of service of such Notice and Order, a written appeal containing:

A brief statement setting forth the legal interest of each of the appellants in the premises involved in the Notice and Order;
A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;

A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action shall be reversed, modified, or otherwise set aside;

The signatures of all parties named as appellants and their official mailing addresses, with statements from each appellant that each agrees to accept service of the written notice at the time and place of the appeal hearing and the decision of the hearing examiner at such address;

The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

Processing of Appeal. Upon receipt of any appeal filed and the appeal fee pursuant to this section, the City Manager shall transmit said appeal to a hearing officer retained by the city who shall calendar it for hearing within forty-five (45) days of the filing of the appeal.

Notice of Appeal for Hearing. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the date of hearing to each appellant by the hearing officer either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy, thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal.

Appeal Fee. Except as provided herein, the city manager shall collect and require an appeal fee to be paid at the time the written appeal notice is filed. The appeal fee shall be set by resolution of the City Council. The fee shall be calculated to recover the total city costs incurred in the appeal including, but not limited to, staff time to process and handle the appeal, hearing officer compensation, preparation and service of notices and staff appearance at the appeal hearing. No appeal shall proceed without payment of the fee at the time the appeal is filed provided that the City Manager may waive or defer the appeal fee upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with the notice and order, and other factors indicating good faith attempts to comply.

Effect of Failure to Appeal. Failure of any person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the notice and order, or any portion thereof.

Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered at the hearing of the appeal.

Staying of Order Under Appeal. Enforcement of the Notice and Order of the City Manager issued under this chapter shall be stayed while an appeal that is properly and timely filed is pending. (Ord. 519 §1, 2009)

14.08.120 Appeal Hearing
At the time set for hearing, the hearing officer shall proceed to hear the testimony of the City Manager or his/her designee, the owner, and other competent persons respecting the condition of the premises, and other relevant facts concerning the matter.

The proceedings at the hearing shall be electronically recorded. Either party may provide a certified shorthand report to maintain a record of the proceedings at the party’s own expense. Preparation of a record of the proceeding shall be governed by California Code of Civil Procedure Section 1094.6, as presently written or hereinafter amended.

The hearing officer may, upon request of the owner of the premises or upon request of the city manager or his/her designee, grant continuances from time to time for good cause shown, or upon his or her own motion.

Government Code of the State of California, Section 11513, subsections (a), (b) and (c), as presently written or hereinafter amended, shall apply to hearings under this chapter.

Each party may represent themselves, or be represented by anyone of their choice. If a party does not proficiently speak or understand the English language, he or she may provide an interpreter, at the party’s own cost, to translate for the party. An interpreter shall not have had any involvement in the issues of the case prior to the hearing.

In reaching a decision, official notice may be taken by the hearing officer, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or which may appear in any of the official records of the city.

The hearing officer may inspect the premises involved in the hearing prior to, during or after the hearing, provided that:

Notice of such inspection shall be given to the parties before the inspection is made;

The parties are given an opportunity to be present during the inspection; and

The hearing officer shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn there from. Each party then shall have a right to rebut or explain the matters so stated by the hearing examiner either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record. (Ord. 519 §1, 2009)

14.08.130 Hearing Officer Decision

The decision of the hearing officer shall be in writing and shall contain findings of fact and a determination of the issues presented. If it is shown by a preponderance of the evidence that the condition of the premises constitutes a public nuisance, the decision shall require the owner to commence abatement of the nuisance no later than fifteen (15) days after the issuance of the decision, and that the abatement be completed within such time as specified by the hearing officer, or in the alternative, with the time designated by the city manager. The decision shall inform the owner that if the nuisance is not abated within the time specified, the nuisance may be abated by the city without further notice in such manner as may be ordered by the city manager and the expense thereof made a lien on the property involved and/or a personal obligation. The decision may imposed administrative penalties as may be appropriate under Section 14.08.050.
The decision shall also inform the owner that the time for judicial review is governed by California Code of Civil Procedure Section 1094.6. Copies of the decision shall be forthwith delivered to the parties personally or sent to them by certified mail. The decision shall be final when signed by the hearing officer and served as follows: the city manager shall serve a copy on the record owner, in the same manner as set forth in Section 14.08.100 of this chapter, and one copy shall be served on each of the following, if known to the city manager or disclosed from official public record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in the premises.

After any notice and order issued pursuant to this chapter shall have become final by failure to file a timely appeal or after hearing officer’s decision on appeal is rendered, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. (Ord. 519 §1, 2009)

14.08.140 Summary Abatement

If, in the opinion of the city manager, there exists a condition on any premises which is of such a nature as to be imminently dangerous to the public health, safety or welfare, which, if not abated according to the procedures of this chapter, would, during the pendency of the proceedings, subject the public to potential harm of a serious nature, the same may be abated forthwith without compliance with the provision of this chapter. Abatement may include, but is not limited to boarding of windows, doors and other openings to city specifications, removal junk and debris, and securing the perimeter of the property with fencing, gates or barricades (to prevent further occurrences of the nuisance activity). (Ord. 519 §1, 2009)

14.08.150 Recovery of Costs of Abatement

Every owner of property within the City is liable to the City for the cost of abatement of a public nuisance located on his or her premises conducted pursuant to this Chapter.

The City Manager or his/her designee shall keep an itemized account of the expense incurred by the city in abating nuisances under the provisions of this chapter including all administrative costs. Upon completion of the work of abatement, the city manager or his/her designee shall prepare and file with the finance officer of the city a report specifying the work done, the itemized and total cost of the work, a description of the real property at which the work was performed, and the names and addresses of the persons entitled to notice pursuant to Section 14.08.100 of this chapter.

Upon receipt of the report, the finance officer shall immediately bill the owner(s) for payment of the cost of the abatement work, together with all administrative costs, stating that the billing is due and payable within thirty (30) days of its date, and if not paid within that time the amount hereof may become a lien on the property upon which the abatement work was performed and may be collected with taxes assessed on the secured tax roll of Sutter County.

The finance officer shall keep an account of the costs, including administrative charges, incurred by the city to abate public nuisances as aforesaid for each separate lot or parcel of land and shall embody such account in a report and assessment list made to the city council, which report shall be filed with the City Clerk. Such report shall refer to each
separate lot or parcel of land by description reasonably sufficient to identify the same, together with the expense, including administrative charges, proposed to be assessed against it. The report and assessment/lien list need not contain any reference to lots or parcels of land upon which abatement work has been done at the expense of the city, if the cost thereof has been paid to the city prior to the preparation of the report and assessment/lien list. (Ord. 519 §1, 2009)

14.08.160 Notice of Report and Hearing

The City Clerk shall post a copy of the finance officer’s report and assessment/lien list on the bulletin board of the City Hall together with notice of the filing thereof and the time and place when and where it will be submitted to the city council for hearing and confirmation. The finance officer shall mail to the person or persons whose property is mentioned in the report and assessment/lien list and the manner prescribed in Section 14.08.150 a notice inform substantially as follows:

COSTS, ASSESSMENT AND/OR LIEN FOR NUISANCE ABATEMENT AND NOTICE OF HEARING TO CONFIRM COSTS, ASSESSMENT AND/OR LIEN

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Chapter 14.08 of the Live Oak Municipal code, the City Manager has abated a public nuisance from real property owned, occupied, rented, managed or controlled by you, which real property and the cost of said abatement work are as described and set forth on the enclosed billing.

NOTICE IS HEREBY FURTHER GIVEN that on ___________ day of ____________, 20____ at the hour of __________, or as soon thereafter as the matter can be heard at

________________________________________________________________

the report of the finance officer on the cost of nuisance abatement, and the assessment/lien list thereof, will be presented to the city council for consideration, correction and confirmation, and that at said time and place any and all persons interested in or having any objections to said report or list of proposed assessments/liens, or to any matter or thing contained therein may appear and be heard. The failure to make any objection or protest to said report and list shall be deemed a waiver of same.

Upon confirmation of said cost, assessment/lien by the City Council, the amount thereof will be due and payable. In the event the same is not paid within fifteen (15) days following confirmation, said assessment/lien along with an additional fee as set by resolution of the City Council on file in the City Clerk’s Office will be added to the secured property tax roll of Sutter County and thereafter shall become an assessment/lien on said property.

If you have any questions or want additional information regarding this matter, please contact the finance officer at 9955 Live Oak Blvd., Live Oak, CA. (530) 695-2112.

DATED:
FINANCE OFFICER  
City of Live Oak, California

The posting of the finance officer’s report and assessment/lien list and the mailing of notice to property owners as above provided for shall be done at least ten (10) days before the date of the hearing scheduled before the City Council.

In every instance where abatement work has been performed at the expense of the city and a billing therefore has been rendered and is past due as of June 1st of any calendar year, the hearing for confirmation thereof shall be held by June 30th of that same calendar year; if the same is past due as of December 1st of any calendar year, the hearing for confirmation thereof shall be held by December 30th of that same calendar year. (Ord. 519 §1, 2009)

14.08.170 Hearing and Confirmation

At the time and place fixed for receiving and considering the finance officer’s report and assessment/lien list, the city council shall hear the same together with any protests or objections which may be raised or lodged by property owners or other interested persons. Upon the conclusion of such hearing, the city council shall make such corrections or modifications in any proposed costs which it may deem to be excessive or otherwise incorrect after which such costs shall be confirmed by resolution adopted by the City Council. The City Council may delete from the report and cancel any costs found improper or unjustified. The confirmation of the report and costs by the city council shall be final and conclusive.

Upon taking action under subsection (a), the city council may order that the costs of abatement be made a personal obligation of the property owner and either a nuisance abatement lien or a special assessment against the property.

If an action or proceeding is commenced to recover the costs, the prevailing party shall be entitled to recover reasonable attorneys’ fees, provided that, pursuant to California Government code section 38773.5 attorneys’ fees shall only be available where the city has elected, at the commencement of such action or proceeding, to seek recovery of its own attorneys’ fees. In no action or proceeding shall an award of attorneys’ fees to a prevailing party exceed the amount of reasonable attorneys’ fees incurred by the city in the action or proceeding.

A nuisance abatement lien may be recorded and enforced against the property pursuant to the provisions of California Government Code section 38773.1. A nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment. As part of the foreclosure action, the city may recover reasonable attorneys’ fees and costs including, but not limited to, costs incurred for processing and recording the lien and providing notice to the property owner.

As an alternative to a nuisance abatement lien, the costs of abatement may be made a special assessment against the property. The special assessment may be collected at the same time and in the same manner as ordinary municipal taxes and shall be subject to the same penalties and procedures, including the sale of the property in case of delinquency, as provided for ordinary municipal taxes. The special assessment shall continue until the assessment and all interest and penalties due and payable thereon have been paid. All
laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. (Ord. 519 §1, 2009)

14.08.180 Effect of Assessment and Notice of Lien

It shall be permissible for any person to pay the amount of such assessment that has been imposed for nuisance abatement within fifteen (15) days following the date of adoption of the city council resolution confirming the assessment/lien. If the assessment/lien is not paid on or before said date, the total amount thereof shall be entered on the next succeeding fiscal year’s secured tax roll of Sutter County for that property, and the assessment shall thereupon become a lien against the property, and the amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. The lien of the assessment shall have the priority of the taxes with which it is collected. If delinquent, the amount is subject to the same penalties and procedures of foreclosure and sale provided for ordinary municipal taxes.

If the property is owned by a public agency of the local, state or federal government, the assessment shall not be entered on the County tax roll, but rather collected in the same manner as other unsecured obligations due and owing to the City.

Further, if the assessment is not paid within fifteen (15) days following the date of adoption of the city council resolution confirming it, the city manager may prepare and cause to be recorded in the office of the County Recorder a notice of lien, which shall be in form approved by the city attorney, and from the time of recording the notice of lien, the amount of the assessment shall be and constitute a lien upon the property having the force and effect of a judgment lien until released and discharged, or otherwise extinguished in the manner provided by law. When the assessment is paid, the city manager shall promptly deliver to the person or persons entitled thereto a release of lien, which shall be in a form approved by the city attorney, which may be recorded by such person or persons to extinguish the lien on the property. The city manager shall not record a notice of lien against the property owned by a public agency of the local, state or federal government. (Ord. 519 §1, 2009)

14.08.190 Collection of Assessment and Transfer to Unsecured Roll

If any real property to which the lien provided for in Section 14.08.180 would attach has been transferred or conveyed to a bona fide purchaser for value, or if the lien of a bona fide purchaser for value has been created and attaches thereon, prior to the date on which the first installment of such taxes levied for municipal purposes would become delinquent, then the lien which would otherwise be imposed by this chapter shall not attach to such real property, and the costs of abatement as confirmed relating to such property shall be transferred to the unsecured tax roll for collection. In such event, the city may notify the appropriate County officials that it will undertake collection of the amount owing from the property owner or owners at the time the abatement work was actually performed utilizing collection procedures applied with respect to other unsecured obligations due the city. (Ord. 519 §1, 2009)

14.08.200 Time for Contest of Assessment

The validity of any costs, assessment or lien made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within
thirty (30) days after the cost, assessment or lien is confirmed by the city council. (Ord. 519 §1, 2009)

**14.08.210 Judicial Enforcement**

In addition to, or as an alternative to the proceedings set forth elsewhere in this Chapter, the City Attorney may seek judicial enforcement of this Chapter which may include, but not be limited to the following:

a. Enforcement of the City’s building or other local ordinances by way of injunction, including contempt proceedings for the violation of any such injunction;

b. The imposition of civil penalties.

c. The appointment of a receiver.

d. Enforcement of any other rights or remedies available to the City in any manner provided by law. (Ord. 519 §1, 2009)
TITLE 15 - BUILDINGS AND CONSTRUCTION*

Chapters:

15.01 Building Codes
15.08 Property Development Design Review Procedures and Standards
15.21 Flood Damage Prevention
15.43 Historic Preservation Ordinance
15.50 Development Impact Fees

* For statutory provisions authorizing cities to regulate buildings and construction, see Gov, Code § 38601 and 38660; for provisions on the construction of housing, see Health and Saf. Code § 17922 et seq; for provisions authorizing cities to adopt codes by reference, see Gov. Code § 50022.1—50022.10.
Chapter 15.01 - BUILDING CODES

Sections:

**Subchapter 1 – Administrative and General Provisions**
- 15.01.010 Title.
- 15.01.020 Purpose.
- 15.01.030 Authority.
- 15.01.040 Applicability.
- 15.01.050 Exceptions.
- 15.01.060 Definitions.
- 15.01.070 Office established.
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- 15.01.090 Enforcement and authority.
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**Subchapter 2 – Uniform Building Code**
- 15.01.110 Adoption.
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**Subchapter 5 – Uniform Housing Code**
- 15.01.410 Adoption of Code.
- 15.01.420 Modifications to UHC.

**Subchapter 6 – Dangerous Building Code**
- 15.01.510 Adoption of Code.

**Subchapter 7 – National Electrical Code**
- 15.01.610 Adoption of Code.
- 15.01.620 Modifications.

**Subchapter 8 – Uniform Administrative Code Provisions For the National Electrical Code**
15.01.710 Adoption of Code.
15.01.720 Modifications.

Subchapter 9 – Uniform Swimming Pool, Spa and Hot Tub Code
15.01.810 Adoption of Code.
15.01.820 Modifications.

Subchapter 10 – Uniform Fire Code
15.01.910 Adoption of the Uniform Fire Code.
15.01.920 Definitions.
15.01.930 Permits.
15.01.940 Establishment of Limits of Districts in Which the Storage of Explosive and Blasting Agents are Prohibited.
15.01.950 Establishment of Limits in which Storage of Liquefied Petroleum Gas is to be Restricted.
15.01.960 Limits of Districts for Storage of Flammable or Combustible Liquids.
15.01.970 Abatement of Hazards.
15.01.980 Amendments Made in the Uniform Fire Code.
15.01.990 New Materials, Processes or Occupancies Which May Require Permits.
15.01.1000 Appeals.
15.01.1010 Violations and Penalties.
I. ADMINISTRATIVE AND GENERAL PROVISIONS

15.01.010 Title

This chapter shall be known and cited as the 1990 and 1991 Edition Revisions to the City of Live Oak Building Code (Ord. 385 § 2 (part), 1992)

15.01.020 Purpose

The city council of the city expressly finds that the provisions of this chapter and of the codes adopted hereby constitute minimum standards for the protection of the public health, public safety and public welfare.

15.01.030 Authority

This chapter is adopted pursuant to the authority granted by Section 7 of Article XI of the Constitution of the state to a city to make and enforce within its limits all such local, policy, sanitary and other regulations as are not in conflict with general laws. It is further adopted in conformity with the state Government Code relating to the adoption of codes by reference. (Ord. 385 § 2 (part), 1992)

15.01.040 Applicability

This chapter shall apply within all of the incorporated territory of the city. This chapter, as embraced by the ordinance codified herein, includes all articles. (Ord. 385 § 2 (part), 1992)

15.01.050 Owner Builder

Permits for building, plumbing, mechanical or electrical work, or other permits as specified elsewhere in this chapter, may be issued to the owner of a single family dwelling in which the owner physically resides.

Single-family dwellings eligible for owner-builder permits are limited to R-1 and R-2 zoning. Owners are also subject to state law regarding the number and manner of construction or repairs of dwellings for sale.

A list of all individuals who will assist in the construction is required to be provided to the building official prior to permit issuance. Owners must be able to show evidence that they are the legal property owner.

After the permit has been issued and the work has commenced, if the owner fails more than three inspections he/she may be required to have a licensed contractor complete the work at the discretion of the building official.

Except as provided in this section, no permits for building, plumbing, mechanical or electrical work, or other permits as specified in this chapter, may be issued to anyone except a properly licensed contractor whose license allows such contractor to perform the work for which the permit is issued.

15.01.060 Definitions

All references in the uniform codes adopted by this chapter shall be read as follows:

A. “Building official” or “administrative authority” means the building inspector of the city of Live Oak.
B. “City” means the city of Live Oak or the incorporated territory of the city of Live Oak as the text may require.
C. “City council” means the city council of the city of Live Oak.
D. “Fire marshal” means the fire chief of Sutter County.
E. “Health official” means the director of environmental management of the county of Sutter.
F. “Housing Act” means the Housing Act of the state of California.
G. “Mayor” means the mayor of the city council of the city of Live Oak.
H. “State” means the state of California. (Ord. 385 § 2 (part), 1992)

15.01.070 Office Established
There is established within the city the position of building inspector. (Ord. 385 § 2 (part), 1992)

15.01.080 Duties Of Building Inspector
The building inspector shall be directly responsible to the city council and shall have the following duties:
A. To enforce the provisions of the Uniform Building Code, the Uniform Plumbing Code and the National Electrical Code, and other laws, ordinances and regulations, with such additions, deletions and modifications as are adopted by this chapter;
B. To review applications for building permits, issue permits, collect fees therefore, make inspections, issue certificates of occupancy and such other functions as are imposed upon the building official by the Uniform Building Code and upon the administrative authority by the Uniform Plumbing Code and National Electrical Code, either in person or by such assistants, deputies or employees authorized to the department;
C. To make inspections of any sewage disposal system required by the Sutter-Yuba Health Department for the purpose of ascertaining compliance with this chapter, and to approve the system. The building inspector shall not approve any sewage disposal system without the prior approval of the Sutter-Yuba Health Department;
D. Such other duties as may be assigned by the city council;
E. The Sutter-Yuba Health Department shall be responsible for and have the authority to enforce all provisions of the codes adopted in this chapter pertaining to the maintenance, sanitation, ventilation, use or occupancy of the buildings with which the codes are concerned. (Ord. 385 § 2 (part), 1992)

15.01.090 Enforcement And Authority
This chapter shall be enforced by the city building inspector. (Ord. 385 § 2 (part), 1992)

15.01.100 Violations
A. It is unlawful and a public nuisance for any person, firm or corporation, whether as owner, lessee, sublessee or occupant to erect, construct, enlarge, alter, repair, move,
improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the incorporated territory of the city or cause the same to be done, contrary to or in violation of any of the provisions of this chapter. Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under this chapter shall constitute a continuing violation of this chapter.

B. Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor, and each such person is guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine of not more than $1,000.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.

C. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of this code or this chapter is committed or permitted by such person and shall be punished accordingly. The imposition of a penalty for any such violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations and/or defects. The application of any such penalty shall not be held to prevent the enforced removal of any prohibited conditions. (Ord. 385 § 2 (part), 1992)

15.01.101 Liability
This chapter and all articles shall not impose upon the city any liability or responsibility for damage resulting from defective building, plumbing, mechanical or electrical work; nor shall the city, or any official or employee thereof, be held to assume any such liability or responsibility by reason of the inspection authorized hereunder. (Ord. 385 § 2 (part), 1992)

II. UNIFORM BUILDING CODE

15.01.110 Repealed (Ord. 506 § 1, 2008)

15.01.112 Application
This chapter shall be a source of regulations for all new construction and any alterations, repairs, relocations, or reconstruction of any building or any portion thereof including any electrical, mechanical, gas, plumbing, or fire protection equipment installed on any property or used on or within any building. (Ord. 506 § 3, 2008)

15.01.113 Conflicts With the Laws, Rules, Etc.
In the event of any conflict between this chapter and any law, rule or regulation of the State of California, that requirement which establishes the higher standard of safety shall govern. Failure to comply with such standard of safety shall be a violation of this code. (Ord. 506 § 3, 2008)

15.01.114 Adoption of the Uniform Code
The following publications are hereby adopted by reference and incorporated in this Code, except as expressly amended or superseded by providing of this Code.

B) **California Building Code, 2007 Edition**, based on the 2008 International Building Code including, among the appendices, Appendix Chapter I Administrative as modified; Appendix Chapter G; Flood Resistant Construction, Appendix Chapter I; Patio Covers, and Appendix Chapters J; Grading, as published by the International Code Council (ICC) as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations.


G) **California Existing Building Code** based on Appendix Chapter A1 of the 2006 International Existing Building Code as published by the International Code Council (ICC) and as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations.

H) **California Referenced Standards Code including Appendix**


**15.01.115 Interpretation**

The provisions of this code are enacted for the public health, safety, and welfare and are to be liberally construed to obtain the beneficial purposes thereof as specified in Chapter 1 of the Building Codes. (Ord. 506 § 3, 2008)

**15.01.116 Liability**

The provisions of this Code shall not be construed as imposing upon the City of Live Oak any liability or responsibility for damage to persons or property resulting from defective work. Nor shall the City of Live Oak, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of review or inspection
authorized by the provisions of this Code of any permits or certificates issued under this Code. (Ord. 506 § 3, 2008)

15.01.120  Repealed (Ord. 506 § 1, 2008)
15.01.210  Repealed (Ord. 506 § 1, 2008)
15.01.220  Repealed (Ord. 506 § 1, 2008)
15.01.310  Repealed (Ord. 506 § 1, 2008)
15.01.320  Repealed (Ord. 506 § 1, 2008)
15.01.410  Adoption of Code

For the purpose of establishing proper regulations for building construction, the Uniform Housing Code, 1997 Edition, otherwise identified as the International Conference of Building Officials Housing Code, 1997 Edition, (hereinafter referred to as the “Housing Code” or “UHC”), is hereby adopted and made a part of this Code by reference, subject to the modifications hereinafter set forth.

15.01.420  Modifications to UHC

1. Section 203 of Chapter 2 entitled Housing Advisory and Appeals Board is amended to read as follows:

Section 203.1 General

“In order to provide for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, there is hereby established a Board of Appeals consisting of members of the City Council of the City of Live Oak. The Building Inspector shall be an ex officio member of and shall act as Secretary to said Board. The Board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the Building Inspector. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 Chapter 12 entitled appeal of the Housing Code. Copies of all rules or regulations adopted by the Board shall be delivered to the Building Inspector who shall make them freely accessible to the public.”

Subchapter 6- DANGEROUS BUILDING CODE

15.01.510  Adoption of Code


Subchapter 7- NATIONAL ELECTRICAL CODE

15.01.610  Repealed (Ord 506 § 1, 2008)
15.01.620  Repealed (Ord 506 § 1, 2008)

Subchapter 8- UNIFORM ADMINISTRATIVE CODE PROVISIONS
FOR THE NATIONAL ELECTRICAL CODE

15.01.710  Repealed (Ord 506 § 1, 2008)
15.01.720  Repealed (Ord 506 § 1, 2008)

Subchapter 9- UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE
15.01.810  Repealed (Ord 506 § 1, 2008)
15.01.820  Repealed (Ord 506 § 1, 2008)

Subchapter 10- UNIFORM FIRE CODE
15.01.910  Repealed (Ord 506 § 1, 2008)
15.01.920  Definitions
Whenever the following words and/or phrases set out in this article are used in the Uniform Fire Code, they shall have the meaning ascribed to them as follows:
A. “Chief of the Bureau of Fire Prevention” means the Fire Chief of Sutter County.
B. “Corporation Counsel” means City Attorney.
C. “Jurisdiction” means the City of Live Oak.
D. “Municipality” means the City of Live Oak.
15.01.930  Permits
A. The permits required by the Article I of said Uniform Fire Code and required by various articles throughout the Code shall be renewable each year, except that burning permits shall be valid only for those dates listed on the permit.
B. There is added to Article I of the Uniform Fire Code, 1997 Edition, Section 105.8 entitled “Fees for Permits” and as so entitled and added shall read as follows:
The City Council may by ordinance establish a schedule of fees of $15.00 to be charged and collected for issuance of permits. Section 105.8: Section 105.8 a.1, a.2, a.3, a.4, a.5, b.1, b.2, c.1, c.2, c.3, c.4, c.5, c.6, c.7, c.8, c.9, d.1, d.2, e.1, f.2, f.3, f.4, f.5, h.1, h.2, h.3, l.1, l.2, l.3, m.1, m.2, m.3, 0.2, 0.3, p.3, r.1 r.2, r.3, s.1, t.1, t.2, w.1. The City Council further establishes a fee of $15.00 for inspection or permit of required Local, State or Federal licensing.
Any non-profit or government agency requiring inspection or issuance of a permit may request an exemption of fees from the City Council. Fees shall be reviewed and adjusted as necessary by the City Council.
15.01.940  Establishment Of Limits Of Districts In Which The Storage Of Explosive And Blasting Agents Are Prohibited
The limits referred to in Section 7701.7.2 of the Uniform Fire Code in which the storage of explosive and blasting agents is prohibited are hereby established as the city limits.
15.01.950  Establishment Of Limits In Which Storage Of Liquefied Petroleum Gas Is To Be Restricted
The limits referred to in Section 8204.2 of the Uniform Fire Code restricting the storage of liquefied petroleum gas is hereby established as the city limits.

15.01.960 Limits Of Districts For Storage Of Flammable Or Combustible Liquids In Outside Aboveground Tanks Is Prohibited

A. The limits referred to in Section 7902.2.2.1 of the Uniform Fire Code in which the storage of flammable liquids in aboveground tanks outside of buildings is prohibited are hereby established as the city limits.

B. New bulk plants shall be permissible only in the M zone as set forth in the city zoning regulations. New bulk plants shall be prohibited in all other zones.

15.01.970 Abatement Of Hazards

There is hereby added to Article I of the Uniform Fire Code Section 103.4.7, entitled Abatement of Hazards, which shall read as follows:

In situations where immediate abatement of a fire hazard or other potentially hazardous condition as required, the Chief shall have the authority to abate such hazard immediately. This may include, but is not limited to, confiscation of flammable liquids, fireworks, removing hazardous wiring and adapters, temporary closure of commercial occupancies, extinguishing illegal fires and any other similar hazards, determining no smoking and ceasing operating of any type of apparatus that may be a danger to life or property. Costs of abatement shall become a lien upon the property affected. All affected persons shall be notified of action taken as soon as possible.

15.01.980 Amendments Made In The Uniform Fire Code

The Uniform Fire Code is amended and changed in the following respects:

A. Section 7802.3 of the Uniform Fire Code is deleted from said Fire Code and replaced with the following:

The retail sales and use of safe and sane fireworks is defined by the California Health and Safety Code are permitted within the City of Live Oak when all of the following requirements are met in addition to the requirements of the Health and Safety Code and the State Fire Marshall’s regulations:

(1) A permit to engage in the retail sales of safe and sane fireworks must be obtained from the Fire Department;

(2) Fireworks stands or storage shall not be located closer than 100 feet to the nearest structure nor located in any area zoned as residential as set forth in Title 8 of this Code;

(3) Any person, firm, corporation or organization applying for a retail sales fireworks permit shall furnish the City of Live Oak and the Live Oak Fire Department satisfactory proof of insurance which shall contain the following provisions:

(a) The City of Live Oak, its officers, officials, employees and/or volunteers are to be included as insurers.

(b) The licensee’s insurance coverage shall be primary in all instances other than those resulting from the sole negligence on the part of the City of Live Oak.
(c) Insurance coverage of the licensee shall not be suspended, voided, canceled or reduced in coverage or in limits without thirty (30) day prior written notice being given to the City of Live Oak by certified mail with return receipt requested.

(d) The minimum scope of insurance shall be at least as broad as commercial General Liability coverage (occurrence Form CG 0001) with limits no less than $1,000,000.00 per occurrence for bodily injury, personal injury and property damage. Any deductible in excess of $500.00 per occurrence shall be declared and approved by the City of Live Oak.

(e) Any insurance carrier utilized to satisfy (d) above shall have a current A.M. best rating of a VII or better;

4) At least one 2—A water type fire extinguisher with current servicing or a 5/8 inch or larger garden hose not exceeding 150 feet with attached trigger type nozzle and attached to open faucet must be in the sales area; and

5) Use of fireworks in any manner which might be detrimental to health, safety and welfare of any person is prohibited.

B. Section 901.4.4 of the Uniform Fire Code shall have added to it the following:

Any business conducted in a commercial occupancy which affords vehicular access to the rear through any driveway, alleyway or parking lot shall also display the fronting street address on the rear of the building. At the main entrance driveway to each multiple dwelling complex there shall be positioned where responding emergency units can read it from the street and illuminated diagrammatic representation of the complex which lists the unit addresses thereof.

C. Section 1102.2.1 of the Uniform Fire Code is amended as follows: after the end of the paragraph, add a new sentence “Burn barrels are prohibited.”

D. Section 1102.3.1 of the Uniform Fire Code is amended by adding a new sentence, “Burning hours are hereby set as Wednesday and Saturday from 9:00 a.m. to 3:00 p.m.”

E. Section 1102.3.3 of the Uniform Fire Code is amended by adding a new sentence to read as follows:

The burning of garbage and wet or green rubbish, leaves or other green or wet plant material, whether in open or incinerator is prohibited.

15.01.990 New Materials, Processes Or Occupancies Which May Require Permits

The board of appeals as hereinbefore established shall act as a committee to determine and specify after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in this code. The Chief of the Bureau of fire Prevention shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

15.01.1000 Appeals

The Board of Appeals which is the subject of 103.1.4 of the Uniform Fire Code, 1997 Edition, shall be the same body as established in Section 15.01.120 (B) relating to the
adoption of the Uniform Building Code, 1997 Edition. The regulations adopted by said board pursuant to said Section 15.01.120 (B) shall apply to appeals under the Uniform Fire Code, 1997 Edition.

15.01.1010 Violations And Penalties

Any person who shall violate any provision of the Uniform Fire Code or Standards as adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor and upon conviction thereto, shall be punishable by:

A. A fine not to exceed fifty dollars for the first violation;

B. A fine not to exceed one hundred dollars for a second violation of the same code provision within one year; and

C. A fine not to exceed two hundred fifty dollars for each additional violation of the same code provisions within one year.

Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code or this chapter is committed, continued or permitted by such person and shall be punished accordingly. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects. The application of the above penalty shall not be held to prevent the enforced removal of any prohibited conditions. (Ord. 426 §1 (part), 1996; Ord. 385 § 2 (part), 1992, Ord. 451, § 1, 1999)

Chapter 15.08 - PROPERTY DEVELOPMENT DESIGN REVIEW
PROCEDURES AND STANDARDS

Sections:

15.08.010 Purpose.
15.08.020 Design review—Required.
15.08.030 Design review board—Created.
15.08.040 Design review board functions.
15.08.050 Application for design review.
15.08.060 Standards for review of applications.
15.08.070 Action on design review applications.
15.08.080 Compliance—Required.
15.08.090 Appeal.
15.08.010  Purpose

The purpose of property development design review is to integrate new projects or buildings into the visual context and pattern of the city or to improve upon the city’s appearance by providing guidance through standards. The standards contained herein are intended to be used in addition to the standards established in other portions of this code including, but not limited to, Chapters 15.04 and 15.20. and Title 17. (Ord. 401 § I (part), 1993)

15.08.020  Design Review—Required

1. Construct, enlarge or remodel the exterior of any building or structure in any Commercial (Cl, C-2 or C-3) or Industrial (M-1 or M-2) district;

2. Construct, enlarge or remodel the exterior of any multiple-family residential project, including condominiums, of two or more residential units on a single parcel of land;

3. Construct, enlarge or remodel any professional office complex; or

4. To construct a new single-family residential unit on a single parcel of land created by filing a final subdivision map after January 1, 1985, the architectural plans, landscape plans and site plan as appropriate therefore shall first be approved by the design review board of the city, except as provided below:

a. Exceptions.

The city building inspector, or authorized representative, may approve the plans for minor projects listed below:

1. Replacement of doors, windows, or other exterior features within existing openings.

2. Installation of additional doors, windows other exterior features when the aggregate surface area of the additions do not exceed three percent of the surface area of the elevation in which they are to be installed.

3. Additions to existing buildings when such additions do not exceed two hundred square feet or five percent of the floor area of the existing building(s), whichever is less.

4. Construction of small accessory buildings with a total floor area of less than four hundred square feet and less than one percent of the area of the parcel.

5. Construction of a new single-family residential unit on a single parcel of land created by filing a final subdivision map before January 1, 1985. (Ord. 401 § 1 (part), 1993)

15.08.030  Design Review Board—Created

A. Creation and Membership. There is created a design review board for the city. The design review board shall be composed of the City’s planning commission. Four board members shall constitute a quorum for the purpose of the board. The city building inspector, city engineer and city planner shall be ex officio members of the board and shall provide information to the board relative to adherence to the standards set forth in
Section 15.08.060. Board members shall be appointed by the mayor with the advise and consent of the city council and shall serve at the pleasure of said council until replaced.

B. Special Projects. Notwithstanding the above provisions, the city council may, by resolution, establish a special development design review committee for special projects and/or locations within the city. The committee, if established, shall have sole responsibility for development design review within any such area as designated by the city council and shall have the same authority with respect to that area as provided herein to the design review board. (Ord. 401 § 1 (part), 1993; Ord. 503 § 1, 2007)

15.08.040 Design Review Board Functions

A. Meetings. The design review board shall initially meet for the purpose of establishing a chairman and such rules of operation as deemed necessary for conduct of business. The board shall meet regularly at 5:30 p.m. in the city hall on the first and third Tuesdays of each month to review applications filed with the building inspector, or authorized representative. If a designated meeting day falls upon a legal holiday, the meeting shall be held on the following Thursday. Special meetings may be called by the chairman to avoid delay of building permit issuance providing that notice of such special meeting is provided by posting notice thereof and notifying the press at least three days in advance of the meeting. Meetings may be cancelled by the chairman in the absence of business upon posting of notice of such cancellation on the front and side doors of city hall and notification of board members by telephone at least one day prior to the regularly scheduled meeting. All meetings shall be open to the public, but will not be considered as public hearings.

B. Duties. The primary duty of the design review board is to review applications relative to the standards provided in this chapter. Notice should be taken, as feasible, of other requirements of the municipal code relative to projects reviewed. The board shall determine whether applications for review are complete pursuant to this chapter and, if the proposed development complies with the standards for review contained herein, shall approve the application and authorize application for building permit. If the proposed development does not comply with the standards for review as contained in this chapter, the board shall direct staff to notify the applicant in writing the reasons the application is not found to comply with those standards.

It shall be the duty of the ex officio members of the board; the city building inspector, city engineer and city planner, to provide the design review board with a report on the development proposed at the meeting held to consider the application. The report will identify compliance with or any deviation from the standards of this chapter based upon analysis of the application, the standards and the development in the area of the proposed building. The ex officio members are also assigned the duty of determination of completeness of the application by review thereof relative to the requirements for application. (Ord. 401 § 1 (part), 1993)

15.08.050 Application For Design Review

A. Content of Applications. Applications for design review shall be submitted together with four copies and shall contain at least the following information:

1. An application form provided by city staff;
2. A site plan of the property involved in the building project, drawn accurately to a scale of one inch equals twenty, thirty or forty feet showing all pertinent information with complete location and size dimensions related to the site including:
   a. Property lines, existing and proposed,
   b. Existing and proposed building footprints,
   c. Location, widths, improvements and names of adjacent streets, alleys, and rights-of-way,
   d. Existing and proposed parking spaces and aisles,
   e. Existing easements affecting the property,
   f. Existing and proposed landscaped areas, including the name, canopy area and condition of any trees on the site having a diameter of three inches or more as measured one foot from ground level, and similar information on proposed landscaping,
   g. Existing and proposed walls, fences, drive ways, sidewalks, signs, trash enclosures, mechanical equipment, utility services and other minor improvements on the site;
3. Elevations of all construction existing or proposed on the site showing:
   a. All elevations of existing and proposed buildings, walls, fences and other above ground construction,
   b. Prescriptions of all materials and colors to be used on the exterior of existing and proposed buildings, walls, fences and other above ground construction,
   c. Type and color of roofing,
   d. Stairs, ramps, balconies, carports, awnings, sun shades, utility meters, and refuse storage areas,
   e. Location of all exterior mounted mechanical equipment, including roof mounted equipment;
4. A landscape plan showing the following:
   a. Location of existing and proposed landscape areas,
   b. Size and spacing of all plantings,
   c. Latin and common name for each planting material,
   d. Approximate diameter of the drip life and shading area of all trees after fifteen years of normal growth,
   e. Method of irrigation;
5. A rendering showing how the proposed building will integrate with the visual context and pattern of the neighborhood and the city or will improve upon the neighborhood and city’s appearance. (Use of photographs is encouraged.);
6. A fee to cover the costs of review in the amount of three hundred dollars ($300.00);
B. Modifications and Deviations. Modifications to and deviations from plans and drawings approved pursuant to an application made as provided above may be considered
by the design review board upon submission of drawings and plans with appropriate revisions showing those changes. (Ord. 401 § 1 (part), 1993)

15.08.060 Standards For Review Of Applications

Design elements usually involved in architectural review processes include site design, building design and sign design. The following discussion provides fundamentals of the design elements to be looked at when examining projects:

A. Site design. The layout of a site plan shall incorporate four elements: existing and/or proposed buildings on the site, parking and on-site pedestrian and vehicular circulation, landscaping and amenities, and relationship to the neighborhood. All of those elements must be dealt with in the contest of existing landscape and topographic features and the size, shape and location of the site to be developed.


a. Buildings should be placed on the site so as to provide strong functional relationship with the site. Inaccessible and unusable yard space should be avoided by integration into the overall use plan. Additions to existing buildings or additional buildings on the site should be laid out so as to eliminate or improve on prior errors in site design.

b. Building frontage setbacks should be appropriate for the use proposed and consistent with the surrounding neighborhood. Single-family residential neighborhoods should have varied setbacks. Apartments and retail should have usable front porches and active windows, respectively, immediately adjacent to pedestrian ways to stimulate neighborhood vitality.

c. Building placement on the site should provide for safety and privacy on adjacent property. Orientation of buildings on the site should also provide for solar and energy efficiency as well as solar access to adjacent property. Eaves, arcades and canopies should be included to provide shade in city.

2. Circulation.

a. Separate pedestrian and vehicular circulation systems should be provided wherever possible. Major driveways should not be used as maneuvering areas for parking spaces. Two-way traffic on diagonal parking layouts should be voided. One-way lanes in parking lots must have separate ingress and egress drives. Driveway entrances to major streets should be shared. Corner lot development should be designed so that street/driveway intersections are as far from cross-street intersections as possible.

3. Landscaping.

a. The city already has landscape standards within the zoning regulations. On-site landscaping should be designed to enhance the use of the property and to visually fit into or enhance the existing adjacent streetscape.

b. Trash enclosures, storage areas, service yards, loading docks and ramps, utility boxes, mechanical equipment and other similar features on the site should be completely screened from view and the screening easily maintained. Landscape furniture and lighting should be compatible with the building design, the site and the surrounding area.

4. Relationship to the Neighborhood.
a. As noted subsections (A)(1), (A)(2) and (A)(3) of this section, all functions of design should relate to the design of the neighborhood around the site.

b. Buildings. Building design should be harmonious with its surroundings. Harmony can be created by establishing design linkages with adjacent buildings. Linkages with surroundings are described below. When no linkages exist in a block or neighborhood, the building design must help define, unify and contribute positively to the visual context.

i. Roof Pitch and Scale. The roof lines of buildings within a project and within a neighborhood should be unified by a similarity of roof pitch, height, width and depth. Parapets and mechanical equipment should not be visible from adjacent buildings or grounds. Eaves, arcades and canopies should be used to provide shaded pedestrian ways.

ii. Spacing Between Buildings. Spacing between buildings and the building facades should clearly define usage and continue or establish the visual rhythm in building frontages along a street.

iii. Setbacks. Varying setbacks of elements of a single building or several buildings should be used to create a sense of depth and solidity. Setbacks should also relate to building usage.

iv. Proportion of Openings and Spaces. Linkages between buildings on the same or adjacent sites should be created by similarly proportioned doorways, windows, bays and other spaces. Vertical and horizontal elements of buildings should tie adjacent buildings together.

v. Massing Form. The volume and mass of a building should be blended into the viewscape by repeating geometric shapes and components sized to reflect adjacent building forms.

vi. Entry Ways. Entrances to buildings should be clearly defined and share common qualities of depth, height, etc., with those on adjacent buildings. Entrances should be designed to relate to public spaces and adjacent building access points.

vii. Detailing. Porches, overhangs, window and door trim and wall texture and color should fit into the established pattern of the neighborhood. (Ord. 401 § 1 (part), 1993)

15.08.070   Action On Design Review Applications

A. New Applications. The design review board shall review the applications as submitted and found complete. If the board determines that the proposed building conforms to the standards of this chapter, it shall approve the application and authorize application for a building permit. If the board determines that the proposed development does not conform to the standards of this chapter, it shall notify the applicant of its findings in writing, identifying the standards not met, within five days of meeting on a complete application. The board may consult with the applicant about possible changes to the development to bring the project into conformity with the standards of this chapter and continue the consideration to a date certain to allow applicant to make agreeable changes.

B. Modifications and Deviations. Modifications to and deviations from plans and drawings approved pursuant to an application made as provided above may be considered by the design review board upon submission of drawings and plans with appropriate
revisions showing those changes and findings by the board that the revised drawings and plans meet the standards of this chapter. (Ord. 401 § 1 (part), 1993)

15.08.080  Compliance—Required

All buildings, structures, landscaping, grounds and site improvements shall be constructed and installed in accordance with the drawings, plans and renderings approved by the design review board. Any modification to, or deviation from, the approved drawings and plans shall be approved by the board in advance of making such change(s). (Ord. 401 § 1 (part), 1993)

15.08.090  Appeal

A. Appeal of Staff Action. An applicant may appeal the action of the staff in determining whether the development is excepted from this chapter or whether an application is complete. This appeal is to be made in writing, citing the specific issues argued. The applicant’s appeal will be placed upon the next regularly scheduled meeting of the design review board. The design review board shall decide the issues and direct appropriate action by staff or the applicant.

B. Appeal of Design Review Board Action. Any action of the design review board may be appealed to the city council. All appeals shall be made in writing, specify the issues of disagreement and shall be accompanied by an appeal fee of thirty-five dollars submitted to the city clerk. Appeals duly filed shall be considered by the city council in public session on the next regularly scheduled meeting for which an agenda is pending. (Ord. 401 § 1 (part), 1993)

15.08.100  Termination Of Approval

A. Termination. Any approval of the design review board given pursuant to the provisions of this chapter shall become null and void one year following the date on which the board took final action on the project, unless a building permit is issued and construction is begun within one year from the approval date. (Ord. 401 § 1 (part), 1993)

Chapter 15.21 - FLOOD DAMAGE PREVENTION

Sections:

15.21.010  Statutory authorization.
15.21.020  Findings of fact.
15.21.030  Statement of purpose.
15.21.040  Methods of reducing flood losses.
15.21.050  Definitions.
15.21.060  General provisions.
15.21.070  Administration
15.21.081  Standards of construction.
15.21.010    Statutory Authorization
The Legislature of the state has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. (Ord, 318 § 1 (part), 1988)

15.21.020    Findings Of Fact
A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.
B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 318 § 1 (part), 1988)

15.21.030    Statement Of Purpose
It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
A. To protect human life and health;
B. To minimize expenditure of public money for costly flood-control projects;
C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
D. To minimize prolonged business interruptions;
E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 318 § 1(part), 1988)

15.21.040 Methods Of Reducing Flood Losses

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Controlling, filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 318 § I (part), 1988)

15.21.050 Definitions

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter or a request for a variance.

2. “Area of shallow flooding” means a designated A, AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from zero to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

3. Area of Special Flood Hazard. See “Special flood hazard area.”

4. “Base flood” means the flood having a one percent chance of being equalled or exceeded in any given year. (Also called the “one-hundred- year flood.”)

5. “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

6. “Development” means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

7. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of floodwaters; and/or
b. The unusual and rapid accumulation or runoff of surface waters from any source, or by an unanticipated force of nature, such as flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined herein.

8. “Flood Boundary and Floodway Map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

9. “Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazard and the floodway.

10. “Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

11. “Floodplain” or “floodprone area” means any land area susceptible to being inundated by water from any source. See definition of “flooding.”

12. “Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

13. “Flood proofing” means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.

14. “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as regulatory floodway.

15. “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

16. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

17. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non elevation design requirements of this chapter.

18. “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes
the term “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

19. “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

20. “Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

21. “New construction” means, for floodplain management purposes, structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by this community.

22. “One-hundred-year flood” means a flood which has a one percent annual probability of being equaled or exceeded. It is identical to the “base flood,” which will be the term used throughout this chapter.

23. “Person” means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

24. “Remedy a violation” means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

25. “Special flood hazard area (SFHA)” means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO or AH.

26. “Start of construction” includes substantial improvement, and means the date the building permit was issued; provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

27. “Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally aboveground, as well as a manufactured home.

28. Substantial Improvement.
a. “Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which exceeds fifty percent of the market value of the structure either:

i. Before the improvement or repair is started; or

ii. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

b. The term does not, however, include either:

i. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

ii. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

29. “Variances” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

30. “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided. (Ord. 318 § 1 (part), 1988)

15.21.060 General Provisions

A. Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of city.

B. Basis for Establishing Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency on the engineering report entitled “Flood Insurance Study for the City of Live Oak” of the most recent date, with an accompanying Flood Insurance Rate Map is adopted by reference and declared to be a part of this chapter. This flood insurance study is on file at the City Hall. This flood insurance study is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council of the city by the floodplain administrator.

C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation.
D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards, areas of flood-related erosion hazards and areas of mudslide (i.e., mudflow) hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Live Oak, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under. (Ord. 318 § 1 (part), 1988)

15.21.070 Administration

A. Establishment of Development Permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.21.060. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures in zone AO including the elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;
2. Proposed elevation in relation to mean sea level to which any structure will be flood proofed;
3. All appropriate certifications listed in subsection C of this section; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Designation of the Floodplain Administrator. The city engineer is appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions.

C. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the floodplain administrator shall include, but not be limited to:
1. Permit Review.
   a. Review of all development permits to determine that the permit requirements of this chapter have been satisfied;
   b. All other required state and federal permits have been obtained;
   c. The site is reasonably safe from flooding;
   d. The proposed development does not adversely affect the carrying capacity of the floodway. For purposes of this chapter, “adversely affects” means that the cumulative effect of the proposed development when combined with all other water surface elevation of the base flood more than one foot any point.

2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.21.060 B, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Section 15.21.080. Any such information shall be submitted to the city council for adoption.

3. Whenever a watercourse is to be altered or relocated:
   a. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
   b. Require that the flood-carrying capacity of the altered or relocated portion of the water course is maintained.

4. Obtain and maintain for public inspection and make available as needed:
   a. The certification required in Section 15.21.081 (C)(1) (floor elevations);
   b. The certification required in Section 15.21.081 (C)(2) (elevations in areas of shallow flooding);
   c. The certification required in Section 15.21.081 (C)(3)(c) (elevation or flood proofing of nonresidential structures);
   d. The certification required in Section 15.21.081 (C)(4)(a) or 15.21.081 (C)(4)(b) (wet flood proofing standard);
   e. The certified elevation required in Section 15.21.083 B (subdivisions standards);
   f. The certified elevation required in Section 15.21.085 A (floodway encroachments).

5. Make interpretation where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 15.21.090 through 15.21.092.

6. Take action to remedy violations of this chapter as specified in Section 15.21.060 C. (Ord. 318 § I (part), 1988)

15.21.080 Provisions For Flood Hazard Reduction
Provisions for flood hazard reduction are set out in Section 15.21.081 through 15.21.085. (Ord. 318 § 1 (part), 1988)

15.21.081 Standards Of Construction

In all areas of special flood hazards the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of Section 15.21.084.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Elevation and Floodproofing.

1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in subdivision 3 of this subsection C. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator;

2. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM; or at least two feet if no depth number is specified. Nonresidential structures may meet the standards in subdivision 3 of this subsection C. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator;

3. Nonresidential construction shall either be elevated in conformance with subdivisions 1 or 2 of this subsection C, or together with attendant utility and sanitary facilities:

a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water,

b. Have structural components capable for resisting hydrostatic loads and effects of buoyancy, and
c. Be certified by a registered professional engineer or architect that the standards of this subdivision are satisfied. Such certifications shall be provided to the floodplain administrator;

4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters; or
b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.

5. Manufactured homes shall also meet the standards in Section 15.21.084. (Ord. 318 § I (part), 1988)

15.21.082 Standards For Utilities
A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.
B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 318 § 1 (part), 1988)

15.21.083 Standards For Subdivisions
A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
B. All final subdivision plans will provide the elevation of proposed structures(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.
C. All subdivision proposals shall be consistent with the need to minimize flood damage.
D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 318 § 1 (part), 1988)

15.21.084 Standards For Manufactured Homes
All new and replacement manufactured homes and additions to manufactured homes shall:
A. Be elevated so that the lowest floor is at or above the base flood elevation; and
B. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement. (Ord. 318 § 1 (part), 1988)

15.21.085 Floodways

Located within areas of special flood hazard established in Section 15.21.060 B are areas designated as floodways. Since the floodway is an extremely hazardous area due to, the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If Section 15.21.085 A is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Sections 15.21.080 through this section. (Ord. 318 § 1 (part), 1988)

15.21.090 Variance Procedure

The variance procedure is set out in Sections 15.21.091 and 15.21.092. (Ord. 318 § 1 (part), 1988)

15.21.091 Appeal Board

A. The city council shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

C. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
   1. The danger that materials may be swept onto other lands to the injury of others;
   2. The danger of life and property due to flooding or erosion damage;
   3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   4. The importance of the services provided by the proposed facility to the community;
   5. The availability of alternative locations for the proposed use which are not subject to flooding damage;
   6. The compatibility of the proposed use to the comprehensive plan and floodplain management program for that area;
   7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
   8. The safety of access to the property in time of flood for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges. (Ord. 318 § 1 (part), 1988)

15.21.092 Conditions For Variances

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances.

E. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that the provision of subsections A through D of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the regulatory flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation. A copy of the notice shall be recorded by the floodplain board in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. (Ord. 318 § 1 (part), 1988)
15.43.010  Title
This chapter shall be known as the “Historic of Live Oak, Preservation Ordinance” of the city of Live Oak, California. (Ord. 424 § 1 (part), 1995)

15.43.020  Purpose
The ordinance codified in this chapter is adopted to preserve areas and specific structures and objects in the city which reflect elements of its cultural, social, economic, political and architectural history; to promote their use for the education and welfare of the residents of the city; to encourage tourists to visit the city; to stabilize and improve property values in historic areas, structures and objects for the ultimate aesthetic and economic benefit of the city; and to provide increased availability to building owners of various construction code, financing aids and tax benefits permitted under state and federal laws when buildings have designated historical landmark status or lie within a designated historical district. (Ord. 424 § 1 (part), 1995)

15.43.030  Review Committee
A review committee comprised of the City Council shall act as a historical preservation commission. (Ord. 424 § 1 (part), 1995, Ord. 503 §1, 2007, Ord. 514 §1, 2008)

15.43.040  Powers And Duties
The commission shall have the following powers and duties:
A. To undertake a comprehensive historic resources inventory and maintain a historic register;
B. To establish various criteria, guidelines and standards to carry out the intent of this chapter;

E. To recommend and as appropriate finance ways to fund and to otherwise make financially feasible the protection of historical landmarks and historical districts in the city;

F. To implement the historic preservation goals and policies of the General Plan and the ordinance codified in this chapter by developing information and programs to increase awareness of, preservation of, and use of historical landmarks and historical districts in the city; and (Ord. 424 § 1 (part), 1995)

15.43.050 Cultural Resource Designation Criteria

For the purposes of this chapter, an improvement, natural feature or site may be designated a cultural resource by the city council and any areas within the city may be designated an historic district by the council pursuant to Section 15.43.080 if it meets the criteria for listing on the National Register of Historic Places or the following:

A. It exemplifies or reflects special elements of the city’s cultural, social, economic, political, aesthetic, engineering, architectural or natural history;

B. It is identified with persons or events significant in local, state or national history;

C. It embodies distinctive characteristics of a style, type, period or method of construction or is a valuable example of the use of indigenous materials or craftsmanship;

D. It is representative of the work of a notable builder, designer or architect;

F. It contributes to the significance of an historic area, being a geographically definable area possessing a concentration of historic or scenic properties or thematically related grouping of properties which contribute to each other and are unified aesthetically by plan or physical development;

F. It has a unique location or singular physical characteristics or is a view or vista representing an established and familiar visual feature of a neighborhood, community or the city of Live Oak;

G. It embodies elements of architectural design, detail, materials or craftsmanship that represent a significant structural or architectural achievement or innovation;

H. It is similar to other distinctive properties, sites, areas or objects based on a historic, cultural or architectural motif;

I. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes or distinctive examples of park or community planning;

J. It is one of the few remaining examples in the city, region, state or nation possessing distinguishing characteristics of an architectural or historical type or specimen. (Ord. 424 § 1 (part), 1995)

15.43.060 Cultural Resource Designation Procedure

A. The city council may designate a landmark or historical district upon compliance with the following procedure:
1. Information concerning the proposal shall be filed with the planning department and shall include:

a. The assessor’s parcel number for the site;

b. A description detailing the special aesthetic, cultural, architectural, or engineering interest or value of a historic nature;

c. A map outlining the subject area;

d. Sketches, drawings, photographs or other descriptive material showing what is to be preserved;

e. A statement of condition of the structure, object, or particular place:

f. Such other information as reasonably may be requested by the committee.

2. The proposal shall be considered at a public hearing. Notice of the time, place and purpose of such hearing shall be given by the committee staff in a newspaper of general circulation in the city and by mail to each owner of property subject to the proposed designation as a landmark or inclusion in the historical district, and adjacent property owners, not less than ten calendar days prior to the date of hearing.

3. Recommendation of designation of all or part of the proposal shall be based on enumerated facts which show that the standards contained in this chapter for designation as a historical landmark or a historical district have been met.

4. A proposal for recommendation of designation of residential, commercial and public building properties cannot be considered unless accompanied by written consent of a majority of property owners.

B. The city council shall approve, modify or disapprove the recommendation upon compliance with the following procedure:

1. A public hearing on the matter shall be scheduled for the next regular meeting consistent with demands of the agenda. Notice of the time, place and purpose of such hearing shall be given by the designated city representative in a newspaper of general circulation in the city and by mail to each owner of property subject to the proposed designation as a landmark or inclusion in the historical district, and adjacent property owners, not less than ten calendar days prior to the date of hearing.

2. Approval of the recommendation for designation shall be by resolution of the city council. The designated city representative shall give written notice of such designation to each owner of property subject to the designation and other persons or agencies requesting notice thereof. (Ord. 424 § 1 (part), 1995)

15.43.070 Permit Required

No person shall demolish, remove, move make alterations which affect the exterior appearance of or cause excavations which affect the exterior appearance of a designated historical landmark or undertake the same with respect to any structure located in a designated historical district without first obtaining approval from the review committee; excepting there from, maintenance or repair work that does not change the design, material or exterior appearance thereof, or work authorized by the building official upon
written approval of the building department. (Ord. 424 § 1 (part), 1995, Ord. 514 §1, 2008)

15.43.080 Application For Permit

A property owner who desires to construct, alter, move, remove or demolish a designated historical landmark or any structure within a designated historical district shall file an application with the building department upon a form prescribed by the city. The application shall include all necessary information required by the committee. When the application is filed, it shall be referred to the committee. (Ord. 424 § 1 (part), 1995, Ord. 514 §1, 2008)

15.43.090 Procedure On Application

A. Upon the filing of an application, the staff of the committee shall set the matter for hearing and shall give written notice to the applicant and shall cause publication of notice in a newspaper of general circulation in the city, of the date, time and place of the hearing. The committee shall hold a public hearing and shall make its decision within forty-five days from the date the application is filed with the building department. Approval of the application shall require an affirmative vote of a majority of the committee members present. If the committee fails to act within forty-five days, the application shall be considered approved unless the applicant and the committee agree to an extension of time.

B. At the conclusion of the hearing the committee shall make its decision and shall file a certificate of approval with the building official or deny the application. No person may do any work upon a designated historical landmark or any structure within a designated historical district which is a subject of an application and the building official may not issue a building permit until the committee files a certificate of approval.

C. Approved work shall be completed within one year from the date of approval unless substantially undertaken before such period has elapsed and diligently pursued thereafter. (Ord. 424 § 1 (part). 1995, Ord. 514 §1, 2008)

D. Regardless of any other action taken on the permit the applicant may proceed after 90 days with their plans including but not limited to alter, move, remove, remodel or demolition providing compliance with all other applicable portions of the municipal code. (Ord. 514 §1, 2008)

15.43.100 Criteria For Evaluating Application For Permit

In reviewing and acting upon each application for permit, the committee shall consider:

A. The historic value and significance, or the architectural value and significance, or both, of the designated historical landmark or of the structure within a designated historical district and its relation to the historic value of the surrounding area;

B. The relationship of the exterior architectural features of the structure to the rest of the structure itself and to the surrounding area;

C. The general compatibility of the exterior design, arrangement, texture and material which is proposed by the applicant;
D. Plans for structures which have little or no historical value or plans for new construction for their compatibility with surrounding structures;

E. Conformance with the guidelines and standards adopted by the committee and this chapter; and

F. Conformance with the Live Oak General Plan. (Ord. 424 § 1 (part), 1995, Ord. 514 §1, 2008)

15.43.110  Restriction To Exterior Features Only

The committee shall consider and pass upon only (i) the exterior features of a designated historical landmark unless the applicant voluntarily requests that interior features be included in the review, or (ii) new structures upon sites located within a designated historical district and may not consider interior arrangement therein. (Ord. 424 § 1 (part). 1995, Ord. 514 §1, 2008)

15.43.120  Special Considerations

A. If an application affects the exterior appearance of a structure or proposes to move, remove or demolish a structure which the committee considers will be a great loss to the city, the committee shall attempt to work out an economically feasible plan for the preservation of the structure.

B. If the committee is satisfied that the proposed construction or alteration will not materially impair the historic or architectural value of the structure, it shall approve the application for permit.

C. If the committee finds that the retention of the structure constitutes a hazard to public safety and the hazard cannot be eliminated by economic means available to the owner, the committee shall approve the application for demolition.

D. If the committee considers the structure valuable for the period of architecture it represents and important to the neighborhood in which it exists, the committee may nevertheless approve the application if any of the following circumstances exist:

1. The structure is a deterrent to a major improvement program which substantially benefits the city; and/or

2. Retention of the structure is not in the interest of the majority of inhabitants of the city.

E. The committee may approve the moving of a structure of historical or architectural value as an alternative to demolition. (Ord. 424 § 1 (part), 1995, Ord. 514 §1, 2008)

15.43.130  Limitation On Applications

No application for the same or substantially similar work may be filed within one year after the committee has rejected it. (Ord. 424 § 1 (part), 1995, Ord. 514 §1, 2008)

15.43.140  Exceptions From Regulations

The regulations contained herein which require approval by the committee do not apply to painting, routine maintenance or repair of a designated historical landmark or a structure within a designated historical district. (Ord. 424 § 1 (part), 1995, Ord. 514 §1, 2008)
15.43.150  Appeal

Any person dissatisfied with any action of the committee on a request for historical district or landmark designation may appeal the decision to the city council at any time within ten days after the rendition of the decision by the committee (unless additional time is granted by the committee). The appeal is taken by filing a notice of appeal with the staff of the committee. Upon filing of the notice of appeal and payment of a filing fee, the committee staff must, within ten days, transmit to the city manager or his designated representative all exhibits, notices, affidavits, orders and other papers and documents on file together with the finding of the committee.

The city council shall hold a hearing upon said appeal after giving written notice to the applicant and by causing a notice thereof to be published at least once in a newspaper of general circulation within the city of Live Oak at least ten days prior to said hearing by the city council.

No official action such as the issuance of a building permit, license or other type of permit shall be taken while an appeal or proceedings for designation are pending. (Ord. 424 § 1 (part), 1995)

15.43.160  Enforcement

The provisions of this chapter shall be enforced by the building official of the city with the aid of persons from such other departments as may be requested by the official. The provisions of the State Historic Building Code (California Administrative Code, Title 24, Part 8) shall be applicable in permitting repairs, alterations and additions necessary for the preservation, restoration, moving or continued use of a historical building or structure. (Ord. 424 § 1 (part), 1995, Ord. 514 §1, 2008)

15.43.170  Penalties

Any person who violates the provisions of this chapter shall be guilty of maintaining a public nuisance. The building official may mail written notice to the owner that a violation exists. The owner then shall have thirty days to remedy the violation. The notice shall state that if the violation is not corrected within the time specified, legal proceedings to abate the violation shall be instituted. (Ord. 424 § 1 (part). 1995, Ord. 514 §1, 2008)

Chapter 15.50 - DEVELOPMENT IMPACT FEES

Sections:

15.50.010  Purpose.
15.50.020  Development impact fee.
15.50.030  Limited use of development impact fees.
15.50.040  Adjustments to development impact fees.
15.50.050  Construction of replacements.
15.50.010  Purpose

In order to implement the goals and objectives of the Live Oak General Plan, to maintain existing levels of service, and to mitigate the impacts on city streets, parks, and governmental, police and fire facilities caused by anticipated new development within the city, certain public improvements must be constructed as development occurs. The city council of the city has determined that a development impact fee is needed to finance these necessary public improvements and to pay a fair share of acquisition and improvement costs and other costs necessary to implement the goals and objectives of the Live Oak General Plan and to maintain levels of service consistent with levels of service now enjoyed by citizens of the city. The city council has determined that the application of the fee is consistent with the city’s general plan and, pursuant to Section 65913.2 of the Government Code of the state of California, has considered the effects of the fee on meeting the city’s housing needs as established in the housing element and other elements of the city’s General Plan. (Ord. 381 § 3 (part), 1992)

15.50.020  Development Impact Fee

A. A development impact fee is established on issuance of all permits entitling construction of, or remodeling for change of use to create new residential units, new commercial facilities and new industrial facilities within the city, to pay for costs of improvements necessitated thereby as described in Section 15.50.010. The city council shall, by resolution, set forth the specific amount of the fee to be imposed, describe the benefit of the improvements required, list the specific public improvements to be financed, describe the estimated cost of the facilities and identify the reasonable relationship between the fee and different types of new development. The development impact fee shall, at the option of the developer, be paid by the developer, either prior to the issuance of a building permit for the residential units, or commercial or industrial floor space, or at such earlier time as permitted by law as set forth in, if applicable, Government Code Section 66007. The city council shall review the fees on an annual basis to determine whether the fee amounts are reasonably related to the burden of developments and whether the identified public facilities continue to be needed to serve the purposes identified in Section 15.50.010 above.

B. The development impact fees imposed by this chapter are independent of and not related to existing city extension and connection fees or fees collected for acquisition of park land pursuant to other sections of this code.

C. The development impact fees imposed by this chapter are not applicable to developments subject to development agreements entered into by the city council prior to January 1, 1992 nor to properties included within the recently formed community facilities district formed by the council on or about May 27, 1992. (Ord. 381 § 3 (part), 1992)

15.50.030  Limited Use Of Development Impact Fees

The revenues raised by collection of development impact fees shall be placed in a separate and special account and such revenues, together with interest accrued to that account, shall be used solely to:
A. Pay for the construction of facilities described in the resolution enacted pursuant to Section 15.50.020 above, or to reimburse the city for those facilities constructed by the city with funds advanced by the city from other sources. (Ord. 381 §3(part) 1992)

15.50.040 Adjustments To Development Impact Fees

A developer of any project subject to the development impact fees identified in this chapter may apply to the city council for an adjustment of that fee or a waiver of that fee based upon the absence of any reasonable relationship or nexus between the specific development and the amount of the fee charged or the type of facilities to be financed. Industrial projects that employ two or more low or moderate-income persons will have a priority for consideration of a waiver of development impact fees. Application for waiver or adjustment shall be made in writing and filed with the city clerk. The application shall present in detail the factual basis for the adjustment requested. The city council shall consider the application for adjustment within sixty days after filing of the application. The decision of the city council shall be final. In the event an adjustment or waiver of the fee is granted by the city council, any change to the project design or use from that presented to the city council in the application shall invalidate the adjustment or waiver. (Ord. 381 § 3 (part), 1992)

15.50.050 Construction Of Replacements

Notwithstanding Section 15.50.020, the development impact fee will not be imposed on permits issued for buildings or improvements which are to replace and are substantially equivalent to existing or destroyed buildings or improvements at the same location. Any portions of buildings or improvements which are not substantially equivalent to existing or destroyed buildings or improvements at the same location will be subject to the development impact fees imposed by this chapter only to the amount those portions of buildings or improvements exceed substantially equivalent replacements. For the purposes of this section, “substantially equivalent” shall mean the same as “substantially equivalent” as set forth by California Revenue and Taxation Code § 70(c) except that as used by this section, “substantially equivalent” shall also apply to buildings and improvements replaced for reasons other than misfortune or calamity. (Ord. 388 § 2, 1993)
TITLE 16 - SUBDIVISIONS*

Chapters:

16.04 General Provisions
16.08 Definitions
16.11 Certificates of Compliance
16.12 Lot Line Adjustment
16.16 Tentative Map—Five or More Parcels
16.18 Vesting Tentative Map - Five or More Parcels
16.20 Final Map—Five or More Parcels
16.24 Tentative Parcel Map—Less than Five Parcels
16.28 Parcel Map—Less than Five Parcels
16.32 Design Standards
16.36 Park Land Dedications/Fees
16.40 Condominiums and Community Apartments
16.44 Exceptions
16.48 Public Improvements
16.52 Violation—Penalty

* For statutory provisions on city control of subdivisions, see Gov. Code § 66410 et seq.
Chapter 16.04 - GENERAL PROVISIONS

Sections:

16.04.010 Purpose.

16.04.020 Planning commission.

16.04.030 Applicability.

16.04.040 References to other laws.

16.04.050 Permit issuance.

16.04.060 Effect on prior actions.

16.04.010 Purpose

This title is adopted:

A. For the purpose of establishing minimum regulations and standards for the division and subdivision of land, for the design, improvements and survey data related thereto, for the physical alteration of the land and other features involved therein or related thereto, and for on or off-site improvements of benefit or necessity to the site and/or general site area; and

B. To provide a guide for owners in the proper division of their land, and for the planning commission in its consideration of proposed land divisions; and

C. To serve as a means of implementing the general plan, and of accomplishing the portions of the general plan which apply to the properties proposed for division or subdivision under the regulations of this title. (Ord. 254 § 1.2(A)—(C), 1982)

16.04.020 Planning Commission

A. The planning commission of the city of Live Oak, hereinafter referred to as the “planning commission,” is designated as the advisory agency with respect to subdivisions and the division of land.

B. The planning commission shall assume all the duties with respect to the division and subdivision of land, the design and improvement thereof, and the procedures relating thereto, which are specified by law and by this title. The planning commission shall have the right and duty to exercise judgment and apply conditions to insure compliance with the purpose of this title. (Ord. 254 § 1.2(D) and (E), 1982)

16.04.030 Applicability

Pursuant to the provisions of Division 2 of Title 7 of the Government Code of the state of California, referred to in this title as the Subdivision Map Act, and in addition to any other provisions of law, the provisions of this title shall apply to all division of land or parts thereof or air space hereafter made of land wholly or partially within the city limits of the city of Live Oak, and to the preparation of subdivision maps or parcel maps thereof, and to other maps provided for by the Subdivision Map Act, or herein, for approval; and each such division of land and each part thereof lying within the city limits
shall be made, and each map shall be prepared and presented for approval, as provided for in and required by this title. (Ord. 254 § 3.1, 1982)

16.04.040 References To Other Laws

Whenever reference is made to any portion of this title or any other ordinance or statute, such reference applies to and includes all amendments and additions now or hereafter made. (Ord. 254 § 3.2, 1982)

16.04.050 Permit Issuance

No building, plumbing or electrical permit shall be issued for the construction, reconstruction, alteration or modification of any building or structure situated on land which has been divided or conveyed in a manner contrary to the provisions of this title and the Subdivision Map Act and any such permit issued prior to such a division or conveyance of land shall be automatically revoked thereby and shall be so revoked in writing by the chief building inspector. (Ord. 254 § 3.3, 1982)

16.04.060 Effect On Prior Actions

The amendments and provisions set forth in this title shall not affect any duty or obligation arising, offense or act committed or done, or any penalty or forfeiture incurred or accruing, prior to March 19, 1982. (Ord. 254 § 15, 1982)

Chapter 16.08 - DEFINITIONS

Sections:

16.08.010 Generally.
16.08.020 City.
16.08.030 City council.
16.08.040 City engineer.
16.08.050 Common green subdivision.
16.08.060 Community apartment project.
16.08.070 Condominium.
16.08.080 Consulting engineer.
16.08.090 Director of public works.
16.08.100 Final map.
16.08.110 Lot.
16.08.120 Map Act.
16.08.130 Owner.
16.08.140 Parcel map.
16.08.150 Stock cooperative.
16.08.160 Subdivider.
16.08.010 Generally
As used in this title, the following words and phrases shall have the meanings set out in this chapter. (Ord. 254 § 2.1 (part), 1982)

16.08.020 City
“City” means the city of Live Oak. (Ord. 254 § 2.1(A), 1982)

16.08.030 City Council
“City council” means the city council of the city of Live Oak which council constitutes the governing body and legislative body of the city as those terms are used in the Subdivision Map Act. (Ord. 254 § 2.1(C), 1982)

16.08.040 City Engineer
“City engineer” means the registered civil engineer acting for the city of Live Oak either directly or through his authorized representatives. (Ord. 254 § 2.1(B), 1982)

16.08.050 Common Green Subdivision
“Common green subdivision” means a division of land in which there are both separately held parcels of land and commonly held parcels of land within the proposed development, the latter held undivided and in common by owners of the separately held parcels, all pursuant to a planned unit development approved in accordance with the provisions of the zoning ordinance of the city. (Ord. 254 § 2.1(D), 1982)

16.08.060 Community Apartment Project
“Community apartment project” means a division of real property in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon. (Ord. 254 § 2.1(E), 1982)

16.08.070 Condominium
“Condominium” means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may include in addition a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be either(l) an estate or inheritance or perpetual estate, (2) an estate for life, or (3) an estate for years, such as a lease hold or a subleasehold. (Ord. 254 § 2.1(G), 1982)

16.08.080 Consulting Engineer
“Consulting engineer” means any person or persons, firm, partnership or corporation legally authorized or licensed to practice civil engineering in the state who prepares or submits improvement plans and specifications to the city for approval. (Ord. 254 § 2.1(F), 1982)

16.08.090  Director Of Public Works

“Director of public works” means the director of public works of the city of Live Oak acting either directly or through his authorized representatives, referred to in this title as the “director.” (Ord. 254 § 2.1(H), 1982)

16.08.100  Final map.

“Final map” means a map of a subdivision which is prepared in accordance with the provisions of this title and with any applicable provisions of the Subdivision Map Act, and which is designed to be recorded in the office of the Sutter County recorder. (Ord. 254 § 2.1(I), 1982)

16.08.110  Lot

“Lot” means a single integral parcel portion or unit of land under one ownership established in accordance with city ordinance including a building site, all required yards and other open space, and street frontage. (Ord. 254 § 2.1(J), 1982)

16.08.120  Map Act

“Map Act” means the Subdivision Map Act of the state of California. (Ord. 254 § 2.1(K), 1982)

16.08.130  Owner

“Owner” is the individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title. (Ord. 254 § 2.1(L), 1982)

16.08.140  Parcel Map

“Parcel map” means a map showing division of land into less than five lots or a division of land into five or more lots that meets the conditions of the Government Code Section 66426 (a), (b), (c) or (d), or a division of land creating less than five lots by means of combining lots that may have been partially or entirely subdivided previously, which is prepared in accordance with the provisions of this title and the provisions of the Subdivision Map Act and which is to be recorded in the office of the Sutter County recorder. (Ord. 254 § 2.1(N), 1982)

16.08.150  Stock Cooperative

“Stock cooperative” means a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy. (Ord. 254 § 2.1(O), 1982)
16.08.160 Subdivider
“Subdivider” means any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity required to commence proceedings under this title to effect a division or subdivision of land under this title for himself or another. (Ord. 254 § 2.1(P), 1982)

16.08.170 Subdivision
“Subdivision” means the same as defined in Section 66424 of the Subdivision Map Act. (Ord. 254 § 2.1(Q), 1982)

16.08.180 Subdivision Map Act
“Subdivision Map Act” means Division 2 of Title 7 of the Government Code of the state, commencing with Section 66410 thereof. (Ord. 254 § 2.1(R), 1982)

16.08.190 Tentative Map
“Tentative map” means the same as defined in Section 66452 of the Subdivision Map Act. (Ord. 254 § 2.1(T), 1982)

16.08.200 Tentative Parcel Map
“Tentative parcel map” means a map for the purpose of showing the design of a proposed parcel map and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property. (Ord. 254 § 2.1(S), 1982)

16.08.210 Other Definitions
Except as otherwise provided in this title, all terms used in this title which are defined in the Subdivision Map Act are used in this title as so defined, unless from the context thereof it clearly appears that a different meaning is intended. (Ord. 254 § 2.1(M), 1982)

Chapter 16.11 - CERTIFICATES OF COMPLIANCE

Sections:

16.11.010 Certificates of compliance.
16.11.020 Application and fee.
16.11.030 Planning commission action.

16.11.010 Certificates Of Compliance
Certificates of compliance may be requested by property owners, or persons having interest in property, pursuant to Section 66499.35 of the Subdivision Map Act as the same is contained in the Government Code of the state of California. Such certificates are intended to establish whether a parcel was created properly under the city and state requirements for subdivision. (Ord. 383 § 1 (part), 1992)

16.11.020 Application And Fee
A. Application for a certificate of compliance shall be mailed to the city planning commission by filing an application form available from the city clerk, together with a fee as established by the city council to cover the costs of processing the application, and information necessary to adequately describe the property involved including:

1. A copy of the most recent deed for the property;
2. The assessor’s parcel number as assigned by the Sutter County assessor.

B. A finding of incomplete application shall invalidate the application and the applicant will be notified of such finding to allow necessary revisions.

C. Upon acceptance of an application for filing, the city clerk shall schedule the application for review by the city planning commission on the next regularly scheduled meeting. The application shall immediately be referred to the city engineer and the planner for review and preparation of a report to the council on the subject.

D. The planning commission shall consider the application in accord with its standards and procedures. (Ord. 383 § 1 (part), 1992)

16.11.030 Planning Commission Action

The planning commission shall consider an application for a certificate of compliance at a regular meeting and shall approve the application providing that the proposal meets the requirements in Section 16.11.010. At the conclusion of discussion and review of reports from city staff, the commission shall determine whether the property was established in accord with regulations in effect at the time such parcel was originally created or was created in violation of the laws then in effect. Based upon such finding, the commission may act to:

A. Approve a certificate of compliance on the subject property and authorize staff to provide for recordation thereof by the Sutter County recorder.

B. Approve a conditional certificate of compliance, listing conditions that should have been met at the time the parcel was created and which are required prior to the consideration of the parcel as a legal lot, and authorize staff to provide for recordation thereof by the Sutter County recorder. (Ord. 383 § 1 (part), 1992)

Chapter 16.12 LOT LINE ADJUSTMENT

1. An application for a lot line adjustment shall be accompanied by all of the following:

a. A fee in an amount to be established by resolution of City Council.

b. A preliminary map report prepared by a title company for all properties to be modified by approval of the application. The report from the title company must identify all owners of interest in all of the properties included in the application.

c. A statement of the existing zoning and uses of the properties involved.

d. A legal description for each new proposed parcel.
e. A drawing to scale which depicts all of the following information:

i. Dimensions and acreage of each affected lot, existing and proposed.

ii. Location and type of all existing public utilities.

iii. Location of existing buildings, wells, septic tank and leach fields,

iv. Location of parking areas required for existing and proposed uses.

v. Location of all existing and proposed easements.

vi. Location and names of all adjoining streets,

2. An application for a lot line adjustment shall be reviewed by the Community Development Director for conformance with adopted zoning and building codes, and for potential conflicts with existing easements. Applications that are consistent with adopted zoning and building codes and that do not create conflicts with existing and/or proposed easements shall be approved or conditionally approved.

3. Applications that are not consistent with adopted zoning and building codes maybe approved in the following circumstances:

a. Existing property boundaries, dimensions, and/or building setbacks are not consistent with the adopted zoning and building codes; and

b. The proposed lot line adjustment will not create greater inconsistency between the characteristics of the parcel and adopted zoning and building codes.

4. The approval or conditional approval of an application for a lot line adjustment shall not constitute an approval of any exception or deviation from any zoning regulation of the city nor shall it be deemed as an approval to proceed with any development in violation of any applicable provision of law.

5. The Community Development Director shall prepare a lot line agreement that certifies the approval or conditional approval of a lot line adjustment. In the event that all affected properties are owned by the same persons, then a declaration of lot line adjustment (as opposed to a lot line agreement) shall be prepared. The lot line agreement (or declaration, as the case may be) shall be executed by the planning director and all owners of the properties involved, and it shall describe all conditions of approval, which shall include but may not be limited to the following

a. The approved descriptions of all resulting property boundaries shall be referenced in the lot line agreement and attached to it.
b. Approval of the lot line adjustment shall not be effective until the lot line agreement is recorded.

c. The following statements shall be included in the lot line agreement (or declaration, as the case may be).

i. A statement that: “The purpose of this agreement (or declaration, as the case may be) is to effect a boundary line modification as approved by the Live Oak Planning Department on [date]. The scope of review of said boundary line modification was limited as specified in Government Code section 66412(d), and approval of it does not constitute assurance that the lots as originally configured were legally created, or that future applications for building permits or other land use entitlements on the modified lots or parcels will be approved, by the City of Live Oak.

ii. A statement specifying that the resulting lots or parcels described in the attachments to the lot line agreement (or declaration, as the case may be) pursuant to this chapter are the only lots or parcels which shall remain after recording of the lot line agreement or declaration.

iii. A statement specifying that the city’s signature on the lot line agreement (or declaration, as the case may be), shall signify that the lot line adjustment has met the city’s requirements and the city’s approval shall not be binding on the city; however it shall not make the city a party to any such agreement. That is to say, the city’s approval of the lot line adjustment is required; however, the city has ownership interest in the properties affected by the lot line adjustment, and so is not contractually a party to any agreement (or declaration, as the case may be).

d. Prior to recording the lot line agreement, all deeds of trust and other encumbrances on the affected properties shall be modified to apply to each resulting lot or parcel, and taxes shall be prepaid and also segregated if the County Tax Collector determines that segregation is necessary. The city shall accept evidence of application to segregate taxes and payment of any fees required by the county for that procedure as compliance with a requirement to segregate the taxes.

Chapter 16.16 - TENTATIVE MAP—FIVE OR MORE PARCELS

Sections:

16.16.010 Required—Exceptions.
16.16.020 Form.
16.16.030 Title and subtitle.
16.16.040 Key or location map.
16.16.050 Miscellaneous requirements.
16.16.060 Existing features.
16.16.070 Proposed design and improvement.
16.16.080 Written statements.
16.16.090 Preliminary conference.
16.16.095 Oversizing Improvements - Reimbursements
16.16.100 Submittal of map
16.16.110 Checking fee.
16.16.120 Distribution.
16.16.130 Planning commission action.
16.16.140 Planning commission report.
16.16.150 Appeals.
16.16.160 Time limit.

16.16.010 **Required—Exceptions**

A tentative map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project or stock cooperative containing five or more parcels or units except where:

Exception A. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or

Exception B. Each parcel created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway; or

Exception C. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or

Exception D. Each parcel created by the division has a gross area of not less than forty acres or is not less than a quarter of a quarter section. (Ord. 254 § 5.1, 1982)

16.16.020 **Form**

A tentative map shall be prepared by a licensed surveyor or registered civil engineer. It shall be eighteen inches by twenty-six inches, and shall be drawn to a scale of one inch equals forty feet or one inch equals fifty feet unless otherwise approved by the city engineer; provided, however, that in the case of a tentative map relating to very large areas, the city engineer or his agent may, in addition, require one map of lesser scale depicting the entire area. (Ord. 254 § 5.2, 1982)

16.16.030 **Title And Subtitle**
The title of the tentative map shall consist of the name and unit number of the tract, if any, at the lower right-hand corner of the sheet. The title sheet shall also contain a subtitle giving a general description of the property being subdivided by reference to maps which have been previously recorded, or by reference to the plat of any United States survey. Each reference in such description to any tract or subdivision shall be spelled out and worded identically with the original record thereof and reference to book and page or record must be complete, followed by the words, “City of Live Oak.” (Ord. 254 § 5.3(A), 1982)

16.16.040 Key Or Location Map
The tentative map shall contain a key or location map on which shall be shown the general area including adjacent property, subdivisions and roads. (Ord. 254 § 5.3(B), 1982)

16.16.050 Miscellaneous Requirements
The tentative map shall contain the following:
A. North point;
B. Scale;
C. Name and address of recorded owner or owners;
D. Name and address of subdivider;
E. Name and business address of the registered civil engineer or licensed surveyor who prepared the map;
F. City limit lines occurring within the general vicinity of the subdivision;
G. Bearings and distances to quarter section bounds within the general vicinity of the subdivision;
H. Names and owners of land immediately adjacent to the subdivision;
I. The existing use or uses of the property. (Ord. 254 § 5.3(C), 1982)

16.16.060 Existing Features
The tentative map shall contain the following:
A. Boundaries of property being subdivided and the property lines of the adjoining property owners;
B. If the property being subdivided or the lands immediately adjacent to the subdivision are a portion of a previously recorded subdivision or subdivisions, show the subdivision or subdivisions, including:
   1. Name,
   2. Recorded book/page,
   3. Lot lines,
   4. Block numbers, and
   5. Lot numbers:
C. Show all existing topography. Show with different legend topography features which shall be removed or relocated. Examples of topography to be shown include:

1. Buildings,
2. Orchards (size and species),
3. Trees (size and species),
4. Light poles,
5. Utility poles and anchors,
6. Fences,
7. Underground irrigation system,
8. Wells,
9. Septic tanks,
10. Leach lines, and
11. Other features;

D. Sufficient existing elevations or contours and notations indicating direction and percent of slope to determine the general slope of the land and the high and low point thereof;

E. All adjoining and contiguous highways, streets, ways and alleys, including:

1. Location,
2. Name,
3. Width of right-of-way,
4. Existing pavement (type, edge),
5. Curb,
6. Sidewalk, and
7. Bikeway;

F. Approximate location of roads, bikeways, drainage, sewage lines, water lines, public utilities lines, courses and lines and the width of easement for such items;

G. Adjoining existing public utilities:

1. Sanitary sewer, including: sewer lines (diameter), manholes, lift stations and cleanouts,
2. Storm drainage, including: storm drains (diameter), manholes, catchbasins and drop inlets,
3. Domestic water supply, including: water mains (diameter), fire hydrants and valves,
4. Electric, telephone, television utilities, including: overhead lines and underground lines;

H. Existing watercourses, including their:
1. Location,
2. Name (if any),
3. Width, and
4. Direction of flow;

I. Any land which is subject to inundation or flooding by storm, overflow water, or other causes, shall be indicated. The proposed filling, drainage, or other preventative or corrective measures shall be indicated;

J. Boundaries of any units within the subdivision if the subdivision is to be recorded in stages. (Ord. 254 § 5.3(D), 1982)

16.16.070 Proposed Design And Improvement

All improvements shall conform to Chapters 16.32, Design Standards, and 16.48, Public Improvements, and to all applicable city ordinances. Any request for exceptions shall be made in writing in accordance with Chapter 16.44. The tentative map shall show the following features of the design and improvement:

A. Boundary of proposed tract;
B. The proposed use or uses of the property;
C. Acreage of proposed tract to the nearest tenth of an acre;
D. The proposed streets and alleys including approximate dimensions, including:
1. Location,
2. Name,
3. Width of right-of-way,
4. Length of tangents,
5. Radius of curves, and
6. Gutter flow line grade in percent;
E. Typical cross-section of the proposed improvements, including:
1. Roadway width,
2. Curb-gutter,
3. Sidewalk width,
4. Asphalt thickness, and
5. Aggregate base thickness;
F. The proposed easements, including:
1. Approximate location,
2. Purpose, and
3. Width;
G. Approximate lot layout, including dimensions of each lot and the number of each lot and unit of air space;

H. The public areas proposed for parks, play ground, open space, and life uses. (Ord. 301 § 3 (part), 1986; Ord. 254 § 5.3(E), 1982)

16.16.080 Written Statements

In the event it is impossible or impracticable to place upon the tentative map any information required in Sections 16.16.030 through 16.16.070, such information shall be furnished in a written statement which shall be submitted with the map.

Additionally, written statements shall be submitted with the tentative map containing the following information:

A. A copy of any and all existing and proposed restrictive covenants, bylaws, or articles of incorporation proposed shall be attached to the owner’s statement as required;

B. Justification and reasons for any exceptions to provisions of this title, or for any requests for changes to the zoning ordinance of the city in conjunction with the subdivision proposed;

C. Improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed;

D. Statement from owner of record, if different than subdivider, consenting to division of land by subdivision;

E. Statement giving name and address of individual designated to receive all official communications regarding the subdivision. (Ord. 254 § 5.3(F), 1982)

16.16.090 Preliminary Conference

Prior to the submittal of a tentative map, the subdivider is encouraged to consult with the officials of the city for technical advice and procedural instructions. Preliminary sketches of the subdivision may be submitted and discussed. The preliminary sketch should be to a scale and detail sufficient to indicate the essential characteristics of the subdivision including the number, size and design of lots; the location and width of streets; the location of any important reservations or easements; the relation of the subdivision to significant surrounding lands and any other detail necessary to enable preliminary review. The director or his authorized representative may schedule a conference with subdivider and appropriate city departments to discuss the preliminary map and make recommendations concerning the submittal of a tentative map. (Ord. 254 § 5.4(A), 1982)

16.16.095 Oversizing Improvements - Reimbursements

As a condition of approval of a tentative map, it may be required that improvements installed by the subdivider for the benefit of the subdivision be of a supplemental size, capacity, or number for the benefit of property not within the subdivision, and that said improvements are dedicated to the public. If such conditions is imposed, provision for reimbursement to the subdivider shall be provided in the manner set forth in the Subdivision Map Act. (Ord. 478, 2004)

16.16.100 Submittal Of Map

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A. Twenty-six copies of a tentative map and a statement of the proposed divisions of any land and the information required by the director or his authorized representative pertaining to the environmental impact of the proposed division of land shall be submitted by the subdivider or its agent to the city clerk. The clerk shall examine the tentative map for conformance with this chapter as to form, data, information and other matters required to be shown thereon or furnished therewith. Tentative maps which are found to be incomplete shall be returned to the subdivider with an itemized list of the missing data. If found to be complete the city clerk shall stamp or write on each copy of the tentative map the date of receipt.

B. An application with date and information for an environmental assessment shall be submitted in accordance with the city environmental assessment guidelines, (Ord. 383 § 3, 1992: Ord. 254 § 5.4(B), 1982)

16.16.110 Checking Fee

At the time of acceptance of a tentative map for distribution, the subdivider or its agent shall pay a map checking fee in an amount established by resolution of the city council. (Ord. 254 § 5.4(C), 1982)

16.16.120 Distribution

Within five working days after the required number of completed copies of the tentative map and the accompanying data have been submitted in the office of the city clerk, the city clerk shall transmit a copy of the completed tentative map and the accompanying data to each member of the planning commission, the director, the city engineer, service utilities and other officials who, by law or in the clerk’s opinion, should be furnished the tentative map, together with a request for a written report of its findings and recommendations within ten days. If a reply is not received within the time allowed, it will be assumed that the map conforms to the requirements of the public agency or utility company concerned. Copies of the reports shall be made available to the subdivider and representative at least five days prior to planning commission consideration of the map. (Ord. 301 § 1(D), 1986: Ord. 254 § 5.4(D), 1982)

16.16.130 Planning Commission Action

A. The planning commission shall consider the tentative map and approve, conditionally approve or deny the tentative map within forty-five days after the completed tentative map and accompanying data and reports are deemed filed and received by the city clerk unless such time period is waived by the subdivider or representative.

B. The planning commission shall not conditionally approve the tentative map unless its design and improvement are found to be:

1. Consistent with the city’s general plan, or any specific plan;

2. Consistent with the requirements of this title and all other applicable city ordinances.

C. The planning commission shall deny the tentative map if it makes any of the following findings:

1. That the proposed map is not consistent with the city’s general plan and subsequent amendments thereto, or any specific plan;
2. That the design or improvement of the proposed subdivision is not consistent with the city’s general plan and subsequent amendments thereto, or any specific plan;

3. That the site is not physically suitable for the type of development;

4. That the site is not physically suitable for the proposed density of development;

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

6. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;

7. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

D. The city engineer shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the proposed waste discharge would result in or add to violation of requirements of such board, the commission shall disapprove the tentative map or maps of the subdivision. 

(Ord. 301 § 1(E), 1986: Ord. 254 § 5.4(E), 1982)

16.16.140 Planning Commission Report

The planning commission shall produce a written report on its action on the tentative map to the city council at the council’s next regular meeting. The commission action shall be transmitted to the subdivider and representative within five days. (Ord. 301 § 1(F), 1986: Ord. 254 § 5.4(F), 1982)

16.16.150 Appeals

The subdivider or any interested person adversely affected may appeal any action of the planning commission with respect to a tentative map to the city council in conformance with Section 66452.5 of the Subdivision Map Act. (Ord. 301 § 1(G), 1986: Ord. 254 § 5.4(G), 1982)

16.16.160 Time Limit

If no action is taken by the city council within the time limits specified in this chapter or any authorized extension thereof by mutual consent of the subdivider and the city council, the tentative map as filed shall be deemed to be approved insofar as it complies with other applicable requirements of this chapter and it shall be the duty of the city clerk to certify such approval. (Ord. 254 § 5.4(H), 1982)
Chapter 16.18 - VESTING TENTATIVE MAP - FIVE OR MORE PARCELS

Sections:

16.18.010  Allowed - Exceptions.
16.18.020  Form
16.18.030  Title and subtitle.
16.18.040  Key or location map.
16.18.050  Miscellaneous requirements.
16.18.060  Existing features.
16.18.070  Proposed design and improvement.
16.18.080  Design Information Required
16.18.090  Written statements.
16.18.100  Preliminary conference.
16.18.110  Submittal of map
16.18.120  Checking fee.
16.18.130  Distribution.
16.18.140  Planning commission action.
16.18.150  Planning commission report.
16.18.160  Appeals.
16.18.170  Time limit.

16.18.010  Allowed - Exceptions

A vesting tentative map shall be allowed for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 1351 of the Civil Code, a community apartment project or stock cooperative containing five or more parcels or units except where:

Exception A. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or

Exception B. Each parcel created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway; or

Exception C. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or
commercial development, and which has the approval of the governing body as to street alignments and widths; or

Exception D. Each parcel created by the division has a gross area of not less than forty acres or is not less than a quarter of a quarter section.

16.18.020  Form
A. A vesting tentative map shall be prepared by a licensed surveyor or registered civil engineer. It shall be eighteen inches by twenty-six inches, and shall be drawn to a scale of one inch equals forty feet or one inch equals fifty feet unless otherwise approved by the city engineer; provided, however, that in the case of a vesting tentative map relating to very large areas, the city engineer or his agent may, in addition, require one map of lesser scale depicting the entire area.

B. The applicant will submit all materials in both paper (hard) copies and electronic form. All maps will be submitted in AutoCad 13 (or newer), ArcView 3.X, or ArcGIS 8.X

16.18.030  Title And Subtitle

The title of the vesting tentative map shall consist of the name and unit number of the tract, if any, at the lower right-hand corner of the sheet. The map must have the words “Vesting Tentative Map” prominently displayed. The title sheet shall also contain a subtitle giving a general description of the property being subdivided by reference to maps that have been previously recorded, or by reference to the plat of any United States survey. Each reference in such description to any tract or subdivision shall be spelled out and worded identically with the original record thereof and reference to book and page or record must be complete, followed by the words, “City of Live Oak.”

16.18.040  Key Or Location Map

The vesting tentative map shall contain a key or location map on which shall be shown the general area including adjacent property, subdivisions and roads.

16.18.050  Miscellaneous Requirements

The vesting tentative map shall contain the following:

A. North point and scale;
B. Date;
C. Name and address of recorded owner or owners;
D. Name and address of subdivider;
E. Name and business address of the registered civil engineer or licensed surveyor who prepared the map;
F. City limit lines occurring within the general vicinity of the subdivision;
G. Bearings and distances to quarter section bounds within the general vicinity of the subdivision;
H. Names, addresses, and APN of owners of land immediately adjacent to the subdivision;
I. The existing use or uses of the property.

16.18.060 Existing Features

The vesting tentative map shall contain the following:

A. Boundaries of property being subdivided and the property lines of the adjoining property owners;

B. If the property being subdivided or the lands immediately adjacent to the subdivision are a portion of a previously recorded subdivision or subdivisions, show the subdivision or subdivisions, including:
   1. Name,
   2. Recorded book/page,
   3. Lot lines,
   4. Block numbers, and
   5. Lot numbers:

C. Show all existing topography. Show with different legend topography features that shall be removed or relocated. Examples of topography to be shown include:
   1. Buildings,
   2. Orchards (size and species),
   3. Trees (size and species),
   4. Light poles,
   5. Utility poles and anchors,
   6. Fences,
   7. Underground irrigation system,
   8. Wells,
   9. Septic tanks,
   10. Leach lines, and
   11. Other features;

D. Sufficient existing elevations or contours and notations indicating direction and percent of slope to determine the general slope of the land and the high and low point thereof;

E. All adjoining and contiguous highways, streets, ways and alleys, including:
   1. Location,
   2. Name,
   3. Width and centerline of right-of-way,
   4. Existing pavement (type, edge),
   5. Curb,
   6. Sidewalk, and
7. Bikeway;

F. Exact location of roads, bikeways, drainage, sewage lines, water lines, public utilities lines, courses and lines and the width of easements for such items;

G. Exact location of adjoining existing public utilities:

1. Sanitary sewer, including: sewer lines (diameter), manholes, lift stations and cleanouts,

2. Storm drainage, including: storm drains (diameter), manholes, catch basins and drop inlets,

3. Domestic water supply, including: water mains (diameter), fire hydrants and valves,

4. Electric, telephone, television utilities, including: overhead lines and underground lines;

H. Exact location of existing watercourses, including their:

1. Location,
2. Name (if any),
3. Width, and
4. Direction of flow;

I. Any land that is subject to inundation or flooding by storm, overflow water, or other causes, shall be indicated. The proposed filling, drainage, or other preventative or corrective measures shall be indicated;

J. Boundaries of any units within the subdivision if the subdivision is to be recorded in stages.

16.18.070 Proposed Design and Improvement

All improvements shall conform to Chapters 16.32, Design Standards, and 16.48, Public Improvements, and to all applicable city resolutions and ordinances. Any request for exceptions shall be made in writing in accordance with Chapter 16.44. The vesting tentative map shall show the following features of the design and improvement:

A. Boundary of proposed tract;
B. The proposed use or uses of the property;
C. Acreage of proposed tract to the nearest tenth of an acre;
D. The proposed streets and alleys with dimensions, including:
   1. Location,
   2. Name (must be approved by city Public Works Director and County street name coordinator),
3. Width of right-of-way, 
4. Grades,
5. Length of tangents,
6. Radius of curves, and
7. Gutter flow line grade in percent;

E. Typical cross-section of the proposed improvements, including:
1. Roadway width,
2. Curb-gutter,
3. Sidewalk width,
4. Asphalt thickness, and
5. Aggregate base thickness;

F. The proposed easements, including:
1. Location,
2. Purpose, and
3. Width;

G. Lot layout, including dimensions of each lot and the number of each lot and unit of air space;

H. The public areas proposed for parks, play ground, open space, and life uses;

I. Sufficient elevations and contours or notations indicating direction and percent slope of slope to determine the general slope of the land and the high and low points thereof;

J. Boundaries of any units within the subdivision if the subdivision is to be recorded in stages;

K. Location of any trees to remain in place, standing within the boundaries of the proposed public right-of-way;

L. Height, size, and location of any proposed buildings;

16.18.080 Design Information Required

The subdivider shall provide complete design information with the Vesting Tentative Map to permit the planning staff and the Planning Commission to review the proposed design and improvements. The information submitted shall include at least the following items:

A. A detailed drainage analysis prepared by a registered engineer which determines the hydraulic grade line for the drainage facilities serving the subdivision, and demonstrates that the proposed drainage improvements conform to city standards.
B. Street and grading plans prepared by a registered engineer which show that the proposed street grades and building pad elevations are consistent with the drainage design, and conform to city standards.

C. A soils report prepared by a registered engineer which demonstrates that the proposed site grading and street structural section conform to city standards, and that foundations are in accordance with building code requirements and city standards.

D. Complete sewer plans prepared by a registered engineer that demonstrate that gravity sewer service can be provided to the proposed buildings and facilities without exceeding the design capacity of the existing sewer facilities, when designed in accordance with city standards.

E. A water report prepared by a registered engineer which demonstrates that the proposed development will have sufficient supplies of potable water that complies with local and state standards. The water report shall include the location and details of all water well and storage facilities that will be needed to meet demand as well as all appurtenant pumps, filters, and back-up electrical generators as may be required to meet local and state requirements.

F. Architectural renderings of proposed buildings and landscape improvements, including all proposed plant and tree species to be installed and irrigation systems, sufficient for the architectural review of the buildings proposed to be constructed on the property being subdivided.

G. Engineers estimate of cost for all proposed improvements, itemized in sufficient detail to permit separation of the costs for the purpose of computing applicable fees;

H. All other applicable design information which may be required by other sections of this title, applicable city standards, codes, or regulations.

16.18.090 Written Statements

In the event it is impossible or impracticable to place upon the vesting tentative map any information required in Sections 16.18.030 through 16.18.070, such information shall be furnished in a written statement which shall be submitted with the map.

Additionally, written statements shall be submitted with the vesting tentative map containing the following information:

A. A copy of any and all existing and proposed restrictive covenants, bylaws, or articles of incorporation proposed shall be attached to the owner’s statement as required;

B. Justification and reasons for any exceptions to provisions of this title, or for any requests for changes to the zoning ordinance of the city in conjunction with the subdivision proposed;
C. Proposed fire hydrant placement;
D. Provisions for electrical power supply;
E. Provisions for natural gas supply
F. Provisions for telephone, CATV, and broadband supply;
G. Type and location of street lighting;
H. Public areas proposed and type of improvements to those public areas;
I. Proposed building setback lines and width of side and rear yards;
J. Improvements and public utilities proposed to be made or installed and the time at
   which such improvements are proposed to be completed;
K. All developments that will create forty (40) or more dwelling units shall be
   required to prepare a traffic analysis prior to submittal and acceptance of any vesting
   tentative map. Said study will follow the Caltrans’ “guide to Preparation of Traffic
   Studies” guidelines
L. Statement from owner of record, if different than subdivider, consenting to
   division of land by subdivision;
M. Statement giving name and address of individual designated to receive all official
   communications regarding the subdivision;

16.18.100 Preliminary Conference

Prior to the submittal of a vesting tentative map, the subdivider is encouraged to consult
with the officials of the city for technical advice and procedural instructions. Preliminary
sketches of the subdivision may be submitted and discussed. The preliminary sketch
should be to a scale and detail sufficient to indicate the essential characteristics of the
subdivision including the number, size and design of lots; the location and width of
streets; the location of any important reservations or easements; the relation of the
subdivision to significant surrounding lands and any other detail necessary to enable
preliminary review. The director or his authorized representative may schedule a
conference with subdivider and appropriate city departments to discuss the preliminary
map and make recommendations concerning the submittal of a vesting tentative map.

16.18.110 Submittal Of Map

A. Twenty-six copies of a vesting tentative map and a statement of the proposed
divisions of any land and the information required by the director or his authorized
representative pertaining to the environmental impact of the proposed division of land shall be submitted by the subdivider or its agent to the Public Works Director. The director shall, within 30 days, examine the vesting tentative map for conformance with this chapter as to form, data, information and other matters required to be shown thereon or furnished therewith. Tentative maps which are found to be incomplete shall be returned to the subdivider with an itemized list of the missing data. If found to be complete, the director or city clerk shall stamp or write on each copy of the tentative map the date of receipt. The Developer, upon request, shall be furnished with copies of all applicable city development standards, zoning requirements, fees, and other pertinent information that is in effect at the time the submittal is deemed complete. Costs or charges for all such material will be based on the “Master Schedule of Fees” in effect at the time of a completed application.

B. An application with date and information for an environmental assessment shall be submitted in accordance with the city environmental assessment guidelines.

16.18.120 Checking Fee

At the time of acceptance of a vesting tentative map for distribution, the subdivider or its agent shall pay a map checking fee in an amount established by resolution of the city council.

16.18.130 Distribution

Within five working days after the required number of completed copies of the vesting tentative map and the accompanying data have been submitted in the office of the city clerk, the city clerk shall transmit a copy of the completed vesting tentative map and the accompanying data to each member of the planning commission, the director, the city engineer, service utilities and other officials who, by law or in the clerk’s opinion, should be furnished the vesting tentative map, together with a request for a written report of its findings and recommendations within ten days. Copies of the reports shall be made available to the subdivider and representative at least five days prior to planning commission consideration of the map.

16.18.140 Planning Commission Action

A. The planning commission shall consider the vesting tentative map and approve, conditionally approve or deny the vesting tentative map within forty-five days after the completed vesting tentative map and accompanying data and reports are deemed filed and received by the city clerk unless such time period is waived by the subdivider or representative.

B. The planning commission shall not conditionally approve the vesting tentative map unless its design and improvement are found to be:

1. Consistent with the city’s general plan, or any specific plan;
2. Consistent with the requirements of this title and all other applicable city ordinances.

C. The planning commission shall deny the vesting tentative map if it makes any of the following findings:
   1. That the proposed map is not consistent with the city’s general plan and subsequent amendments thereto, or any specific plan;
   2. That the design or improvement of the proposed subdivision is not consistent with the city’s general plan and subsequent amendments thereto, or any specific plan;
   3. That the site is not physically suitable for the type of development;
   4. That the site is not physically suitable for the proposed density of development;
   5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
   6. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;
   7. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

D. The city engineer shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the proposed waste discharge would result in or add to violation of requirements of such board, the commission shall disapprove the vesting tentative map or maps of the subdivision.

16.18.150 Planning Commission Report

The planning commission shall produce a written report on its action on the vesting tentative map to the city council at the council’s next regular meeting. The commission action shall be transmitted to the subdivider and representative within five days.

16.18.160 Appeals

The subdivider or any interested person adversely affected may appeal any action of the planning commission with respect to a vesting tentative map to the city council in conformance with Section 66452.5 of the Subdivision Map Act.
16.18.170 Time Limit

If no action is taken by the city council within the time limits specified in this chapter or any authorized extension thereof by mutual consent of the subdivider and the city council, the vesting tentative map as filed shall be deemed to be approved insofar as it complies with other applicable requirements of this chapter and it shall be the duty of the city clerk to certify such approval.

Chapter 16.20 - FINAL MAP—FIVE OR MORE PARCELS

Sections:

16.20.010 Survey requirements.
16.20.020 Size, material and scale.
16.20.030 Title and subtitle.
16.20.040 Coordinate system.
16.20.050 Subdivision boundary.
16.20.060 Dimensions, bearing and curve data.
16.20.070 Lots and blocks.
16.20.080 Streets.
16.20.090 Building setback line.
16.20.100 Easements.
16.20.110 High water line.
16.20.120 City boundaries.
16.20.130 Area of lots.
16.20.140 Monuments.
16.20.150 Soils report.
16.20.160 Other requirements.
16.20.180 Data to accompany final map.
16.20.190 Submittal of map.
16.20.200 Fees.
16.20.210 Effect of failure to record.
16.20.220 Extension of time.
16.20.230 Action on final map by city engineer.
16.20.240 Filing certificate regarding tax lien.
16.20.250 Approval by city council.
16.20.010  Survey Requirements

In all instances, except where the final map is for the purpose of effecting a reversion to acreage, the final map shall be based on an accurate survey of the land in question made in conformance with the Land Surveyor’s Act. (Ord. 254 § 6.1, 1982)

16.20.020  Size, Material And Scale

A final map shall be prepared by a registered civil engineer or licensed land surveyor. It shall be a map legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including affidavits, certificates and acknowledgments, except that such affidavits, certificates and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The size of each sheet shall be eighteen inches by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end and in no case shall be greater than one inch equals one hundred feet nor less that one inch equals fifty feet. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown by a small key map on the first sheet. Each sheet of such map proper shall show the date of the survey, north point, written or graphic scale and other information as necessary. (Ord. 254 § 6.2(A), 1982)

16.20.030  Title and Subtitle

The title of each sheet of such final map shall consist of the approved name and unit number of the tract, if any, at the lower right-hand corner of the sheet, followed by the words “City of Live Oak.” Maps filed for the purpose of showing an acreage land previously subdivided shall be conspicuously marked with the words “Reversion to Acreage.” The title sheet shall also contain a subtitle giving a general description of the property being subdivided by reference to maps which have been previously recorded, or by reference to the plat of any United States survey. Each reference in such description to any tract or subdivision shall be spelled out and worded identically with the original record thereof and reference to book and page of record must be complete. (Ord. 254 § 6.2(B), 1982)
16.20.040  
**Coordinate System**

Wherever the city engineer has established a system of coordinates, then the survey shall be tied into such system. The adjoining corners of all adjoining lots shall be identified by lot and block numbers, subdivision name and place of record, or other proper designation. The final map shall show the basis of bearings. (Ord. 254 § 6.2(C), 1982)

16.20.050  
**Subdivision Boundary**

An accurate and complete boundary survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract and of each block when computed from field measurements on the ground, shall close within a limit of one foot to ten thousand feet. The boundary of the subdivision shall be indicated on the final map by a red-orange border applied to the reverse side of the tracing. The border must not obliterate figures or other data, but it must be dark enough to show on a normal reproduction. (Ord. 254 § 6.2(D), 1982)

16.20.060  
**Dimensions, Bearing And Curve Data**

The final map shall show all survey and mathematical information and data necessary to locate all monuments thereon, including bearing and distance of straight lines and central angle, radius, and arc length of curves, and such information as may be necessary to determine the location of the centers of the curves. The linear dimensions shall be expressed in feet and decimals of a foot. (Ord. 254 § 6.2 (E), 1982)

16.20.070  
**Lots And Blocks**

All lots and blocks and all parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication other than for streets and easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. Sheets so arranged that no lot is split between two or more sheets and wherever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with the numeral “1” and continue consecutively throughout the tract, with no omissions or duplications. (Ord. 254 § 6.2(F), 1982)

16.20.080  
**Streets**

The map shall show the name and the right-of-way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet of the subdivision shall be shown. If any street in the subdivision is a continuation or approximately a continuation of any existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown. Whenever the centerline of a street has been established or recorded, the data shall be shown on the final map. In the case of branching streets, the line of departure from one street to another shall be indicated. (Ord. 254 § 6.2(G), 1982)

16.20.090  
**Building Setback Line**
The map shall show building setback lines on all streets by long, thick dash lines if such setback lines do not conform with the standards of the zoning laws of the city. (Ord. 254 § 6.2(H), 1982)

16.20.100 Easements

The side lines of all easements including utility and new access easements shall be shown by fine dashed lines. If any easement already of record cannot be definitely located, a statement of the existence, the nature thereof, and its recorded reference shall appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement shall be narrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified. If an easement shown on the map is already of record, its recorded reference shall be given. If an easement is being dedicated by the map, it shall be set out in the owner’s certificate of dedication. (Ord. 254 § 6.2(I), 1982)

16.20.110 High Water Line

The map shall show the line of mean high water with a fine continuous line in case the subdivision includes or is adjacent to areas subject to periodic inundation or other waters, and the use of such areas may be required to be restricted by a covenant of restrictions. (Ord. 254 § 6.2(J), 1982)

16.20.120 City Boundaries

City boundaries which cross or adjoin the subdivision shall be clearly designated and located in relation to adjacent lot or block lines. (Ord. 254 § 6.2(K), 1982)

16.20.130 Area Of Lots

Area of each lot created which is not square or rectangular shall be shown to the nearest square foot of one-thousandths of an acre. (Ord. 254 § 6.2(L), 1982)

16.20.140 Monuments

A. The map shall fully and clearly show the existing monuments, stakes or other evidence that was used to determine the location of the boundaries of the subdivision and where such monuments are located on the ground. Each adjacent subdivision corner and ties to parts of subdivisions shall be shown. Such subdivisions shall be identified by proper record data. The map shall show ties to original survey locations such as sections and quarter section corners including proper references thereto. All maps shall show deed bearings and distances and adjusted bearings and distances between found monuments. Any monument or benchmark as required by this section that is disturbed or destroyed before acceptance of all improvements shall be shown on the final map. If any points were reset by ties, that fact shall be stated.

B. Standard concrete monuments shall be set depressed below street grade with cast iron ring and cover on all paved streets, alleys or other public areas at the following locations:

1. At the centerline intersections;

2. At the point of intersection of all curves if such point is within the paved area;
3. At the beginning of curves and end of curves, if the point of intersection falls outside the paved area:

4. At all section and quarter section corners;

5. At the intersection of tract boundary with a street or alley centerline:

6. At the intersection of the city limits with a street or alley centerline.

Standard monuments as hereinabove required may be eliminated when the distance between such monuments would be less than two hundred feet, except that standard monuments will be required at all street intersections and boundary corners in paved areas.

C. Minimum three-fourths-inch by twenty-four-inch iron pipe with the appropriate identification of the land surveyor or licensed civil engineer, shall be placed at the following locations:

1. Along boundary lines:
   a. At all angle points which fall outside of paved area,
   b. At distances on tangent not to exceed one thousand feet at intervisible points;

2. Along lot lines:
   a. At lot corners,
   b. Angle points,
   c. Beginning of curves,
   d. End of curves.

D. All monuments and iron pipes shall be subject to inspection and approval by the city engineer before filing of the final map with the city clerk, unless their installation has been deferred, as herein after provided.

1. Deferment. In the event any of the monuments required to be set are to be set subsequent to the recordation of the final map, the map shall show which monuments are to be so set. (Ord. 254 § 6.2(M), 1982)

16.20.150 Soils Report

When a soils report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name of the engineer making the report. (Ord. 254 § 6.2(N), 1982)

16.20.160 Other Requirements

The final map shall also show all other data as may be required by law. (Ord. 254 § 6.2(0), 1982)

16.20.170 Certificate, Acknowledgment And Description

The title sheet of the final map, below the title, shall show the name of the engineer or surveyor, together with the date of the survey, the scale of the map and the number of
sheets. The following certificates, acknowledgments and description shall appear on the title sheet of the final map and such certificates may be combined where appropriate:

A. A certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the final map is required in accordance with the provisions of the Subdivision Map Act.

B. Dedications of or offers to dedicate interests in real property for specified public purposes shall be made by a certificate in accordance with the Subdivision Map Act.

C. A certificate by the engineer or surveyor responsible for the survey and final map is required in accordance with the Subdivision Map Act.

D. A certificate by the city engineer shall be placed on the map in accordance with the Subdivision Map Act.

E. Certificate for execution by the city clerk in accordance with the Subdivision Map Act.

F. Certificates for execution by the county recorder.

G. The title sheet shall also contain such other affidavits, certificates, acknowledgments, enforcements and notarial seals as are required by law and by this title. Such title sheet shall be arranged so that spaces for notarial seals shall be located as near as possible to the border line. (Ord. 254 § 6.2(P), 1982)

**16.20.180 Data To Accompany Final Map**

The following data shall accompany the final map:

A. Traverse Sheets. Calculation and traverse sheets in a form approved by the city engineer giving bearings, distances, lot areas and coordinates of the boundary of the subdivision and blocks, lots and streets therein shown on the final map, and traverse sheets of time to find stakes, monuments or other evidence used to determine the boundaries of the subdivision;

B. Utility Easement. A statement or map from the respective utility companies showing required easements to provide their service;

C. Public Improvement Plans and Specifications. The subdivider shall grade and improve all land dedicated or to be dedicated for streets, highways, public ways and easements, and all private streets and private easements required as conditions of approval of the tentative map. The original tracings of detailed plans, cross-sections and profiles of all improvements required to be installed by the provisions of this title and of all other improvements proposed to be installed by the subdivider in, on, over or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be submitted to the city engineer for his approval and signature. All such plans shall be prepared in accordance with the requirements of the city engineer. Plan sheets shall be twenty-two by thirty-six inches with a two-inch left margin;

D. No-access Certificate. A no-access rights certificate shall be shown on the final map where required by the city engineer;
E. Design Data. Design data assumptions and computation for proper analysis in accordance with sound engineering practice;

F. Report and Guarantee of Clear Title. The final map shall be accompanied by a current report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map and for dedication of the streets, alleys and other public places shown on the map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to such subdivision. At the time of recording the map, following approval by the city council, there shall be filed with the county recorder, a guarantee executed by a duly authorized title company showing that persons (naming them) consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and the dedications shown thereon;

G. Security. Public improvement agreement and bonds as specified in Sections 16.20.280 through 16.20.310;

H. Miscellany. Two copies of all deed restrictions, bylaws and articles of incorporation. (Ord. 254 § 6.3, 1982)

16.20.190 Submittal Of Map

After approval or conditional approval of the tentative map of a subdivision, a final map shall be prepared by a registered civil engineer or licensed land surveyor in accordance with the approved tentative map, the provisions of this title and the Subdivision Map Act. Four copies of the final map and the data accompanying the final map shall be submitted by the subdivider or its agent to the city clerk for checking. (Ord, 254 § 6.4(A), 1982)

16.20.200 Fees

A. At the time of submittal, the subdivider shall pay a map checking fee for checking the final map, checking improvement plans and specifications, checking contract arrangements, and inspecting improvements in an amount fixed by resolution or ordinance of the city council.

B. At the time of filing of the final map with the city council, the subdivider shall be required to pay all regular extension fees for both water and sewer in those amounts previously fixed by resolution or ordinance of the city council or as otherwise determined and fixed under the terms of a standard subdivision improvement agreement and/or development agreement entered into between the city and the subdivider.

C. At the time of filing a final map, the subdivider shall pay a recording fee as established by the clerk of the county.

D. Prior to recording of the final map, the subdivider shall pay park and recreational facility fees required as a condition of approval of the map.

E. Notwithstanding any other provision of this code to the contrary, i.e. Sections 13.36.110 and/or 16.48.060 or any other provision of this code, in subdivisions, subdividers shall be required to pay the water connection and sewer connection fees for each lot within the subdivision at the time a building permit is issued on each lot within the subdivision.
F. Notwithstanding any other provision of this code to the contrary, i.e. Sections 13.36.110 and/or 16.48.060 or any other provision of this code, in subdivisions, storm drain fees attributable to that lot shall be paid concurrently with the issuance of a building permit on that lot within the subdivision or within six months from the date of the filing of the final map, all storm drain fees attributable to the subdivision shall be paid, whichever is the earlier.

G. In that water connection and sewer connection fees and storm drain fees are to be paid at the time a building permit is issued, those fees to be paid shall be the fees in effect at the time that a building permit application is made on any given lot within the subdivision.

H. Nothing herein shall preclude subdivider, at his election, from paying the city water connection and sewer connection fees and storm drain fees at a point in time prior to the issuance of building permits, namely at the time of entering into development agreements with city or at the time of entering into a subdivision improvement agreement or at the time of recordation of the final map. (Ord. 375 § 1, 1992: Ord. 254 § 6.4(B), 1982)

16.20.210 Effect Of Failure To Record

The failure to record a final map within a period of eighteen months after the approval or conditional approval of the tentative map or any extension thereof granted by the city council shall terminate all proceedings. Before a final map may thereafter be recorded, a new tentative map shall be submitted. (Ord. 254 § 6.4(C), 1982)

16.20.220 Extension Of Time

An extension of time for filing of the final map may be granted by the planning commission for a period not to exceed two years, provided that written application is filed by the subdivider not less than thirty days in advance of the expiration date of the tentative map. In the event the planning commission denies a subdivider’s application for extension of time, the subdivider may within fifteen days after such action appeal to the city council. (Ord. 254 § 6.4(D), 1982)

16.20.230 Action On Final Map By City Engineer

Upon receipt of the final map which must bear the signature of the licensed land surveyor or registered civil engineer and of all owners or owner, and other data submitted therewith, the city engineer shall examine such to determine that the subdivision is shown substantially the same as it appeared on the tentative map, any approved alterations thereof, and any conditions of approval thereof, that all provisions of this title and the Subdivision Map Act have been complied with, and that he is satisfied that the map is technically correct. If the city engineer determines that the final map is not in full conformity with the tentative map, he shall advise the subdivider of the changes or additions that must be made to make such purposes and shall afford the subdivider an opportunity to make such changes or additions. If the city engineer determines that full conformity therewith has been made, he shall so certify on the map and transmit the map to the city clerk, together with any documents which may have been filed therewith for presentation to the city council. (Ord. 254 § 6.4(E), 1982)

16.20.240 Filing Certificate Regarding Tax Lien
Prior to the filing of the final map with the city council, the subdivider shall file the certificate and documents relating to taxes and assessments as required by the Subdivision Map Act commencing with Section 66492 and any amendments thereto. (Ord. 254 § 6.4(F), 1982)

16.20.250 Approval By City Council

At its first regular meeting following the filing of the final map with the city clerk the city council shall consider the map, the plan of subdivision, and the offers of dedication. If the city council determines that the map is in conformity with the requirements of this title and the Subdivision Map Act applicable at the time of approval of the tentative map and any rulings thereunder and that it is satisfied with the plans of subdivision, it shall approve the map. At the time the city council approves a final map, it may also accept, subject to improvements or reject any offer of dedication. The city clerk shall certify on the map the action by the city council. (Ord. 254 § 6.4(G), 1982)

16.20.260 Approval By Units

A subdivider may elect to file for approval by the city council a final map covering only a portion of the approved tentative map. Each such partial final map shall be given a separate subdivision number and all of the requirements required for approval of a full final map shall apply to approval for a partial final map and the subdivision agreement required of the subdivider shall provide for the construction of such improvements as may be necessary to constitute a logical and orderly development of the whole subdivision by units. (Ord. 254 § 6.4(H), 1982)

16.20.270 Disapproval By Council

If the city council determines either that the map is not in conformity with the requirements of this title, or that it is not satisfied with the plans for subdivision, it shall disapprove the map specifying its reason therefore and the city clerk shall, in writing, advise the subdivider of such disapproval, and of the reason or reasons for such disapproval. Within thirty days after the city council has disapproved any map, the subdivider may file with the city clerk a map altered to meet the approval of the city council. In such case, the director and the city engineer shall review the altered map for conformance with the requirements of the city council and then shall submit the altered map to the city council for its approval along with a certificate that the altered map is technically correct. No final map shall have any force or effect until the same has been approved by the city council and no offer of dedication shall be accepted until the county clerk has recorded the map with the county recorder. (Ord. 254 § 6 1982)

16.20.280 Public Improvement Agreement

If at the time of approval of the final map by the city council any public improvements required by the city pursuant to the provisions of this title have not been completed and accepted in accordance with city standards applicable at the time of the approval or conditional approval of the tentative map, the city council, as a condition precedent to the approval of the final map, shall require the subdivider to enter into an agreement with the city upon mutually agreeable terms to thereafter complete such improvements at the subdivider’s expense. Such agreement shall be secured by improvement security. The agreement may, at the option of the city, be recorded. (Ord. 254 § 6.5(A), 1982)
16.20.290 Type Of Improvement Security Allowed

Whenever this title authorizes or requires the furnishing of security in connection with the performance of any act or agreement, such security shall be one of the following at the option of and subject to the approval of the city:

A. Bond or bonds by one or more duly authorized corporate sureties;

B. A deposit, either with the city or a responsible escrow agent or trust company, at the option of the city, or money or negotiable bonds of the kind approved for securing deposits of public moneys;

C. An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment;

D. A lien upon the property to be divided, created by contract between the owner and the local agency, if the city finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map;

E. A security interest in real property in an amount determined by the city not to exceed a portion of the value of the property as determined by the city. The security interest instrument would be of a form approved by the city, and would be recorded with the county recorder. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in an amount necessary to complete the agreed to improvements. The recorded contract or security document shall be indexed in the grantor index to the names of all record owners of the real property and in the grantee index to the city of Live Oak.

The city may at any time release all or any portion of the property subject to any lien or security interest created by this subdivision or subordinate the lien or security interest to other liens or encumbrances if it determines that security for performance is sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the completion of agreed upon improvements. (Ord, 254 § 6.5(B), 1982)

16.20.300 Form Of Bonded Security

A. Form. A bond or bonds by one or more duly authorized corporate sureties to secure the faithful performance or for the security of laborers and material men shall be in substantially the form prescribed by the Subdivision Map Act.

B. Amount.

1. For faithful performance the amount of improvement security shall be based upon the total estimated cost of the improvements as determined by the city engineer. Improvement security securing faithful performance of all work, including sufficient funds to insure construction staking and contract administration by the subdivider’s consulting engineer, shall be an amount equal to one hundred percent of the estimated cost of improvement. All improvement security shall be maintained in full force and effect for a period of twelve months following acceptance of all improvements by the city to assure the proper completion or maintenance of the work; provided, that substitution or
partial release of security may be authorized by the city engineer if in his opinion such substitution or partial release is consistent with proper completion or maintenance of the work and protection of possible lien holder, and further provided, that the amount of the continuing security shall in no case be less than twenty-five percent of the amount of the original security.

2. For labor and material the improvement security securing payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvement of the performance of the required act shall be an amount equal to one hundred percent of the total estimated cost of the improvement, except if the security is in the form of a cash deposit, deposits or instrument of credit or security interests the amount shall be equal to fifty percent of the total estimated cost of the improvement. (Ord, 254 § 6.5(C), 1982)

16.20.310 General Conditions For Security And Insurance

A. Bonds, deposits, instruments of credit, property liens, and security interest in real property shall conform to the following conditions:

1. Liability of Security. Any liability upon the security given for the faithful performance of any act or agreement shall be limited to the condition prescribed by the Subdivision Map Act.

2. Additional Secured Costs. As a part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorney’s fees, incurred by the city in successfully enforcing the obligation secured.

3. Release of Security. Improvement security may be released in whole or in part in the manner prescribed by the Subdivision Map Act and in accordance with any such rules prescribed by the city council.

B. Insurance. The subdivider shall obtain liability insurance, which insurance shall name the city of Live Oak, its officers and agents as additional insured’s, and shall be in amounts not less that three hundred thousand dollars for the death or injury of one or more than one person in any one occurrence, and not less than one hundred thousand dollars for any property damage in any one occurrence. Such policy shall not be cancelable without ten days’ notice to the city. The subdivider shall file a certificate of insurance which indicates that such insurance has been issued in the amounts herein specified prior to commencement of construction. (Ord. 254 § 6.5(D). 1982)

16.20.320 Recordation

When the city council shall have approved the final map as set forth in this chapter, the city clerk shall present the map to the clerk of the county board of supervisors in accordance with the Map Act for ultimate transmittal of the same to the county recorder. After the map has been recorded, the subdivider shall provide the city engineer with a wet process photographic duplicate on .004 thickness, single matte, reproducible, polyester film of each sheet. (Ord. 254 § 6.6, 1982)
16.24.010  When required
A tentative parcel map shall be required for subdivisions, condominiums, community apartments or stock cooperatives for which a final map is not otherwise required by this title except a tentative parcel map shall not be required for subdivisions created by short-term leases (terminable by either party on not more than thirty day’s notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code, of for land conveyed to or from a govern mental agency, public entity or public utility, or to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates such a parcel map. (Ord. 254 § 7.1, 1982)

16.24.020  Form
A tentative parcel map shall be prepared by a licensed surveyor or registered civil engineer. It shall be eighteen inches by twenty-six inches, and shall be drawn to a scale of one inch equals forty feet or one inch equals fifty feet unless otherwise approved by the city engineer: provided, however, that in the case of a tentative parcel map relating to very large areas, the city engineer or his agent may, in addition, require one map of lesser scale depicting the entire area. (Ord. 254 § 7.2, 1982)
16.24.030 Title and Subtitle

The title of the tentative parcel map shall consist of the name and unit number of the tract, at the lower right-hand corner of the sheet. The title sheet shall also contain a subtitle giving a general description of the property being subdivided by reference to maps which have been previously recorded, or by reference to the plat of any United States survey. Each reference to such description to any tract or subdivision shall be spelled out and worded identically with the original record thereof and reference to book and page of record must be complete, followed by the words, “City of Live Oak.” (Ord. 254 § 7.3(A), 1982)

16.24.040 Key Or Location Map

The tentative parcel map shall contain a key or location map on which shall be shown the area to be subdivided including adjacent significant subdivisions and streets. (Ord. 254 § 7.3(8), 1982)

16.24.050 Miscellaneous Requirements

The tentative parcel map shall show:
A. North point:
B. Scale:
C. Name and address of recorded owner or owners:
D. Name and address of the subdivider;
E. Name and address of the registered civil engineer or licensed surveyor who prepared the map;
F. City limit lines if any;
G. Important record objects and subdivisional points;
H. Names of land owners adjacent to subdivision;
I. Existing uses of the property. (Ord. 254 § 7.3(C), 1982)

16.24.060 Existing Features

The tentative parcel map shall show the following:
A. Boundaries of property being subdivided and the adjacent lines of the adjoining property owners;
B. Show existing topography. Show with different legend topography features which shall be removed or relocated. Examples of topography to be shown include:
   1. Buildings,
   2. Trees (size and species),
   3. Light poles,
   4. Utility poles and anchors,
   5. Fences,
6. Underground irrigation system if any,
7. Well, septic and leach lines, if any, and
8. Other features if important to show on the proposal;

C. Sufficient existing elevations or contours or notations indicating direction and percent of slope to determine the general slope of the land and the high and low point thereof;

D. Show adjoining and contiguous highways, streets, ways and alleys, including:
   1. Location,
   2. Name,
   3. Width of right-of-way,
   4. Existing pavement (type, edge),
   5. Curb and sidewalk, if any;

E. Approximate location and width of existing easements whether public or private and whether for roads, drainage, sewage, water, public utilities, or for other purposes;

F. Adjoining existing public utilities:
   1. Sanitary sewer, including: sewer lines and diameter, manholes, lift stations and cleanouts if any,
   2. Storm drainage, including: storm drains and diameter, manholes, catchbasins, drop inlets, ditches which convey storm drainage and direction of flow,
   3. Domestic water supply, including: water mains and diameter, fire hydrants, valves and other water supply features,
   4. Electric, telephone, television utilities, including lines and poles;

G. Any land which is subject to inundation or flooding by storm or overflow water, or other causes shall be indicated. The proposed filling, drainage, or other preventative or corrective measures shall be indicated, if any. (Ord. 254 § 7.3(D), 1982)

16.24.070 Proposed Design And Improvements

All required and proposed improvements shall conform to Chapter 16.32, Design Standards, and Chapter 16.48, Public Improvements, and all applicable city ordinances. Any request for exceptions shall be made in accordance with Chapter 16.44. Show the following features of the proposed design and improvements:

A. Boundary of proposed tract;
B. The proposed use or uses of the property;
C. Acreage of proposed tract to the nearest tenth of an acre;
D. The proposed streets and alleys including approximate dimensions, including:
   1. Location,
   2. Name,
   3. Width of right-of-way,
4. Length of tangents,
5. Radius of curves, and
6. Gutter flow line grade in percent;
E. Typical cross-section of the proposed road way improvements, including:
   1. Roadway width,
   2. Curb-gutter,
   3. Sidewalk width,
   4. Paving type and thickness, and
   5. Base type and thickness;
F. The proposed easements, including:
   1. Approximate location,
   2. Purpose, and
   3. Width;
G. Approximate lot layout, including dimensions and the number of each lot. (Ord. 301 § 3 (part), 1986; Ord. 254 § 7.3(E), 1982)

16.24.080 Written Statements

In the event it is impossible or impracticable to place upon the tentative parcel map any information required in Sections 16.24.030 through 16.24.070, such information shall be furnished in a written statement which shall be submitted with the map.

Additionally, written statements shall be submitted with the tentative parcel map containing the following information:

A. A copy of any and all existing and proposed restrictive covenants, bylaws, or articles of incorporation proposed shall be attached to the owner’s statement as required, if any are proposed;

B. Justification and reasons for any exceptions which are requested to provisions of this title, or for any amendments to the zoning law, which may be required in conjunction with the subdivision proposed;

C. Improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed;

D. Statement from owner of record, if different than subdivider, consenting to division of land by subdivision;

E. A statement may be submitted by the subdivider requesting a waiver of the requirement for filing and recordation of a parcel map;

F. Statement giving name and address of individual designated to receive official communications regarding the subdivision. (Ord. 254 § 7.3(F), 1982)

16.24.090 Preliminary Conference
Prior to the submittal of a tentative parcel map, the subdivider is encouraged to consult with the officials of the city for technical advice and procedural instructions. Preliminary sketches of the subdivision may be submitted and discussed. The preliminary sketch should be to a scale and detail sufficient to indicate the essential characteristics of the subdivision including the number, size and design of lots; the location and width of streets; the location of any important reservations or easements; the relation of the subdivision to all surrounding lands and any other detail necessary to enable preliminary review. The director or his authorized representative may schedule a conference with subdivider and appropriate city departments to discuss the preliminary map and make recommendations concerning the submittal of a tentative parcel map. (Ord. 254 § 7.4(A), 1982)

16.24.100 Submittal

A. Twenty copies of a tentative parcel map and a statement of the proposed division of any land and the information required by the planning director or his authorized representative pertaining to the environmental impact of the proposed division of land shall be submitted by the subdivider or its agent to the city clerk. The clerk shall examine the tentative parcel map for conformance with this chapter as to form, data, information and other matters required to be shown thereon or furnished therewith. Tentative parcel maps which are found to be incomplete shall be returned to the subdivider with an itemized list of the missing data. If found to be complete, the city clerk shall stamp or write on each copy of the tentative parcel map the date of receipt.

B. An application with data and information for an environmental assessment shall be submitted in accordance with the city environmental assessment guidelines. (Ord. 383 § 4, 1992: Ord. 254 § 7.4(B), 1982)

16.24.110 Checking Fee

At the time of acceptance of a tentative parcel map for distribution, the subdivider or its agent shall pay a map checking fee in an amount established by resolution of the city council. (Ord. 254 § 7.4(C), 1982)

16.24.120 Distribution

Within five working days after the required number of completed copies of the tentative parcel map and the accompanying data have been submitted in the office of the city clerk, the city clerk shall transmit a copy of the completed tentative parcel map and the accompanying data to each member of the planning commission, the director, the city engineer, service utilities and other officials who, by law or in the clerk’s opinion, should be furnished the tentative parcel map, together with a request for a written report of its findings and recommendations within ten days. If a reply is not received within the time allowed it will be assumed that the map conforms to the requirements of the public agency or utility company concerned. Copies of the reports shall be made available to the subdivider and representative at least five days prior to planning commission consideration of the map. (Ord. 301 § 2(D), 1986: Ord. 254 § 7.4(D), 1982)

16.24.130 Planning Commission Action

A. The planning commission shall consider the completed tentative parcel map and approve, conditionally approve or deny the tentative map within forty-five days after the
completed tentative parcel map is filed and received by the city clerk unless such time period is waived by the subdivider or representative.

B. The planning commission shall not approve or conditionally approve the tentative parcel map unless its designs and improvements are found to be:

1. Consistent with the city’s general plan and subsequent amendments thereto, or any specific plan;
2. Compatible with the objectives, policies, general land uses and programs specified in the city’s general plan and subsequent amendments thereto, or any specific plan;
3. Consistent with the requirements of this title and all other applicable city ordinances.

C. The planning commission shall deny the tentative parcel map if it makes any of the following findings:

1. That the proposed map is not consistent with the city’s general plan and subsequent amendments thereto, or any specific plan;
2. That the design or improvement of the proposed subdivision is not consistent with the city’s general plan and subsequent amendments thereto, or any specific plan;
3. That the site is not physically suitable for the type of development;
4. That the site is not physically suitable for the proposed density of development;
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
7. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

D. The planning commission may approve a request for a waiver of the requirement for filing and recordation of a parcel map if the following findings are made:

1. The land division creates not more than two lots;
2. The land division meets the city requirements for public improvements for roadway width, road way structure, curb, gutter and sidewalk, drainage, sanitary sewer, water supply, and other city standards;
3. The land division meets the city requirements for zoning and environmental protection.
E. The subdivider or any interested person adversely affected may appeal any action of the planning commission with respect to a tentative map to the city council in conformance with Section 66452.5 of the Subdivision Map Act. (Ord. 301 § 2(E) 1986; Ord. 254 § 7.4(E), 1982).

The planning commission shall provide a written report on its action on the tentative map to the city council at the council’s next regular meeting. The commission action shall be transmitted to the subdivider and representative within five days. (Ord. 301 § 2(F), 1986: Ord. 254 § 7.4(F), 1982)

16.24.150 Appeals
The subdivider or any interested person adversely affected may appeal any action of the planning commission with respect to a tentative map to the city council in conformance with Section 66452.5 of the Subdivision Map Act. (Ord. 301 § 2(G), 1986; Ord. 254 § 7.4(G), 1982)

Chapter 16.28 - PARCEL MAP—LESS THAN FIVE PARCELS

Sections:

16.28.010 Survey requirements.
16.28.020 Size, material and scale of map.
16.28.030 Title and subtitle.
16.28.040 Coordinate system.
16.28.050 Subdivision boundary.
16.28.060 Dimensions, bearing and curve data.
16.28.070 Lots.
16.28.080 Streets.
16.28.090 Building setback lines.
16.28.100 Easements.
16.28.110 High water line.
16.28.120 City boundaries.
16.28.130 Area of parcels.
16.28.140 Monuments.
16.28.150 Soils report.
16.28.160 Other requirements.
16.28.180 Data to accompany parcel map.
16.28.010  Survey Requirements
In all instances, except where the parcel map is for the purpose of effecting a reversion to acreage or where a waiver of a parcel map has been granted as provided for in Chapter 16.24, the parcel map shall be based on an accurate survey of the land in question made in conformance with the Land Surveyor’s Act. (Ord. 254 § 8.1, 1982)

16.28.020  Size, Material And Scale Of Map
A parcel map shall be prepared by a registered civil engineer or licensed land surveyor. It shall be a map legibly drawn; printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including affidavits, certificates and acknowledgments, except that such affidavits, certificates and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The size of each sheet shall be eighteen inches by twenty-four inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end and in no case shall be greater than one inch equals one hundred feet nor less than one inch equals fifty feet. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown by a small key map on the first sheet. Each sheet of such map proper shall show the date of the survey, north point, written or graphic scale and other information as necessary. (Ord. 254 § 8.2(A), 1982)

16.28.030  Title And Subtitle
The title of each sheet of such parcel map shall consist of the approved name and unit number of the tract, if any, at the lower right-hand corner of the sheet, followed by the words “City of Live Oak.” Maps filed for the purpose of showing an acreage land previously subdivided shall be conspicuously marked with the words “Reversion to
Acreage.” The title sheet shall also contain a subtitle giving a general description of the property being subdivided by reference to maps which have been previously recorded, or by reference to the plat of any United States survey. Each reference in such description to any tract or subdivision shall be spelled out and worded identically with the original record thereof and reference to book and page of record must be complete. (Ord. 254 § 8.2(B), 1982)

16.28.040 Coordinate System

Wherever the city engineer has established a system of coordinates, then the survey shall be tied into such system. The adjoining corners of all adjoining lots shall be identified by lot and block numbers, subdivision name and place of record, or other proper designation. The parcel map shall show the basis of bearings. (Ord. 254 § 8.2(C), 1982)

16.28.050 Subdivision Boundary

An accurate and complete boundary survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract and of each block when computed from field measurements on the ground, shall close within a limit of one inch equals ten thousand feet. The boundary of the subdivision shall be indicated on the parcel map by a red-orange border applied to the reverse side of the tracing. The border must not obliterate figures or other data, but it must be dark enough to show on a normal reproduction. (Ord. 254 § 8.2(D), 1982)

16.28.060 Dimensions, Bearing And Curve Data

The parcel map shall show all survey and mathematical information and data necessary to locate all monuments thereon, including bearing and distance of straight lines and central angle, radius, and arc length of curves, and such information as may be necessary to determine the location of the centers of the curves. The linear dimensions shall be expressed in feet and decimals of a foot. (Ord. 254 § 8.2(E), 1982)

16.28.070 Lots

All lots and all parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication other than for streets and easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two or more sheets. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with the numeral “1” and continue consecutively throughout the tract, with no omissions or duplications. (Ord. 254 § 8.2(F), 1982)

16.28.080 Streets

The map shall show the name and right-of-way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet of the subdivision shall be shown. If any street in the subdivision is a continuation or approximately a continuation of any existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown. Whenever the centerline of a street has been established
or recorded, the data shall be shown on the parcel map. In the case of branching streets, the line of departure from one street to another shall be indicated. (Ord. 254 § 8.2(G), 1982)

16.28.090 Building Setback Lines

The map shall show building setback lines on all streets by long, thick dash lines if such setback lines do not conform with the zoning ordinance of the city. (Ord. 254 § 8.2(H), 1982)

16.28.100 Easements

The side lines of all easements including utility and new access easements shall be shown by fine dashed lines. If any easement already of record cannot be definitely located, a statement of the existence, the nature thereof, and its recorded reference shall appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement shall be narrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified. If an easement shown on the map is already of record, its recorded reference shall be given. If an easement is being dedicated by the map, it shall be set out in the owner’s certificate of dedication. (Ord. 254 § 8.2(I), 1982)

16.28.110 High Water Line

The map shall show the line of mean high water with a fine continuous line in case the subdivision includes or is adjacent to areas subject to periodic inundation or other waters, and the use of such areas may be required to be restricted by a covenant of restrictions. (Ord. 254 § 8.2(J), 1982)

16.28.120 City Boundaries

City boundaries which cross or adjoin the subdivision shall be clearly designated and located in relation to adjacent lot lines. (Ord. 254 § 8.2(K), 1982)

16.28.130 Area Of Parcels

The area of each parcel created shall be shown to the nearest square foot or one-thousandths of an acre. (Ord. 254 § 8.2(L), 1982)

16.28.140 Monuments

A. The map shall fully and clearly show the existing monuments, stakes or other evidence that was used to determine the location of the boundaries of the subdivision and where such monuments are located on the ground. Each adjacent subdivision corner and ties to parts of subdivisions shall be shown. Such subdivisions shall be identified by proper record data. The map shall show ties to original survey locations such as sections and quarter section corners including proper references thereto. All maps shall show deed bearings and distances and adjusted bearings and distances between found monuments. Any monument or benchmark as required by this section that is disturbed or destroyed before acceptance of all improvements shall be shown on the final map. If any points were reset by ties, that fact shall be stated.
B. Standard concrete monuments shall be set depressed below street grade with cast iron ring and cover on all paved streets, alleys or other public areas at the following locations:
1. At the centerline of intersections;
2. At the point of intersection of all curves if such point is within the paved area;
3. At the beginning of curves and end of curves, if the point of intersection falls outside the paved area;
4. At all section and quarter section corners;
5. At the intersection of tract boundary with a street or alley centerline;
6. At the intersection of the city limits with a street or alley centerline.

Standard monuments as hereinabove required may be eliminated when the distance between such monuments would be less than two hundred feet, except that standard monuments will be required at all street intersections and boundary corners on paved area.

C. Minimum three-fourths-inch by twenty-four-inch iron pipe with appropriate identification of the land surveyor or licensed civil engineer, shall be placed at the following locations:
1. Along boundary lines of the subdivision:
   a. At all angle points which fall outside of paved area,
   b. At distances on tangent not to exceed one thousand feet at intervisible points;
2. Along lot lines:
   a. At lot corners,
   b. Angle points,
   c. Beginning of curves,
   d. End of curves.

D. All monuments and iron pipes shall be subject to inspection and approval by the city engineer before filing of the parcel map with the city clerk, unless their installation has been deferred, as hereinafter provided.

1. In the event any of the monuments required to be set are to be set subsequent to the recordation of the parcel map, the map shall show which monuments are to be so set.  (Ord. 254 § 8.2(M), 1982)

16.28.150 Soils Report

When a soils report has been prepared, this fact shall be noted on the parcel map, together with the date of the report and the name of the engineer making the report. (Ord. 254 § 8.2(N), 1982)

16.28.160 Other Requirements

The parcel map shall also show all other data as may be required by law. (Ord. 254 § 8.2(0), 1982)
16.28.170  Certificate, Acknowledgment And Description

The title sheet of the parcel map, below the title, shall show the name of the engineer or surveyor, together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and descriptions shall appear on the title sheet of the parcel map and such certificates may be combined where appropriate:

A. A certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required in accordance with the provisions of the Subdivision Map Act.

B. Dedications of or offers to dedicate interests in real property for specified public purposes shall be made by separate instrument in accordance with the Subdivision Map Act.

C. A certificate by the engineer or surveyor responsible for the survey and parcel map is required in accordance with the Subdivision Map Act.

D. A certificate by the city engineer shall be placed on the map in accordance with the Subdivision Map Act.

E. Certificate for execution by the county recorder.

F. The title sheet shall also contain such other affidavits, certificates, acknowledgments, enforcements and notarial seals as are required by law and by this title. Such title sheet shall be arranged so that spaces for notarial seals shall be located as near as possible to the border line. (Ord. 254 § 8.2(P), 1982)

16.28.180  Data To Accompany Parcel Map

The following data shall accompany the parcel map:

A. Traverse Sheets. Calculation and traverse sheets in a form approved by the city engineer giving bearings, distances, lot areas and coordinates of the boundary of the subdivision, blocks, lots and streets shown on the parcel map. The requirement includes traverse sheets of ties to stakes, monuments or other evidence used to determine the boundaries of the subdivision;

B. Utility Easement. A statement or map from the respective utility companies showing required easements to provide their service;

C. Public Improvement Plans and Specifications. The subdivider shall grade and improve all land dedicated or to be dedicated for streets, highways, public ways and easements, and all private streets and private easements required as conditions of approval of the parcel map. The original tracings of detailed plans, cross-sections and profiles of all improvements required to be installed by the provisions of this title and of all other improvements proposed to be installed by the subdivider in, on, over or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be submitted to the city engineer for his approval and signature. All such plans shall be prepared in accordance with the requirements of the city engineer. Plan sheets shall be twenty-two inches by thirty-six inches with a two-inch left margin;
D. No-access Certificate. A no-access rights certificate shall be shown on the parcel map where required by the city engineer;

E. Design Data. Design data assumptions and computation for proper analysis in accordance with sound engineering practice;

F. Report and Guarantee of Clear Title. The parcel map shall be accompanied by a current report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map and for dedication of the streets, alleys and other public places shown on the map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to such subdivision. At the time of recording the map, there shall be filed with the county recorder a guarantee executed by a duly authorized title company showing that persons (naming them) consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and the dedications shown thereon;

G. Improvements. Public improvement agreement and bonds as specified in Sections 16.28.250 through 16.28.280;

H. Miscellany. Two copies of all deed restrictions, bylaws and/or articles of incorporation. (Ord. 254 § 8.3, 1982)

16.28.190 Submittal

After approval or conditional approval of the tentative parcel map of a subdivision, a parcel map shall be prepared by a registered civil engineer or licensed land surveyor in accordance with the approved tentative map, the provisions of this chapter and the Subdivision Map Act. Four copies of the parcel map and the data accompanying the parcel map shall be submitted by the subdivider or its agent to the city clerk. (Ord. 254 § 8.4(A), 1982)

16.28.200 Fees

A. At the time of submittal of the parcel map, the subdivider shall pay a map-checking fee for checking the parcel map, checking improvement plans and specifications, checking contract arrangements, and inspecting improvements in an amount fixed by resolution or ordinance of the city council.

B. At the time of filing of the parcel map, the subdivider shall be required to pay all regular extension fees and connection fees for the extension of and connection to water lines, sewer lines and storm drain facilities in an amount fixed by resolution or ordinance of the city council, except as otherwise specified in Chapter 16.48.

C. At the time of filing a parcel map, the subdivider shall pay a recording fee as established by the clerk of the county. (Ord. 254 § 8.4(B), 1982)

16.28.210 Effect Of Failure To Record

The failure to record a parcel map within a period of twelve months after the approval or conditional approval of the tentative parcel map or any extension thereof shall terminate
all proceedings. Before a parcel map may thereafter be recorded a new tentative parcel map shall be submitted. (Ord. 254 § 8.4(C), 1982)

**16.28.220  Extension Of Time**

An extension of time for recordation of the parcel map may be granted by the planning commission for a period not to exceed one year, provided that written application is filed by the subdivider not less than thirty days in advance of the expiration date of the tentative parcel map. Only one such extension may be granted. In the event the planning commission denies a subdivider’s application for extension of time, the subdivider may within fifteen days after such action appeal to the city council. (Ord. 254 § 8.4(D), 1982)

**16.28.230  Action On Parcel Map By City Engineer**

Upon receipt of the parcel map which must bear the signature of the licensed land surveyor or registered civil engineer and of all owners or owner, and other data submitted therewith, the city engineer shall examine such to determine that the subdivision is shown substantially the same as it appeared on the tentative map, and any approved alterations thereof, and any conditions of approval thereof, that all provisions of this title and the Subdivision Map Act have been complied with, and that he is satisfied that the map is technically correct. If the city engineer determines that the parcel map is not in full conformity with the tentative map, he shall advise the subdivider of the changes or additions that must be made to make such purposes and shall afford the subdivider an opportunity to make such changes or additions. If the city engineer determines that full conformity there with has been made, he shall so certify on the map and file the map with the city clerk, together with any documents which may have been filed therewith. (Ord. 254 § 8.4(E), 1982)

**16.28.240  Offers Of Right-Of-Way Dedication**

If any offer of right-of-way dedication was required as a condition of approval of the tentative map, the city council shall consider the offer at its first regular meeting following the filing of the parcel map with the city clerk. The city council shall accept, subject to improvement or reject any offer of dedication. (Ord. 254 § 8.4(F), 1982)

**16.28.250  Public Improvement Agreement**

If at the time of filing of the parcel map any public improvements required by the city pursuant to the provisions of this title have not been completed and accepted in accordance with city standards applicable at the time of the approval or conditional approval of the tentative map, the city council, as a condition precedent to the recordation of the parcel map, shall require the subdivider to enter into an agreement with the city upon mutually agreeable terms to thereafter complete such improvements at the subdivider’s expense. Such agreement shall be secured by improvement security. The agreement may, at the option of the city, be recorded. (Ord. 254 § 8.5(A), 1982)

**16.28.260  Type Of Improvement Security Allowed**

Whenever this title authorizes or requires the furnishing of security in connection with the performance of any act or agreement, such security shall be one of the following at the option of and subject to the approval of the city:

A. Bond or bonds by one or more duly authorized corporate sureties:
B. A deposit, either with the city or a responsible escrow agent or trust company, at the option of the city, of money or negotiable bonds of the kind approved for securing deposits of public moneys:

C. An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment;

D. A lien upon the property to be divided, created by contract between the owner and the local agency, if the local agency finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map;

E. A security interest in real property in an amount determined by the city not to exceed a portion of the value of the property as determined by the city. The security interest in a form approved by the city, written contract or security interest in real property entered into as security for performance shall be recorded with the county recorder. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in an amount necessary to complete the agreed to improvements. The recorded contract or security document shall be indexed in the grantor index to the names of all record owners of the real property and in the grantee index to the city of Live Oak.

The city may at any time release all or any portion of the property subject to any lien or security interest created by this subdivision or subordinate the lien or security interest to other liens or encumbrances if it determines that security for performance is sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the completion of agreed upon improvements. (Ord. 254 § 8.5(B), 1982)

16.28.270   Form Of Bonded Security

A. Bond. A bond or bonds by one or more duly authorized corporate sureties to secure the faithful performance or for the security of laborers and material men shall be in substantially the form prescribed by the Subdivision Map Act.

B. Amount of Security.

1. For faithful performance the amount of improvement security shall be based upon the total estimated cost of the improvements as determined by the city engineer. Improvement security securing faithful performance of all work, including sufficient funds to insure construction staking and contract administration by the subdivider’s consulting engineer, shall be an amount equal to one hundred percent of the estimated cost of improvement. All improvement security shall be maintained in full force and effect for a period of twelve months following acceptance of all improvements by the city to assure the proper completion or maintenance of the work; provided, that substitution or partial release of security may be authorized by the city engineer if in his opinion such substitution or partial release is consistent with proper completion or maintenance of the work and protection of possible lien holder; and further provided, that the amount of the continuing security shall in no case be less than twenty-five percent of the amount of the original security.
2. For labor and material the improvement security securing payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvement of the performance of the required act shall be an amount equal to one hundred percent of the total estimated cost of the improvement, except if the security is in the form of a cash deposit, deposits or instrument of credit or security interest the amount shall be equal to fifty percent of the total estimated cost of the improvement. (Ord. 254 § 8.5(C), 1982)

16.28.280 General Conditions For Security And Insurance

A. Bonds, deposits, instruments of credit, property liens, and security interest in real property shall conform to the following conditions:

1. Liability of Security. Any liability upon the security given for the faithful performance of any act or agreement shall be limited to the condition prescribed by the Subdivision Map Act.

2. Additional Secured Costs. As a part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorney’s fees, incurred by the city in successfully enforcing the obligation secured.

3. Release of Security. Improvement security may be released in whole or in part in the manner prescribed by the Subdivision Map Act and in accordance with any such rules prescribed by the city council.

B. Insurance. The subdivider shall obtain liability insurance, which insurance shall name the city of Live Oak, its officers and agents as additional insured, and shall be in amounts not less than three hundred thousand dollars for the death or injury of one or more than one person in any one occurrence and not less than one hundred thousand dollars for any property damage in any one occurrence. Such policy shall not be cancelable without ten days’ notice to the city. The subdivider shall file a certificate of insurance which indicates that such insurance has been issued in the amounts specified in this section prior to commencement of construction. (Ord. 254 § 8.5(D), 1982)

16.28.290 Recordation

After certification by the city engineer, action of the city council on offers of right-of-way dedication, if any, and approval of the public improvement agreement, if any, the city clerk shall transmit the map to the clerk of the county board of supervisors for ultimate transmittal to the county recorder. After the map has been recorded, the subdivider shall provide the city engineer with a wet process photographic duplicate on 0.004 inch thickness, single matte, reproducible, polyester film of each sheet. (Ord. 254 § 8.6, 1982)
Chapter 16.32 - DESIGN STANDARDS

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16.32.020 Plans and specifications.

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ARTICLE I. GENERAL PROVISIONS

16.32.010  Applicability
Unless otherwise proposed by the subdivider and approved by the city council, each subdivision and the map thereof shall be in conformity with the regulations set out in this chapter. (Ord. 254 § 9.1, 1982)

16.32.020  Plans and Specifications
Plans and specifications for all improvement work specified in Chapter 16.48 are to be provided by the subdivider and shall be submitted to and approved by the city engineer before any improvement work is commenced. After the plans and specifications are approved, the subdivider shall provide the city seven sets of plans and specifications of a quality acceptable to the director. Job or construction surveying and stakes shall be the responsibility of the subdivider. (Ord. 254 § 9.2, 1982)

ARTICLE II. SOILS TESTS—

SUBDIVISIONS OF FIVE OR MORE
LOTS

16.32.030 Preliminary Soil Report
For every subdivision a preliminary soil report shall be prepared by a civil engineer who is registered by the state and who specializes in soils engineering, and shall be based upon adequate test borings or excavations. The preliminary report shall be presented to the building inspector of the city, unless the building inspector advises the subdivider in writing that he is sufficiently familiar with the characteristics and soil quality of the soil within the proposed division of land to dispense with this requirement. (Ord. 254 § 9.3(A), 1982)

16.32.040 Formal Report
If the preliminary report indicates the presence of critically expansive soils or other soils irregularities which, if uncorrected, could conceivably cause structural damage to buildings or other structures proposed to be erected within the division of land, a soil investigation of every lot within the division of land shall be undertaken by a civil engineer who is registered by the state and who specializes in soils engineering, and a formal report of the investigation shall be filed in the office of the building inspector. Additionally, a geologist’s report may be required in such cases where, in the opinion of the building inspector, information contained in the preliminary or formal report or other materials indicates the need for such a report in terms of geological hazards of the area proposed for subdivision. (Ord. 254 § 9.3(B), 1982)

16.32.050 Issuance Of Building Permits
If a formal report and/or geologist’s report is required, the building inspector shall issue no building permits with respect to buildings and other structures proposed to be built within the division of land unless he determines:

A. That the corrective measures recommended therein are sufficient to obviate the possibility of structural damage:

B. Any building permits thus issued shall be conditioned upon the incorporation of approved corrective measures in the building and the soil of the lot to which it relates. (Ord. 254 § 9.3(C), 1982)

16.32.060 Notation Of Final Map
When a soil report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name of the engineer making the report. (Ord. 254 § 9.3(D), 1982)

ARTICLE II LOTS AND BLOCKS

16.32.070 Buildable Lots
All subdivisions shall result in creation of lots which are developable and capable of being built upon. No subdivision shall create lots which are impractical of improvement due to size or shape, location of watercourses, problems of sewage or driveway grades or other natural physical conditions. (Ord. 254 § 9.4(A), 1982)

16.32.080 Lot Dimensions And Areas
The size, shape, and orientation of lots shall be appropriate to the location of the proposed subdivision and to the types of developments contemplated. The minimum area and dimension of all lots shall conform to the requirements of the zoning laws of the city for the district in which the subdivision is located. The following principles and standards shall be observed:

A. Single-family residential lots shall have a minimum area of six thousand square feet for interior lots, six thousand five hundred square feet for corner lots, including the external area formed by the tangents and arcs of property line curves at street intersections.

B. No residential lot shall have a width less than sixty feet of public street frontage, except irregular shaped lots and lots on curved or cul-de-sac streets, which shall have a minimum public street frontage of forty feet and a minimum width at the established front yard building set back line of fifty feet.

C. No residential lot shall have a depth of less than one hundred feet except for irregular shaped lots which shall be considered on a case-by-case basis for each lot.

D. Lots which are to be served by either an approved domestic water supply or sanitary system or both shall conform to the lot area requirements of the county health officer.

E. In general, for subdivisions with five or more parcels the average width of a lot shall be not less than one-third the average depth, nor shall such width be greater than such depth, unless otherwise approved by the planning commission.

F. For subdivisions with less than five parcels, these requirements shall apply insofar as possible. The planning commission, due to special circumstances as provided for in Chapter 16.44, may approve subdivisions having lot width and depth ratios other than those set forth herein.

G. Community apartment, common green subdivisions, condominiums, and stock cooperatives are exempt from the street frontage and lot depth requirements of this chapter insofar as they would apply to individual dwelling units. (Ord. 254 § 9.4(B), 1982)

16.32.090 Lot Side Lines
The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curvature, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces. (Ord. 254 § 9.4(D), 1982)

16.32.100 Lots At Boundary Lines
No lot shall be divided by a city boundary line, nor any boundary between parcels registered under separate ownership. Each such boundary line shall be made a lot line. (Ord. 254 § 9.4(E), 1982)

16.32.110 Flag Lots
Flag lots may be allowed by the planning commission for subdivisions when the shape of the lot and the length of public street frontage of the lot prior to subdividing makes
conformance to these design standards impossible. Flag lots shall conform to the following special requirements:

A. Accessways which serve not more than two residential lots or dwelling units shall have a minimum width of twenty feet with a sixteen foot-wide roadway surface. Accessways which serve any commercial or industrial lots, or more than two residential lots or dwelling units shall have a minimum width of thirty-two feet with a twenty-eight-foot wide roadway surface.

B. Accessways shall be all-weather roadways construction with a minimum of four inches of aggregate base and two inches of asphaltic concrete constructed to city standards or equivalent as approved by the planning commission. (Ord. 254 § 9.4(F), 1982)

16.32.120 Double Frontage
Lots having double frontage shall not be approved except where necessitated by unusual conditions. The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this chapter unless the general layout in the vicinity, lines of ownership, topographical conditions, or locations of major streets or freeways justify or make necessary a variation from this requirement. (Ord. 254 § 9.4(G), 1982)

16.32.130 Lot Numbers
Lot numbers shall begin with the numeral “1” and shall continue consecutively through the tract, with no omission or duplications, and no block designations shall be used. (Ord. 254 § 9.4(H), 1982)

16.32.140 Remnants
No remnants of property shall be left in the subdivision which do not conform to lot requirements, or are not required for a private utility or public purpose. (Ord. 254 § 9.4(I), 1982)

16.32.150 Division Of Land Into Large Lots
Wherever land is divided into lots which average an acre or more, blocks shall be designed as to provide for the opening of streets at intervals sufficient to permit the subsequent division of any such lot of smaller size. (Ord. 254 § 9.4(J), 1982)

16.32.160 Block Dimension
Except where a different length is required or permitted by the provisions of the zoning ordinance, blocks shall have a length of not more than nine hundred feet between street centerlines unless the designing of blocks adjacent to the proposed division of land, or other special conditions, justifies departure from this requirement. (Ord. 254 § 9.4(K), 1982)

ARTICLE IV. STREETS AND HIGHWAYS

16.32.170 Design Conformance
A. The street and highway design shall conform both in width and alignment to any general or specific plan of streets and highways prepared by the planning commission,
and right-of-way for any street or highway indicated on the general plan shall be dedicated, and shall conform to the requirements of this title. Streets not shown on a general or specific plan shall conform to the requirements of the city and of this chapter. All public sidewalks, curbs and facilities used by the handicapped shall conform to the applicable sections of the Government Code and the Health and Safety Code of the state.

B. The street and highway design may be required to conform to any proceedings affecting the subdivision which may have been initiated or approved by the city council or by other legally constituted bodies of the city, county or state. If a parcel of land to be subdivided includes a portion of the right-of-way to be acquired for a highway, freeway, street or road, the subdivider may be required to either dedicate or withhold from subdivision all the area included in such right-of-way. (Ord. 254 § 9.6(A), 1982)

16.32.180 Minimum Standards

Reserved strips controlling the access to public ways shall be under the control of the city council. Streets and highways shall not be of lesser right-of-way and curb-to-curb widths than those set forth in this section, except higher standards may be required where streets are to serve commercial or industrial property or where probable traffic conditions warrant.

<table>
<thead>
<tr>
<th>Type of Street</th>
<th>Right-of-way*</th>
<th>Curb-to-curb**</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Local major streets</td>
<td>78 – 100 feet</td>
<td>64 feet</td>
</tr>
<tr>
<td>2. Local secondary streets (arterial or collector)</td>
<td>54 – 64 feet</td>
<td>40 feet</td>
</tr>
<tr>
<td>3. Standard residential subdivision street and cul-de-sac</td>
<td>50 – 60 feet</td>
<td>38 – 40 feet</td>
</tr>
<tr>
<td>4. Private streets and alleys</td>
<td>As determined by the planning commission</td>
<td></td>
</tr>
</tbody>
</table>

* The minimum right-of-way width may be approved by the planning commission only when public easements for utility and planting purposes a minimum of eight feet in width are dedicated contiguous to the street right-of-way.

**Curb-to-curb distance shall be calculated by using the back to back of curb distance less one foot.

(Ord. 254 § 9.6(B), 1982)

16.32.190 Street Patterns

A. The street patterns in the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas, entire neighborhood or district.

B. So far as practicable, street intersections shall be in alignment with existing adjacent streets by continuations of the centerlines thereof, or by adjustment by curves. Wherever streets are not in alignment, their centerlines shall be off-set by not less than one hundred feet.

C. Street centerlines shall be required to intersect one another at an angle as near to a right angle as is practicable by tangents not less than one hundred feet in length.
D. Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the planning commission, such extension is not necessary for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts. “No Access Rights” certificate shall be shown on the final map where required by the city engineer.

E. Where necessary to give access to or permit a satisfactory subdivision of adjoining land, street shall extend to the boundary of the property and the resulting dead-end streets may be approved without turnaround. A temporary 40 feet turnaround may be approved for a period not to exceed two years which may have a radius of forty feet. In all other cases, a turnaround shall have a minimum right-of-way radius of fifty feet and a curb radius of forty feet.

E Excessively long straight standard subdivision streets, conducive to high speed traffic, are to be discouraged. (Ord. 254 § 9.6(C), 1982)

16.32.200 Access To Public Streets

All lots or parcels created by the subdivision of land shall have the required frontage on a public street improved to standards required in this chapter. If the planning commission finds that the most logical development of land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons therefore, then such access may be approved by the planning commission. The subdivider shall submit a development plan showing the alignment, width, grade and material specifications of any proposed private street, the topography and means of access to each lot, drainage and sewerage of the lots served by such private streets and a plan satisfactory to the city council for ownership and maintenance of the street and the liability for taxes thereon. Construction of the private street or access shall be completed prior to occupancy of any buildings on lots served by a private street. (Ord. 254 § 9,6(D), 1982)

16.32.210 Dead-End Streets

The design of a dead-end street (cul-de-sac) shall include adequate provisions for drainage and for a turnaround at the end of the street. In residential subdivisions, a turning circle with a minimum radius of at least forty feet at the face of the curb and at least fifty feet at the property line shall be provided. In industrial subdivisions, a turning circle with a minimum radius of at least fifty feet at the face of the curb and at least sixty feet at the property line shall be provided. Dead-end streets (cul-de-sacs) shall not exceed a length of seven hundred feet in the R-1 and R-2 residential zoning districts, or four hundred feet in all other zoning districts, all measured from the center of the turning circle to the intersection of the street centerline, unless topography or other special conditions warrant a longer street, a specific authorization for such longer street is obtained from the subdivision committee or the city council as appropriate. (Ord. 254 § 9.6(E), 1982)

16.32.220 Relation To Adjacent Street Systems

Streets within a division are to relate in the following ways to adjacent street systems:
A. Alignment of streets in new divisions of land shall conform to and provide for the continuation of the principal adjacent preexisting streets or their proper projection where adjoining property has not been developed.

B. The streets shall be at least as wide as the preexisting streets to which they relate and shall be situated in such a way as to accommodate rational future access and street patterns.

C. Whenever the preliminary parcel map or tentative map indicates that an unfinished street, or half-street, within a division of land abuts adjacent land and it is the intention of the city that the street eventually will extend over or be completed upon the adjacent land, the planning commission or the city council shall require the subdivider to dedicate to the city in fee a one-foot strip along the perimeter portion of the unfinished street or half-street which abuts the adjacent land for the purpose of controlling access to the street from the adjacent land. (Ord, 254 § 9.6(F), 1982)

16.32.230  Design Adjacent To Arterials

A. Subdivision design adjacent to major streets or highways shall be as determined by the planning commission.

B. Street design shall have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic and of minimizing the interference with traffic on such arterials.

C. The number of intersection streets along arterials shall be held to a minimum.

D. When the rear or side lines of any lots border a state highway or major street, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of ingress and egress to such lots across the side lines of such highways.

E. When the rear or side lines of any lots border any freeway, state highway, or parkway, the subdivider may be required to dedicate and improve a planting strip adjacent thereto. (Ord. 254 § 9.6(G), 1982)

16.32.240  Service Roads

A. When lots proposed for commercial or industrial uses front on any major or secondary street or highway, the subdivider may be required to dedicate and improve a parallel service road to provide ingress and egress to and from such lot. Or in lieu thereof, if approved by the planning commission, the subdivider may dedicate for public use and improve an area adjacent to such lots for off-street parking purposes.

B. When any lots proposed for residential use front on a state highway or a major street, the subdivider may be required to dedicate and improve a service road at the front of such lots or to back lots to the highway or major street.

C. In addition to the requirements for a service road, the planning commission may require adequate off-street parking areas for all lots proposed for commercial, multiple-family or industrial use. (Ord. 254 § 9.6(H), 1982)

16.32.250  Street Names
All street names shall be as approved by the planning commission and no duplication of street names shall be permitted within the urban area of the city and the county area contiguous to the city. (Ord. 254 § 9.6(1), 1982)

16.32.260  Alleys
When lots are proposed for commercial or industrial use, alleys at least twenty-four feet in width may be required at the rear thereof by the planning commission. (Ord. 254 § 9.6(J), 1982)

16.32.270  Grades, Curves And Sight Distances
Grades, curves and sight distances shall be subject to approval by the city engineer to insure proper drainage and safety for vehicles and pedestrians. The following principles and minimum standards shall be observed:

A. Grades of gutters shall not be less than 0.3 percent and grades of streets shall not be greater than six percent, unless, because of topographical conditions, or other exceptional conditions the planning commission determines that steeper grade is necessary.

B. Street intersections shall be rounded with curves having a minimum radius of twenty feet at property lines. A greater curve radius may be required if streets intersect at other than right angles or if the street is either a collector or arterial street.

C. The centerline curve radius on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval by the city engineer. (Ord. 254 § 9.6(K), 1982)

16.32.280  Structural Pavement Design
A. The design of the structural pavement section shall be based on the resistance value ("R" value) or the expansion pressure of the basement soil, whichever is greater, as determined by Test Method No. California 301. The minimum required thickness of surfacing and base shall consist of two inches of asphalt concrete, six inches of aggregate base, and an asphaltic fog seal.

B. The developer or the consulting engineer shall take and submit to the city engineer a report showing all soil tests performed and the results of such tests. Samples of soils for "R" value tests shall be taken according to the following list when required by the city engineer:

1. One test minimum.

2. The sample for testing shall be taken at the estimated depth of the grading plane.

3. The location of the tests within the development area shall be selected such that an adequate representation of the quality of the basement soil may be tested.

4. For development areas in excess of ten acres, at least one additional test shall be taken for each five acres.

C. The design of the street structural section shall be based on the traffic index and the procedures set forth in the “Manual of Instructions Part 7, Design” of the State Department of Transportation. The traffic index shall be determined by the number of houses as set forth in Figure § §16.32.080A and 16.32.080B. (Ord. 254 § 9.6 (L), 1982)
Figure 16.32.080A
CONVERSION CHART
Average Daily Traffic to Traffic Index (10-year)

Figure 16.32.080B
CHART FOR ESTIMATION OF TRAFFIC INDEX USING A HOUSE COUNT
ARTICLE V. PEDESTRIAN AND
BICYCLE WAYS

16.32.290  Curbs And Gutters

Curbs and gutters as shown on the city’s standard detail drawings shall be required on public streets as required by the planning commission and/or city council. (Ord. 254 § 9.7(A), 1982)

16.32.300  Pedestrian Ways

When recommended by the planning commission and/or required by the city council for access to schools, playgrounds, shopping centers, transportation facilities, other community facilities, or for unusually long blocks, the subdivider shall construct pedestrian ways with width and design as required by the planning commission and/or city council. (Ord. 254 § 9.7(B), 1982)

16.32.310  Sidewalks

Sidewalks shall be located within the street right-of-way as shown on the city’s standard detail drawings. (Ord. 254 § 9.7(C), 1982)

16.32.320  Bikeways

All divisions of land shall be designed in such a way as to include public rights-of-way for bicycle movement, which rights-of-way may be required to be separate from streets. The location and improvement of these rights-of-way shall be designed in such a way as to maximize: (A) convenience of movement throughout the subdivision, (B) access to community facilities, and (C) safety of persons using the pedestrian ways and bike ways. (Ord. 254 § 9.7(D), 1982)

ARTICLE VI. UTILITIES

16.32.330  Generally

Unless otherwise proposed by the subdivider, and recommended by the planning commission and approved by the city council, utilities within a division of land shall be subject to the following provisions:

A. Easements. All utilities shall be placed in rights-of-way dedicated to the public. Wherever necessary for the installation, operation and maintenance of utilities and utility accessories, easements shall be provided along any front, side or rear lot, or across lots as may be required by the director. Easements for open channels shall be submitted, and shall have a suitable service road parallel to the open channel. Widths of easements for utility companies shall be determined by the utility companies.

B. Utility Crossings with State Highway or Railroad. When any storm drain, sanitary sewer or domestic water line crosses a state highway or railroad, it will be necessary to receive a valid encroachment permit from the Department of Transportation of the state or license agreement from the railroad company. (Ord. 254 § 9.8, 1982)

16.32.340  Undergrounding

A. Electric, communication or similar or associated utility distribution facilities installed in and for the purpose of supplying service to each lot within the division of land, and any
existing overhead utility facilities located within the division of land or on those portions of streets which abut the division of land, shall be placed underground in accordance with the utilities’ rules and regulations on file with the California Public Utilities Commission. The following facilities are excepted from the provisions of this section:

1. Director to Approve. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the director;

2. Poles for Lighting. Poles or electroliers used exclusively for street lighting;

3. Over 34,500 Volts. Poles, overhead wires and associated overhead structures, used for transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred volts;

4. Antenna Installation. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;

5. Underground Appurtenances. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts:

6. Temporary Facilities. Temporary poles, temporary overhead wires and associated temporary overhead structures used or to be used during the course of construction in conjunction with construction project.

B. The planning commission or the city council may waive the requirement that existing overhead utility facilities, located within the division of land or on those portions of streets which abut the division of land, be converted to underground, if it finds that topographical, soil or other conditions or circumstances make the underground conversion of the facilities, as required by this section, unreasonable or impracticable. The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of the facilities. Public rights-of-way and easements where utilities are to be placed underground shall be graded to within six inches of the final grade prior to the installation of those utilities. Grades of curbs shall be determined and staked before utilities are installed underground. (Ord. 254 § 9.12, 1982)

ARTICLE VII. STORM DRAINAGE

16.32.350 Existing Natural Channels Or Ditches

The subdivider shall dedicate right-of-way for storm drainage conforming substantially with the lines of any natural watercourse or ditch that traverses through or adjacent to the subdivision, or at the option of the planning commission the subdivider shall provide by dedication further and sufficient easements or constructions or both, to dispose of such surface and storm water. The diversion of natural channels or existing ditches will be allowed only within the limits of the proposed improvement. All natural drainage must leave the improved area on the original horizontal and vertical alignment unless special arrangements and agreements are made with adjoining property owners. All existing natural channels or ditches shall be replaced with underground closed conduits. Open channels will only be considered for the conveyance of drainage if the peak storm water discharge is large enough to render a closed conduit infeasible due to physical constraints.
where slope, width, and depth renders a closed conduit unable to meet the horizontal and vertical alignment requirements stated herein. This exception only applies to regional storm water conveyance systems and then only upon the concurrent approval of the city engineer and public works director. The design of such structures will be reviewed on an individual basis. (Ord, 254 § 9.9(A), 1982; Ord, 509 §1, 2008)

16.32.360 Lot Grading
The ground surface of each lot shall be graded to channel storm drainage runoff from each lot into the street gutter or into an approved under ground storm drainage conduit. (Ord. 254 § 9.9(B), 1982)

16.32.370 Design Computations
Stormwater runoff shall be computed by use of the rational formula with coefficients as directed by the city engineer. Due attention shall be given to the time of concentration and the inlet time when making use of the rational formula. Mannings formula shall be used to compute the capacities of open and closed conduits. Minimum velocities of flow shall be 2.0 f.p.s. when flowing full or half full. Design computations used by the consulting engineer shall be furnished setting forth the following information:
A. Drainage area acres to each drainage inlet;
B. C.F.S. to each drainage inlet;
C. C.F.S. to each pipe in the system;
D. C.F.S. capacity of each pipe in the system flowing full;
E. Flow line elevations of pipes and structures;
F. Surface elevations of structures;
G. Pipe class, pipe length and grade. (Ord. 254 § 9.9(C), 1982)

16.32.380 Alignment
Storm drainage lines in new streets shall be placed parallel to street centerlines. Pipes crossing under curb and gutter shall have a minimum of three inches of clearance between the bottom of the gutter section and the top of the pipe and suitable granular backfill material shall be used for backfill. Storm drain conduits may be placed on curved alignment providing that the radius of curvature and length of pipe sections does not create deflections larger than can be accommodated in the pipejoint. Curved storm drain alignment shall be used only with the permission of the city engineer. In general, storm drainage lines shall be placed between curb lines of streets except as otherwise directed by the director.

Storm drainage lines placed in existing streets shall be placed as directed by the director. (Ord. 254 § 9.9(D), 1982)

16.32.390 Type of Conduit
Close conduits shall be precast reinforced concrete pipe or asbestos cement pipe conforming to state of ASTM specifications and the requirements of the city. Conduits shall be designed to adequately support vertical loads. Computations supporting designs shall be supplied by the consulting engineer if requested by the city. Bedding and backfill
requirements shall be specified in each individual instance. In general, all bedding and backfill under streets and appurtenances shall be compacted to a relative compaction of not less than ninety percent. (Ord. 254 § 9.9(E), 1982)

16.32.400 Storm Drain Manholes
Storm drain manholes shall be watertight structures conforming to city standard details and shall be used at the intersection of storm drains at changes in gradient, at changes in pipe size. Manhole spacing shall not exceed four hundred feet on pipes less than twenty-four inches in diameter and five hundred feet on pipes larger than twenty-four inches in diameter except as hereinafter noted. Manholes shall be placed at the beginning and ending of all curves on curved alignment and at intervals on the curve not exceeding three hundred feet. Standard manhole frames and covers conforming to city standard details suitable for use under vehicular traffic shall be supplied for manhole structures. (Ord. 254 § 9.9(F), 1982)

16.32.410 Junction Boxes
Where standard manholes cannot be used because of the size and number of entering pipes, junction boxes shall be constructed of Class A concrete. Minimum wall thicknesses for junction boxes shall provide for vertical loads and shall be reinforced and not less than six inches thick. Inside dimensions of junction boxes shall be large enough to provide a minimum of three inches clearance outside the diameter of the largest pipe. Junction boxes shall be watertight structures furnished with standard manhole frames and covers. (Ord. 254 § 9.9(G), 1982)

16.32.420 Drop Inlet Or Gutter Inlets
Drop inlets or gutter inlets conforming to city standard details shall be placed so that gutter flow does not exceed five hundred feet of length or six inches of depth. Pipes and inlets shall be designed to flow full under ten-year storm design. (Ord. 254 § 9.9(H), 1982)

16.32.430 Valley Gutters
Valley gutters conforming to city standards will be allowed only on cul-de-sac streets which serve less than twelve lots. (Ord. 254 § 9.9(I), 1982)

ARTICLE VIII. SANITARY SEWERS

16.32.440 Conformance
Sanitary sewers shall conform to the city’s public sewer construction ordinance. Portions of said ordinance are included in this chapter for convenient reference by land developers. The entire public sewer construction ordinance shall apply to land divisions covered under this title whether listed herein or not. (Ord. 254 § 9.10(part), 1982)

16.32.450 Connection To Existing System
The city shall direct the contractor’s representative in the procedures, methods and timing of any connection to the city’s existing sewer mains, manholes and appurtenances. The
contractor’s representative shall then direct his forces in accordance with the city’s instructions. (Ord. 254 § 9.10(A), 1982)

16.32.460  Pipe Capacities

Pipe capacities shall be designed to accommodate entire tributary areas as determined by the director even though such areas may not be within the project boundaries. (Ord. 254 § 9.10(B), 1982)

16.32.470  Minimum Sewer Line Size

All sanitary sewers shall be not less than eight inches in diameter or larger unless otherwise approved by the engineer. (Ord. 254 § 9.10(C), 1982)

16.32.480  Design Computations

Sanitary sewers shall be designed using not less than one hundred twenty-five gallons per person with not less than five lots per acre population for single-family or duplex units. Sewers for schools and commercial buildings shall be designed to carry flows or ultimate flow. Average flows as determined above shall be multiplied by a peaking factor. A peaking factor of 3.0 shall be used for smaller developments. Minimum design velocities in sanitary sewers shall be 2.0 f.p.s. when flowing full or half full, in accordance with Mannings formula using an “N” factor of 0.013. (Ord. 254 § 9.10(D), 1982)

16.32.490  Alignment

Generally, sanitary sewer alignment shall be parallel to street centerlines. Curved alignments may be allowed in special cases with prior approval of the director. Where sewer lines are permitted on curves the radius of curvature shall be not less than four hundred feet. No sanitary sewer, including house service lines, shall be located within fifty feet of a water well, and any sewer between fifty and one hundred feet of a well shall be constructed of ductile iron pipe. (Ord. 254 § 9.10(E), 1982)

16.32.500  Depth

In general, public sewers must be designed deep enough to provide gravity flow from buildings to be served or which may be reasonably expected to be served in the case of undeveloped areas. The depth of any sanitary sewer shall be adequate to obtain a minimum cover of three feet for the house service line at the property line unless approved otherwise by the director. (Ord. 254 § 9.10(F), 1982)

16.32.510  Bedding And Backfilling

All sanitary sewer lines shall be bedded and backfilled so that damage is not sustained by the pipe during installation and after installation. The bedding and backfill plans and specifications shall conform to the city’s standard detail drawing. (Ord. 254 § 9.10(G), 1982)

16.32.520  Types Of Sanitary Sewer Pipes

A. Generally, all sewer gravity lines shall be constructed of clay pipe. Clay sewer pipe and fittings, including sewer services, shall be extra strength, unglazed plain end or bell and spigot pipe conforming to applicable ASTM standards.
B. Ductile iron pipe shall be used near water mains as specified in this chapter. The ductile iron pipe shall conform to ANSI specifications. Pipe joints shall be bell and spigot, push-on type. (Ord. 254 § 9.10(H), 1982)

16.32.530 Service Extension
Sanitary sewer services shall extend from the lateral or street sewer to the edge of the public right-of-way or easement. A plan-profile of the service sewer shall be supplied the director if requested. Service sewers shall terminate at the property lines with a suitable cleanout consisting of a wye fitting riser, cap, concrete service box, complete with a lid suited for the use and marked “C.O.” The cleanout and cap shall be placed and constructed to specifically prevent infiltration. Sewer services shall be permanently stamped with the letter “5” in relief of at least one-fourth inch and height of three inches on the concrete sidewalk at the right-of-way and the location of cleanouts shall be shown on the improvement plans and shall be referenced to property lines with specific dimensions. Normal residential service sewer sizes shall be four inches in diameter. Schools, commercial, and industrial users which contribute larger flows shall furnish sewer services with diameters of sufficient sizes to accommodate the ultimate flows. (Ord. 254 § 9.10(I), 1982)

16.32.540 Manholes
Manholes shall be watertight structures and shall be placed at the intersections of all sanitary lines and at the end of lines over two hundred feet in length. Maximum spacing of manholes on straight lines shall be four hundred feet. (Ord. 254 § 9.10(J), 1982)

16.32.550 Cleanouts
A cleanout may be used in lieu of a manhole for any stub line with a length of two hundred feet or less. Any line more than two hundred feet in length shall have a manhole at the end. Sewers installed to a subdivision line for future extension shall have a cleanout at the end, if there are any house service lines attached to it, and if it is not over two hundred feet in length. Lines longer than two hundred feet shall terminate in a manhole with a stub for future extension. (Ord. 254 § 9.10(K), 1982)

ARTICLE IX. WATER SYSTEM

16.32.560 Domestic Water Supply
Water system improvements shall conform to the State Department of Health Services California Waterworks Standards. Portions of those standards are incorporated in this article. All the provisions and requirements of the California Waterworks Standards shall apply whether listed herein or not. (Ord. 254 § 9.11(part), 1982)

16.32.570 Connection To Existing System
The city shall direct the contractor’s representative in the procedures, methods and timing of making all connections to existing mains, and in the closing down of any portion of the city water system. The contractor’s representative shall then direct his forces in accordance with the city’s instructions. (Ord. 254 § 9.11(A), 1982)

16.32.580 Minimum Water Main Size
All water mains shall be a minimum of six inches in diameter and larger if required. (Ord. 254 § 9.11(B), 1982)

16.32.590  Design Computations

Domestic water supply systems shall be dependable, shall conform to applicable requirements of the Bureau of Sanitation of the state, shall furnish the amount of water required at periods of peak domestic demand occurring simultaneously with fire flows and shall conform to other requirements by the director and as further set forth herein. Pressures under normal operation shall be not less than thirty-five psi and pressures during fire demand shall be not less than twenty psi. For distribution system design, the director shall review the size of mains within the proposed project which are a part of future planning for the city and shall stipulate the size of any such lines within the project. For other lines within the project which are not of general area importance fifteen gallons per minute per gross acre shall be assured. Distribution layout and sizing shall be considered so that grid systems are formed to equalize pressures throughout the area under varying rates of consumption. Supply piping shall be sized for larger sizes than indicated by demand, if necessary to complete grid systems which have been initiated in prior construction. Distribution system sizing shall be accomplished by using the Hazen-Williams formula in systems studies. The “C” factor shall not be greater than one hundred thirty for asbestos cement and cement-lined cast iron pipe. Fire flows for residential areas shall be a minimum of one thousand gallons per minute. Fire flows in commercial and multiple dwelling areas shall be based upon the “Guide for Determination of Required Fire Flow,” by the Insurance Services Office and will be as recommended by the city fire chief. Fire system design and capacities shall be approved by the city fire chief. (Ord. 254 § 9.11(C), 1982)

16.32.600  Alignment

Generally the water main alignment shall be parallel to street centerlines. When water mains are permitted on curves, the radius of curvature shall be not less than four hundred feet and the deflection per joint of pipe shall not be exceeded by that permitted by the manufacturer’s recommendation or as permitted by the director. Water mains shall be kept a minimum of ten feet from sanitary sewer mains and in no case shall they be placed in the same trench. (Ord. 254 § 9.11(D), 1982)

16.32.610  Depth

Water mains and services shall be installed at a depth which will provide a minimum cover of thirty-six inches over the top of the pipe measured from the finished grade. (Ord. 254 § 9.11(E), 1982)

16.32.620  Bedding And Backfilling

All water lines shall be bedded and backfilled so that damage is not sustained by the pipe during installation and after installation. The bedding and backfill plans and specifications shall conform to the city’s standard detail drawings. (Ord. 254 § 9.11(F), 1982)

16.32.630  Type Of Pipe
In general, the pipe shall be Class 150 asbestos cement pipe of Class 51 cement lined ductile iron. Pipe fittings, specials, and adaptors shall conform to applicable AWWA standards. (Ord. 254 § 9.11(G), 1982)

16.32.640 Construction Materials

Water services shall be constructed by using a brass service saddle, corporation stop, copper service line, brass curb stop and a concrete service box with a lid marked “Water.” Other service line materials and methods of constructing services may be considered by the director if they are comparable in quality to the foregoing. Water services shall be permanently stamped on the concrete sidewalk at the right-of-way line with a letter “W” in relief of at least one-fourth inch and height of three inches and the exact location of all water services shall be shown on the final approved copy of the plans for the construction. Single service lines for commercial developments and multiple housing developments shall be the size directed by the director. Water service lines from the water main to the property line shall be installed at the time the water main is constructed. In new subdivision the service line shall be located near the center of the lot unless otherwise requested and approved by the director. Service lines to existing buildings shall be located to make the most direct connection to such structures, (Ord. 254 § 9.11(H), 1982)

16.32.650 Fire Hydrants

Fire hydrants shall be placed at street intersections wherever possible and located therein to minimize damage by vehicular traffic usually at curb returns. Hydrants shall be at locations approved by the fire chief with spacing of not more than four hundred feet measured along street centerlines in single-family residential subdivisions. Spacing and location of hydrants in all areas except single-family residential areas shall be in accordance with the recommendations of the Insurance Services Office and subject to approval of the fire chief. Each fire hydrant shall have a six-inch service to the main line with an auxiliary valve and valve box. Fire hydrants shall be dry barrel conforming to AWWA Specification C 502 and shall be Dresser Model 500. (Ord. 254 § 9.11(I), 1982)

16.32.660 Valves

The distribution system shall be equipped with valves of sufficient number so that no single service shutdown will result in the removal from service a length of pipe in excess of one block or five hundred feet, whichever is shorter. Valves shall be located in street intersections insofar as possible. Valves shall be of the same size as the mains in which they are located. Valves shall conform to AWWA Specification C 500 with solid bronze discs, O-ring stem seals, opening counterclockwise. (Ord. 254 § 9.11(J), 1982)

ARTICLE X. MISCELLANEOUS

16.32.670 Survey Monuments

The developer shall provide for the placement of standard street survey monuments in accordance with the provisions of Chapters 16.20 and 16.28. (Ord. 254 § 9.5, 1982)

16.32.680 Street Trees

Trees shall be planted along all streets and public ways included within and bordering divisions of land pursuant to the master street tree plan for the city and to the approval of
the streets and parks committee appointed by the council. The trees shall be kept watered by the subdivider or subsequent owners of the lots to which they relate. (Ord. 254 § 9.13, 1982)
Chapter 16.32.690 Exterior Lighting

Sections:

16.32.690.0100  General Lighting
A. All lighting on dedicated rights-of-way shall be installed on ornamental lighting equipment or electriolier standards as required by the director. (Ord. 254 § 9.14, 1982)

B. Multi-family residential, commercial, and industrial parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy efficient and in scale with the height and use of the on-site structures. Any illumination, including security lighting, shall be shielded and directed downward, away from adjacent properties and public rights-of-way in compliance with this chapter.

16.32.690.0200  Required Parking Lot Lighting

Parking lots for uses that require 5 or more spaces shall be lit in accordance with the following:

A. Residential parking lots.

Open parking lots and carports shall be provided with a maintained minimum of one foot-candle of light on the entire paved area of the parking surface during the hours of darkness. Lighting devices shall be protected by weather and vandal resistant covers.

B. Nonresidential parking lots.
Open parking lots and access thereto, for use by the general public, shall be provided with a maintained minimum of one foot-candle of light on the entire parking surface from dusk until the termination of the business every operating day.

16.32.690.0300  Lighting Type/height

Lights shall be an energy-efficient, indirect diffused type and shall not exceed a height of greater than 18 feet above finished grade.

16.32.690.0400  Coordination With Landscape plans

Lighting design shall be coordinated with the landscape plan to assure that vegetation growth will not interfere with the intended illumination.

16.32.690.0500  Multiple-family Residential Buildings

Aisles, passageways and recesses related to and within the building complex shall be illuminated with an intensity of at least .25 foot-candles at the ground level during the hours of darkness. Lighting devices shall be protected by weather and vandal resistant covers.

16.32.690.0600  Nonresidential Buildings

All exterior doors, during the hours of darkness, shall be illuminated with a minimum of one foot-candle of light. All exterior bulbs shall be protected by weather and vandal resistant covers.

16.32.690.0700  Light Shielding

In all districts lighting erected to provide illumination of private property for security purposes shall be shielded so as not to produce obtrusive glare onto the public right-of-way or adjoining properties.

16.32.690.0800  Required Lighting Documentation

Photometric data shall be submitted, prior to the issuance of the building permits, to prove that the above lighting requirements have been satisfied.

16.32.690.0900  Use Permit for Additional Height Exceptions

Except as otherwise provided in this chapter, parking lot lighting in any zone district may be erected to a greater height than the limit established for the district in which it is located, provided that a use permit (Ch.17.52) is first secured.

16.32.700  Signs and Posts

Street signs and posts shall be installed as required by the director. (Ord. 254 § 9.15, 1982)
Chapter 16.36 - PARK LAND DEDICATIONS/FEES

Sections:

16.36.010 Authority

16.36.020 Park and recreational facilities

16.36.030 Requirements for plat approval

16.36.040 Land requirements

16.36.050 Density formula

16.36.060 Procedure

16.36.070 Calculation of fair market value

16.36.080 Calculation of requirement

16.36.090 Commencement of development

16.36.100 Industrial subdivision

16.36.110 Other required dedications

16.36.010 Authority

This chapter is enacted pursuant to the authority granted by the Government Code of the state and pursuant to the authority of the city. (Ord. 254 § 10.1(A), 1982)

16.36.020 Park and Recreational Facilities

The park and recreational facilities for which dedication of land and/or payment of a fee is required by this chapter are in accordance with the city’s general plan, parks and recreation element, and subsequent amendments thereto. (Ord. 254 § 10.1(B), 1982)

16.36.030 Requirements for Plat Approval

As a condition of approval for any final map or parcel map except as provided for in Section 16.36.100, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for park or recreational purposes according to the following standards:

A. Dedication of Sites. Where a park or recreational facility has been designated in the parks and recreation section of the public facilities element of the city’s general plan and subsequent amendments thereto, and the park or facility is to be located in whole or in part within a proposed subdivision, to serve the immediate and future needs of the residents of the subdivision, the subdivider shall be required to dedicate land for park and recreational facilities sufficient in size to serve the residents of the subdivision area. The park land to be so dedicated shall conform to locations and standards set forth in the city’s general plan and subsequent amendments thereto. The topography and geology of the site, as well as its surroundings, must be suitable for the intended park or recreation purpose. The amount of land to be provided shall be determined pursuant to the standards
set forth in this chapter for establishing the formula for land dedication or for payment of fees in lieu thereof.

B. Fees in Lieu of Land Dedication. If there is no park or recreational facility designated or required in whole or in part within proposed subdivision, and the proposed subdivision is within a one-mile radius of a neighborhood park, recreational facility, district park, or proposed district park, designated in the plan, the subdivider shall be required to pay a cash payment in lieu of the land equal to the value of the land as determined by the provisions of this chapter. A fee in lieu of land dedication hereunder shall be required when:

1. A subdivider is subdividing land on which no park is shown or proposed; or
2. When dedication is impossible, impractical, or undesirable; or
3. When the proposed subdivision contains fifty parcels of land or less.

C. Dedication and Fees Required. In certain subdivisions in excess of fifty parcels of land, a combination of land dedication and fee payment may be required. These shall be subdivisions in which:

1. Only a portion of the land to be subdivided is proposed in the general plan and subsequent amendments thereto as the location for a park or recreational facility, in which case that land, or a portion thereof within the subdivision, shall be dedicated for park purposes, and a fee shall then be required in lieu of any additional land that would have been required to be dedicated under this article; or
2. A major part of the park or recreation site falling within the subdivision has already been acquired, and only a small portion of land is needed from the subdivider to complete the park or recreation site, in which case the land needed shall be required for dedication, and a fee shall then be required in lieu of the additional land that would have been required to be dedicated under this chapter.

D. Use of and Basis for In-lieu Fees. The money collected pursuant to this chapter is to be used only for the purpose of providing park or recreational facilities to serve the subdivision from which fees are collected. Fees so collected shall be used to purchase land, buy equipment or construct improvements in neighborhood and district parks and recreational facilities serving the subdivision. The fee so required shall be based on the fair market value of the land that otherwise would have been required for dedication.

16.36.040  Land Requirements

In accordance with the parks and recreation section of the public facilities element of the city’s general plan and subsequent amendments thereto, it is found and determined that the public interest, convenience, health, welfare and safety require that five acres of property for each one thousand persons residing within the city be devoted to public park and recreational facilities. (Ord. 364 § 1 (part), 1991: Ord. 254 § 10.2, 1982)

16.36.050  Density Formula
In calculating dedication and in-lieu fee payment requirements under this chapter, the following table, derived from density assumptions of the general plan and subsequent amendments thereto, shall apply:

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Dwelling Units per Acre</th>
<th>Density of Persons Per Dwelling Unit</th>
<th>Acreage Requirement Per Dwelling Unit Within Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>1-7</td>
<td>3.5</td>
<td>0.0175</td>
</tr>
<tr>
<td>Duplex – medium density apartments</td>
<td>8-19</td>
<td>2.4</td>
<td>9.0120</td>
</tr>
<tr>
<td>High density apartments</td>
<td>20-29</td>
<td>2.0</td>
<td>0.010</td>
</tr>
<tr>
<td>High density apartments</td>
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<td>0.009</td>
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<tr>
<td>High density</td>
<td>40+</td>
<td>1.8</td>
<td>0.0009</td>
</tr>
</tbody>
</table>

(Ord. 364 §1 (part), 1991; Ord. 254 §10.4, 1982)

16.36.060  Procedure

The city council shall, upon approving a subdivision map, determine the conditions necessary to comply with the requirements for park land dedication of fees in lieu thereof as set forth in this chapter and the conditions shall be attached as conditions of approval of the map. (Ord. 254 § 10.5, 1982)

16.36.070  Calculation Of Fair Market Value

At the time of filing of the final map for approval, the director shall, in those cases where a fee in lieu of dedication is required either in whole or in part, determine the fair market value of the land in the proposed subdivision, and this determination shall be used in calculating the fee to be paid. If the subdivider objects to the fair market value determination, he may, at his own expense, obtain an appraisal of the property of a qualified real estate appraiser approved by the city, which appraisal of fair market value may be accepted by the city council if found reasonable. Alternatively, the city and the subdivider may agree as to the fair market value. (Ord, 254 § 10.6, 1982)

16.36.080  Calculation Of Requirement

For the purposes of the formula established by this chapter, the following definitions shall apply:

“A” — the acreage required per dwelling unit within the proposed subdivision for park and recreational facilities from Section 16.36.050

“B” — the number of dwelling units in the proposed subdivision

“C” — the fair market value per acre of land in the proposed subdivision
The following formula shall be used in calculating land required for dedication under this chapter:

\[ A \times B = L \] (Land required for dedication in proposed subdivision)

The following formula shall be used in calculating in-lieu fees required to be paid under this chapter:

\[ A \times B \times CF \] (Fee required)

(Ord. 254 § 10.7, 1982)

16.36.090  Commencement Of Development

At the time of approval of the final subdivision map, the city shall specify when development of the park or recreational facilities shall begin. (Ord. 254 § 10.8, 1982)

16.36.100  Industrial Subdivision

The provisions of this chapter do not apply to industrial subdivisions; nor do they apply to condominium projects which consist of the subdivision of air space in an existing apartment building which is more than five years old when no new dwelling units are added, nor do they apply to parcel maps for a subdivision containing less than five parcels for a shopping center containing more than three hundred thousand square feet of gross leaseable area and no residential development or uses. (Ord. 254 § 10.9, 1982)

16.36.110  Other Required Dedications

The planning commission may recommend and the city council may impose a requirement of dedication or irrevocable offer of dedication of real property within the subdivision for streets, alleys, including access rights, or a waiver thereof, and abutters’ rights, or a waiver thereof, drainage, public utility easements, and other public easements, including, but not limited to, bicycle paths for the use and safety of residents of subdivisions containing two hundred or more parcels. (Ord. 254 § 10.10, 1982)

Chapter 16.40 - CONDOMINIUMS AND COMMUNITY APARTMENTS

Sections:

16.40.010  Purpose.
16.40.020  Map tiling and form.
16.40.030  Design standards.
16.40.040  Planning commission action on tentative map.

16.40.010  Purpose

In addition to all other requirements of the Subdivision Map Act, the provisions of this chapter shall apply to condominiums, community apartment projects, stock cooperatives and common green subdivisions in the city. The provisions of this chapter are enacted pursuant to the provisions of the Subdivision Map Act of the state. (Ord. 254 § 11.1, 1982)

16.40.020  Map Filing And Form
The provisions of Chapters 16.12, 16.16, 16.20, 16.24 and 16.28 shall apply to all maps submitted in connection with any condominium, community apartment project, stock cooperative or common green subdivision, which provisions shall also apply regardless of the number of units of land or air space proposed to be created. The following additional information shall be submitted with a tentative map of any condominium, community apartment, stock cooperative or common green subdivisions:

A. Maps showing existing topography, tree cover, buildings, streets, and other existing physical features of the subject property and the adjacent area within one hundred feet of the boundaries of the proposed development;

B. A design plan showing proposed land uses, lot lines, area of each lot and land use, location of air space boundary lines, dimensions and elevations, structures, parking areas, common grounds, recreation facilities, open spaces, utilities, lighting, and other common facilities;

C. Proposed circulation system indicating the public streets and any private streets. Streets intended for the exclusive use of lot owners in their licensees, visitors, tenants and servants, may be shown as private streets, provided:

1. Provision is made for continuing maintenance of the streets,

2. Said streets are designed and improved according to the city standards,

3. Intent of private use shall be shown by provisions for keeping the streets physically closed to travel by the public at all times, or by adequate posting as a private street,

4. The final map shall contain a conditional offer of dedication which may be accepted by the city at such time as the street shall have ceased to remain physically closed or posted and shall have open to public travel for a period of not less than three months,

5. Identification of sites for schools, parks, public buildings and open areas,

6. The nature of the applicant’s interest in the land,

7. A narrative description of the planned development and the deviations from the regulations otherwise applicable to the property,

8. Elevation drawings of proposed typical structures and of each special function building,

9. At least one perspective drawing or model which will demonstrate the overall character of the project,

10. Proposed agreements, deed restrictions, bylaws, and articles of incorporation which relate to the preservation and maintenance of the open spaces and of the associations created to preserve and maintain the open spaces and the exterior of the buildings,

11. A schedule and sequence of development for all of the property included in the overall development proposal even though only a portion of it is included in the proposed project,

12. A maintenance plan, including projected costs and payment therefore, for all physical development. (Ord. 254 § 11.2, 1982)

**16.40.030 Design Standards**
The provisions of Chapter 16.32 shall apply to all maps submitted in connection with any condominium, community apartment project, stock cooperative or common, green development, which provisions shall also apply regardless of the number of units of land or air space proposed to be created. Additionally, the following design standards shall likewise apply:

A. The design, improvement and construction of a condominium, community apartment, cooperative apartment and a common green subdivision shall conform to and be in full accordance with all requirements of all building, fire and housing codes, zoning provisions and all other applicable local ordinances and regulations in effect at the time of filing of the tentative map.

B. All private streets, driveways and parking areas for the subdivisions shall be improved and constructed with a structural section in accordance with the standards of the city as set forth in Chapter 16.36 and shall be designed to insure that access for municipal services will not be denied any dwelling unit therein by reason of deteriorated or impassable private streets, driveways and parking areas. Private streets and parking lots shall conform to the following additional requirements:

1. Streets shall be constructed to city standards with a minimum of two inches Type B asphaltic concrete on a minimum four-inch Class II aggregate base or as indicated by “R” values to the satisfaction of the public works director.
2. Drainage shall be provided to the satisfaction of the public works director.
3. Minimum width of interior streets shall be twenty-four feet (with no parking)
4. Minimum curve radii shall meet the requirements of the fire department.
5. Streets shall be identified as private streets and posted for no parking.
6. Dead-end streets shall provide turnaround space as required by the fire chief and public works director.
7. Parking lots shall be constructed to city standards with a minimum of two inches Type B asphaltic concrete on four inches Class II aggregate base.
8. Parking spaces and maneuvering areas shall be designed in accordance with city regulations.

C. Common Open Space. The amount, use and location of open space shall conform to city zoning ordinance requirements. (Ord. 254 § 11.3, 1982)

16.40.040 Planning Commission Action On Tentative Map

The provisions of Chapter 16.16 or 16.20, whichever is applicable, shall apply to all tentative maps submitted in connection with any condominium, community apartment, stock cooperative or common green subdivision. Additionally the planning commission and the city council shall not recommend approval or approve the tentative map unless it first finds that:

A. The proposed development is so designed and of sufficient size to provide a desirable environment within its own boundaries;
B. The proposed development would be compatible with existing and proposed land uses on the adjacent property;

C. Any exceptions to the standard requirements of the zoning ordinance are justified by the design of the development;

D. In residential areas the arrangement of dwellings and mixture of dwelling types is justified by the provision of larger and more usable open space:

E. All public improvements will be installed at the scheduled times; and

F. There is adequate assurance that the development schedule will be met. (Ord. 254 § 11.4, 1982)

Chapter 16.44 - EXCEPTIONS

Sections:

16.44.010 Application—Findings.
16.44.020 Referrals and recommendations.
16.44.030 Objectives of regulations to be secured.

16.44.010 Application—Findings

Whenever the land involved in any subdivision is of such size or shape or is subject to such title limitations of record or is affected by such topographical location or conditions or is to be devoted to such use that it is impossible, impractical or undesirable in a particular case for the subdivider to fully conform to the regulations contained in this title, the planning commission may recommend exceptions thereof as may be reasonably necessary if such exceptions are in conformity with the spirit and purpose of the Subdivision Map Act and this title. Application for any such exceptions shall be made by a petition of the subdivider in writing stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with or after the acceptance of the tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions of this title, it shall be necessary that the planning commission shall find the following facts with respect thereto:

A. Circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property such as topography, fixed rights-of-way, unique location of easements, etc.

B. Character of Subdivision. Because of the unique nature of a particular subdivision design innovations are needed to meet the functional standards of the zoning and subdivision regulations without strict adherence to the requirements of this title.

C. Preservation of Property Right. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
D. Public Welfare or Safety. That the granting of the exception will not be detrimental to the public welfare or safety, or injurious to other property in the territory in which the property is situated. (Ord. 254 § 12.1, 1982)

16.44.020 Referrals And Recommendations

Each proposed exception shall be referred to the officer of the department under whose jurisdiction the regulation comes and such officer or department shall transmit to the planning commission his or its written recommendation, which recommendation shall be reviewed prior to the recommending of any exception by the planning commission. (Ord. 254 § 12.2, 1982)

16.44.030 Objectives Of Regulations To Be Secured

In approving or conditionally approving such exception, the planning commission shall secure substantially the objectives of the regulations to which the exceptions are granted, as to light, air and public health, safety, convenience and general welfare. Any action taken with reference to the requested exception shall be subject to appeal by any interested persons in accordance with and subject to provisions of this title and the city council. (Ord. 254 § 12.3, 1982)

Chapter 16.48 - PUBLIC IMPROVEMENTS

Sections:

16.48.010 Minimum requirements.
16.48.020 Inspection.
16.48.030 Time of completion.
16.48.040 “As built” plans.
16.48.050 Acceptance of improvements.
16.48.060 Utility fees.

16.48.010 Minimum Requirements

The subdivider shall improve, or agree to improve, all streets, pedestrian ways or easements and public utilities in the subdivision and adjacent thereto required to serve the subdivision. Improvement plans and specifications shall be prepared in accordance with the provisions of Chapter 16.32, except as otherwise specified for parcel maps, Section 16.24.070. No permanent improvement work shall be commenced until improvement plans, profiles and specifications have been approved by the city engineer and a subdivision agreement contract has been concluded between the subdivider and the city. Improvements shall be installed to permanent line and grade and to the satisfaction of the city engineer. The minimum improvement which the subdivider shall make or agree to make at the cost of the subdivider, prior to acceptance and approval of the final subdivision or parcel map by the city shall be as follows:
A. Grading. Streets shall be graded to width set forth in this title and approved by the city engineer and planning commission. Lot grading shall conform to the approved plans.

B. Street Improvements. Subdivision streets shall be paved. The subdivider shall improve the extension of all subdivision streets and pedestrian ways to provide a structural sound and safe transportation system.

C. Sidewalks, Pedestrian Ways, Wheelchair Ramps, Bikeways. Sidewalk, pedestrian ways, wheelchair ramps and bikeways shall be installed on all subdivision streets.

D. Wastewater Collection System. Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve the subdivision with a separate private lateral for each lot.

E. Drainage. Curbs and gutters, stormwater drains and other drainage structures shall be installed in all subdivision streets for the proper use and drainage of streets, adjacent property and pedestrian ways, and for the public safety.

F. Domestic Water Distribution System. Water mains and fire hydrants connecting to the city water system shall be installed with sufficient size to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection.

G. Signs. Warning, regulatory, guide and street name signs shall be provided and placed as required by the director.

H. Monuments. Concrete monuments and iron pins shall be placed as specified in Chapters 16.20 and 16.28.

I. Traffic Safety. Barricades, warning, safety and traffic devices shall be placed and maintained as required by the current “Manual of Traffic Controls Warning Signs, Lights and Devices for Use in Performance of Work upon Highways” issued by the Department of Transportation of the state.

J. Street Lights. Street lighting facilities shall be provided in accordance with the recommendations of the city engineer. Lighting shall be adequate to permit proper policing of the subdivision.

K. Utilities Underground. All new utility facilities, including but not limited to electric, communication and cable television lines, extended to and installed within subdivision shall be placed underground as required by the Public Utilities Code.

L. Utility Connections. All underground utilities, sanitary sewers and storm drains installed in streets or alleys shall be constructed prior to the surfacing of such streets or alleys. Connections for all underground utilities and sanitary sewers shall be laid to such lengths as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.

M. Dry Conduit. Where necessary, dry conduit shall be installed for future underground utility crossings.

N. Tree Planting. Street trees shall be planted. (Ord. 254 § 13.1, 1982)

16.48.020 Inspection
A. Construction Staking, Testing, Supervision. The subdivider shall furnish all engineering for construction staking, density testing, construction supervision and administration for the construction as the work progresses.

B. City Engineer Inspection. The city engineer or his authorized representative will check contract arrangements, inspect improvements, check “as built” plans, and in the event that the subdivider does not provide sufficient construction staking, density testing, and construction supervision and administration of the work, the city may provide for the work and the subdivider shall pay the actual costs incurred as a result of such additional work. (Ord. 254 § 13.2, 1982)

16.48.030 Time of Completion

A. Approval of Time of Completion. The duration of the construction contract for subdivision public improvements in terms of calendar days shall be approved by the city.

B. Additional Inspection Costs. In the event the contractor does not finish the construction work in the amount of time set forth in the agreement with the city, the subdivider shall pay the actual costs of additional inspection incurred by the city. (Ord. 254 § 13.3, 1982)

16.48.040 “As built” Plans

A complete set of improvement plans “as built” shall be filed with the city engineer upon completion of the improvements. The “as built” plans shall be drawn on wet process photographic duplicates of the original tracings with .004 inch thickness, single matte, reproducible polyester film. The plans shall be certified as to accuracy and completeness by the subdivider’s licensed contractor or engineer. (Ord. 254 § 13.4, 1982)

16.48.050 Acceptance of Improvements

Upon receipt and acceptance of the “as built” plans, the city engineer shall recommend to the city council formal acceptance of the improvements to the city. (Ord. 254 § 13.5, 1982)

16.48.060 Utility Fees

The subdivider shall be required to pay all regular extension fees and connection fees for the extension of and connection to water lines, sewer lines and storm drain facilities in an amount fixed by resolution or ordinance of the city council. The fees shall be made payable prior to the filing of the map except in such cases where the building density is not determined, in which case, sewer and water connection fees may be deferred by the city council upon recommendation of the city engineer until application for a building permit is filed. (Ord. 254 § 13.6, 1982)

Chapter 16.52 - VIOLATION—PENALTY

Sections:

16.52.010 Designated.

16.52.010 Designated
Any deed of conveyance, sale or contract to sell real property which has been divided, or
which has resulted from a land division, in violation of the provisions of this title shall be
a misdemeanor and any person, firm, corporation, partnership, or copartnership upon
conviction thereof, shall be punishable by a fine of not less than one hundred dollars nor
more than five hundred dollars or by imprisonment in the county jail for not more than
six months, except that nothing contained in this section shall bar any legal, equitable or
summary remedy to which the city or other public agency, or any person, firm or
corporation may otherwise be entitled, and the city or other public agency, or such
person, firm or corporation may file a suit in the superior court of Sutter County to
restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in
violation of this title. (Ord. 254 § 3.4, 1982)
TITLE 17 - ZONING*

Chapters:

17.02 Authority of Zoning Provisions
17.04 Purpose of Zoning Provisions
17.06 Purpose of Development Standards
17.08 Relationship of Zoning Provisions to Comprehensive General Plan
17.10 Definitions
17.12 Designation of Zoning Districts
17.14 Residential Use Table
17.16 R-1 Single-Family Residence District
17.18 R-2 Two-Family Residence District
17.20 R-3 Neighborhood Apartment District
17.22 R-4 General Apartment District
17.24 Commercial Use Table
17.26 C-1 Neighborhood Business District
17.28 C-2 Central Business District
17.30 C-3 General Commercial District
17.32 Industrial Use Table
17.34 M-1 Light Industrial District
17.36 M-2 General Industrial District
17.38 PD Planned Development Combining District
17.40 “A” Special Agricultural Combining District
17.42 “F” Special Highway Frontage Combining District
17.44 “MP” Mobile Home Park Combining District
17.46 “MH” Mobile Home Residential Combining District
17.48 Parking and Loading Space Requirements
17.49 Sign Regulations
17.50 Regulations Applicable to All Districts
17.51 Second Units
17.52 Use Permits
17.53 Administrative Review
17.54 Variances
17.56 Nonconforming Buildings and Uses
17.58 Amendments, Alterations and Changes in Districts
17.60 Enforcement, Legal Procedure and Penalties

* For statutory provisions on planning in general, see Gov. Code § 65000 et seq.; for provisions authorizing cities to regulate the use of land and buildings, see Gov. Code § 65850.

The zoning map of the city is on file in the office of the city clerk.
Chapter 17.02 - AUTHORITY OF ZONING PROVISIONS

Sections:

17.02.010 Title
This title shall be known and cited as the “Live Oak Zoning Ordinance.” (Ord. 265 § 32.01, 1981)

17.02.020 Regulations adopted
There is adopted a zoning ordinance and zoning map for the city which ordinance may be referred to as the “Zoning Regulations of the city of Live Oak.” (Ord. 265 § 1.00, 1981)

17.02.030 General Plan
A. The planning commission and city council shall adopt a comprehensive, long-term general plan for the physical development of the city as authorized by the Planning and Zoning Laws of the California State Government, Title 7, Planning and Land Use Division, Planning and Zoning, Chapter 3, Local Planning, Article 5, Authority for and Scope of General Plans. The general plan shall consist of a statement of development policies, diagrams and text setting forth objectives, principles, standards, plan proposals, and the following elements:

1. A land use element;
2. A circulation element;
3. A housing element;
4. A conservation element;
5. An open space element;
6. A seismic safety element;
7. A noise element;
8. A scenic highway element;
Additional elements may be included in the general plan as provided by the Government Code.

B. The general plan shall be administered as the city’s statement of policies and objectives for land development and use within the city limits and as such all existing and proposed land uses shall be reviewed and reported upon by the planning authorities as to conformity with the general plan. The zoning ordinance shall be the principal means of implementing the policies of the general plan. The legal requirements for adoption, administration of specific plans of the general plan are specified in subsequent articles of the aforementioned chapter, division and title of the Government Code. (Ord. 265 § 1.02, 1981)

17.02.040 Planning Agencies

The city council is authorized to establish by ordinance a planning agency according to the Planning and Zoning Laws of the California State Government Code, Title 7, Planning and Land Use, Division 1, Planning and Zoning, Chapter 3, Local Planning, Article 1, Planning Agency. The planning agency may be a planning department, a planning commission, the city council itself, or any combination thereof. The planning agency shall function to develop and maintain a general plan and specific plans, review the capital improvement program, and perform any other function provided by the city council. Each planning agency shall have the powers necessary to enable it to fulfill and carry out its planning functions as provided by the Government Code. (Ord. 265 § 1.01, 1981)

17.02.050 Authority

A. The city council is authorized by the Planning and Zoning Laws of the California State Government Code, Title 7, Planning and Land Use, Division 1, Planning and Zoning, Chapter 4. Zoning Regulations, to enact the following by ordinance:

1. Regulations for the use of buildings and land;
2. Regulations for the location, height, bulk, size, and use of buildings, structures, lots, yards, courts and other open spaces;
3. Regulations for the intensity of land use;
4. Requirements for off parking and loading;
5. Requirements for building setback lines;
6. Creation of civic districts;
7. Division of the city into zones of the number, shape and area deemed best suited to carry out the implementation of the general plan and zoning ordinance.

B. The zoning ordinance is comprised of the regulations, requirements and divisions set out in subsection A. The minimum procedural standards for the conduction of city zoning hearings, the adoption of zoning regulations and the administration of the zoning ordinance are authorized by the articles of the aforementioned chapter, division and title of the Government Code. (Ord. 265 § 1.03, 1981)
17.02.060  Consistency
The zoning ordinance shall be consistent with the general plan as required by the Planning and Zoning Laws of the California State Government Code, Title 7, Planning and Land Use, Division 1, Planning and Zoning, Chapter 4, Zoning Regulations, Article 2, Adoptions of Regulations, Section 65860. (Ord, 265 § 1.04, 1981)

17.02.070  Subdivision Map Act
The city council shall by ordinance regulate and control the design and improvement of subdivisions as authorized by the Planning and Zoning Laws of the California State Government Code, Title 7, Planning and Land Use, Division 2, Subdivisions. The general provisions, maps, procedure, requirements, improvements, security, reversions and exclusions for subdivisions are authorized in the various chapters of the abovementioned division and title of the Government Code. (Ord. 265 § 1.05, 1981)

17.02.080  Environmental Impact Review
A. The California State Public Resources Code, Sections 21000 et seq. titled the California Environmental Quality Act of 1970 (CEQA) authorized all cities to evaluate the environmental impacts of all development projects and prepare and evaluate environmental impact reports. Regulations are prescribed for the principles, objectives, criteria, and definitions of the state wide application to be used for the implementation of CEQA in the California State Administrative Code, Title 14, Natural Resources, Division 6, Resources Agency, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (State EIR Guidelines)

B. The State Public Resources Code mandates that the city council shall provide procedures and guidelines for compliance by the city with CEQA pursuant to the State EIR Guidelines. (Ord. 265 § 1.06, 1981)

Chapter 17.04 - PURPOSE OF ZONING PROVISIONS

Sections:

17.04.010  Development and use of land.
17.04.020  Text and maps.
17.04.030  Promotion of public health, safety and welfare.
17.04.040  Open spaces.
17.04.050  Property values.
17.04.060  Public facilities.
17.04.070  Comprehensive general plan.

17.04.010  Development And Use Of Land
This title has been adopted by the city council in order to provide for the development and use of all land within the city limits in such a way as to balance private interests with
the public good. This balancing is achieved through the regulation of the size and use of individual lots, the height, bulk and size of buildings, the intensity of land use, the distinction of use of land and buildings as between agricultural, residential, commercial, industrial and public use of land. Additionally, a number of specific land development provisions, including parking regulations, sign regulations, landscaping and fences are provided. (Ord. 265 § 2.01, 1981)

17.04.020 Text And Maps
There are two portions of the zoning ordinance: the textual portion and the official zoning maps. The zoning maps delineate the zoning district for each parcel of land in the city. The text of this title describes the permitted uses and development standards within each of those districts. With the exception of limited occasions, all use of land within each district must conform to the provisions of that district as described in this title. (Ord. 265 § 2.02, 1981)

17.04.030 Promotion Of Public Health, Safety And Welfare
This title is designed to protect the public health, safety and welfare through the separation of land uses and the location of land uses in the most suitable areas of the city for such uses. Agricultural uses are generally designated for those nonurban areas where soils are suitable to support agricultural activities and where odors from farm animals and hazards from chemical fertilizers and pesticides will not adversely affect neighboring urban land uses. Residential land uses are generally designated for those areas of the city not adversely impacted by concentrations of noise, air pollution or traffic. Commercial land uses are generally located in areas which have good transportation access but without undesirable effects on residential areas of the city. Industrial land uses are generally located in those areas most separated from residential portions of the city due to the potential adverse effects of noise, air pollution and traffic generated by those uses. (Ord. 265 § 2.03, 1981)

17.04.040 Open Spaces
Suitable spaces between buildings are designated in each zoning district in this title in order to provide each building with adequate open spaces for light and air. These spaces are designated in for form of front, side, and rear yards. They insure that each building constructed in the city, particularly residential buildings, will have natural ventilation, light and air to be a healthy and desirable place to live, work or visit. (Ord. 265 § 2.04, 1981)

17.04.050 Property Values
This title has been adopted in part to insure stability of land values. This is achieved through the separation of incompatible land uses which, if adjacent, might render either or both properties less valuable or productive. This title also represents a statement of policy and purpose which individuals may rely upon in buying and/or developing property. (Ord. 265 § 2.05, 1981)

17.04.060 Public Facilities
A. This title, through delineation of the various districts, enables the community to plan for and provide adequate public facilities such as streets, water, sewers, schools, and
parks. Through the determination of the type and intensity of use within each zoning district, the city is able to allocate public resources in such a way as to provide sufficient services to meet the varying demands of each land use.

B. To these ends, undesirable conditions in the city, such as street congestion, insufficient water pressure, overcrowded schools or the lack of public parks, are less likely to occur. (Ord. 265 § 2.06, 1981)

17.04.070  Comprehensive General Plan

The comprehensive general plan, as mandated in the State of California Government Code, Title 7, Division 1, Chapter 3, Article 5, and adopted by the city council, states numerous land use and development policies which are intended to guide the general development of the city. This title is intended, in part, to assist in the implementation of those policies, where applicable, through the designation of compatible land uses, residential densities and intensity of use, and open spaces. (Ord. 265 § 2.07, 1981)

Chapter 17.06 - PURPOSE OF DEVELOPMENT STANDARDS

Sections:

17.06.010  Purpose designated.
17.06.020  Minimum lot size.
17.06.030  Density.
17.06.040  Front yards.
17.06.050  Side yards.
17.06.060  Rear yards.
17.06.070  Lot width.
17.06.080  Main building coverage.
17.06.090  Building height limit.

17.06.010  Purpose Designated

The purpose of this chapter is to describe the basis for the regulation of each development standard in this title. The general purposes and reasons for this title as a whole are described in Chapter 17.04. Each zoning district provides for specific land uses, height, bulk and space standards, and in some districts, performance standards. These development standards are the essence of the zoning ordinance. (Ord. 265 § 3.01, 1981)

17.06.020  Minimum Lot Size

A. Minimum lot sizes are required to insure that each lot created in the city will be usable in terms of buildings and structures. Minimum lot sizes in larger lot residential areas are the primary means of controlling population density so that the public facilities and services in an environmentally sensitive area will not be overburdened by too many people. In agricultural districts, minimum lot sizes are very large in order to preserve the
most viable agricultural productive units. Allowance for small minimum residential lot sizes is a method of lowering the cost of housing.

B. The determination of the minimum lot size for a given district varies with the requirements and provisions of that district. Higher minimum lot sizes in residential districts are required to regulate population density. Higher minimum lot sizes in commercial and industrial districts are required to insure the type and magnitude of uses intended for those districts. The lowest minimum lot size for both residential and commercial districts is based upon past development experience and current building code requirements. (Ord. 265 § 3.02, 1981)

17.06.030  Density

A. Density is the number of dwelling units per acre. This is converted into number of persons per acre, which is then used to determine future need for public utilities and facilities.

B. Maximum density is stated in similar terms and is imposed on specific areas in the city where higher capacity public facilities and utilities exist or are planned and it is deemed necessary to require a minimum number of people in the district in order to make most efficient use of the public investment. Further, these areas are generally located in close proximity to central facilities and services and, as such, are expected to maximize the use of such land. (Ord. 265 § 3.03, 1981)

17.06.040  Front Yards

The purposes for front yard standards are numerous. In residential districts, front yards are required to provide sufficient space to back a car completely out of a garage without going into a street. Front yards provide driveways for off-street parking. Most significantly, minimum front yard requirements protect the aesthetic value of neighborhoods in insuring open space and attractive appearances. In nonresidential areas, front yards are required for safety and aesthetic reasons. Safety is insured by providing sufficient space to see traffic before pulling out of parking lots or four-way stops. Aesthetics are insured by promoting landscaped, open spaces between streets, (Ord. 265 § 3.04, 1981)

17.06.050  Side Yards

The purpose of side yards is to provide access to light and air, to provide access to the side and rear of buildings in case of fire, to prevent fire leaping, and to protect aesthetic values. Side yards on corner lots provide open space to see traffic on cross-streets. In cases where none of these factors are relevant for some commercial uses, no side yards are required. For those uses where side yards are relevant, the measurement is based upon a combination of the minimum requirements necessary to satisfy the light, air and safety standards, and that amount necessary to prevent an aesthetically narrow spacing between buildings. (Ord. 265 § 3.05, 1981)

17.06.060  Rear Yards

The purpose of rear yards in residential areas is to provide open space and maintain separation of buildings. The purpose of rear yards in commercial and industrial districts is to provide space for loading and incidental storage. (Ord. 265 § 3.06, 1981)
17.06.070  Lot Width
The purpose of a minimum lot width is to prevent the creation of lots upon which buildings cannot be built. It also insures consistent lot size within subdivisions and minimum public street frontage. (Ord. 265 § 3.07, 1981)

17.06.080  Main Building Coverage
A. The purpose of main building coverage regulations is to preserve open space and prevent overbuilding of land which will create unhealthy or unsightly living or working areas in the city.

B. The building coverage maximums are described in maximum percentage of lot area which may be covered by buildings, excluding outbuildings. The percentage of coverage is based upon the intensity of use typified by location and type characteristic of the district. (Ord. 265 § 3.08, 1981)

17.06.090  Building Height Limit
A. The purpose of building height limits is to control the intensity of land use, prevent overburdening of sewer, water, and street facilities, insure sufficient light to neighboring buildings and provide some uniformity of neighborhoods.

B. The measurement of building height limits is described in the number of stories or feet in height. In single-family residential areas, the limit is based on standard styles of development in order to promote uniformity of character and prevent undue loss of light for neighboring homes. The limit is related aesthetically to the size of lots and buildings. (Ord. 265 § 3.09, 1981)

Chapter 17.08 - RELATIONSHIP OF ZONING PROVISIONS TO COMPREHENSIVE GENERAL PLAN

Sections:
  17.08.010  Overview.
  17.08.020  Consistency.
  17.08.030  Conflicts.

17.08.010  Overview
The general plan is a comprehensive, long-range, general policy statement for the entire community. The general plan designated appropriate locations and densities for residential, commercial, industrial, agricultural, public and open space land uses. In comparison, the zoning ordinance codified in this title is a specific statement of permissible uses of land by zoning district designed to control the use, type, height, bulk, space and location of buildings and land. The zoning ordinance is the primary tool by which the city implements the policies of the general plan. The zoning ordinance is intended to be applied to the city based on land use designations established in the general plan. (Ord. 265 § 4.01, 1981)
17.08.020  Consistency
State law requires that the zoning ordinance and general plan be consistent in such a way as to not describe conflicting land uses for the same parcel of land. It is the policy of the city of Live Oak to eliminate any inconsistencies between the zoning ordinance and the general plan. (Ord. 265 § 4.02, 1981)

17.08.030  Conflicts
Where inconsistencies do exist, the zoning ordinance will control the use and development of such land until such time as the city revises either the general plan or the zoning ordinance to achieve consistency. (Ord. 265 § 4.03, 1981)

Chapter 17.10 - DEFINITIONS

Sections:

17.10.010  Generally.
17.10.020  Accessory building.
17.10.030  Accessory use.
17.10.040  Agency.
17.10.050  Alley.
17.10.060  Apartment house.
17.10.070  Basement.
17.10.080  Boardinghouse.
17.10.090  Building.
17.10.100  Building coverage.
17.10.110  Building height.
17.10.120  Building site.
17.10.130  Dwelling.
17.10.140  Dwelling, group.
17.10.150  Dwelling, multiple-family.
17.10.160  Dwelling, one-family.
17.10.170  Dwelling, two-family.
17.10.180  Dwelling unit.
17.10.190  Family.
17.10.200  Flag lot.
17.10.210  Garage, commercial.
17.10.220  Garage, parking.
17.10.230 Garage, private.
17.10.240 Helicopter port.
17.10.250 Home occupation.
17.10.251 Home occupation, limited.
17.10.260 Hotel.
17.10.270 Junkyard.
17.10.280 Lodginghouse.
17.10.290 Lot.
17.10.300 Lot, corner.
17.10.310 Lot width.
17.10.320 Mobile home.
17.10.330 Mobile home park.
17.10.340 Nonconforming structure.
17.10.350 Nonconforming use.
17.10.360 Outdoor advertising.
17.10.370 Outdoor advertising structure or sign.
17.10.380 Parking lot.
17.10.390 Parking space.
17.10.395 Recycling facilities.
17.10.400 Servants’ quarters.
17.10.410 Service station.
17.10.420 Setback line.
17.10.430 Stable, commercial.
17.10.440 Stable, private.
17.10.450 Story.
17.10.460 Street.
17.10.470 Structural alterations.
17.10.480 Structure.
17.10.490 Tourist court.
17.10.500 Yard.
17.10.510 Yard, front.
17.10.520 Yard, rear.
17.10.530 Yard, side.
17.10.010  Generally
Words used in the present tense include the future. Words in the singular number include
the plural, and words in the plural number include the singular; the word “building”
includes the word “structure” and the word “shall” is mandatory and not directory. The
term “city council” means the city council of the city of Live Oak and the “planning
commission” means the planning commission of the city of Live Oak. (Ord. 265 § 6.01,
1981)

17.10.020  Accessory Building
“Accessory building” means a detached subordinate building, the use of which is
incidental to that of the main building on the same lot, or to the use of the land. (Ord. 265
§ 6.02, 1981)

17.10.030  Accessory Use
“Accessory use” means a use of building incidental or subordinate to the principal use of
building on the same lot. (Ord. 265 § 6.03, 1981)

17.10.040  Agency
“Agency” means an office or commercial establishment in which goods, material or
equipment is received for servicing, treatment or processing. (Ord. 265 § 6.04, 1981)

17.10.050  Alley
“Alley” means a public or permanent private way or lane less than forty feet in width
which affords a secondary means of access to abutting property. (Ord. 265 § 6.05, 1981)

17.10.060  Apartment House
“Apartment house” means any building or portion thereof which is designed and built for
occupancy by five or more families. (Ord. 265 § 6.06, 1981)

17.10.070  Basement
“Basement” means a space partly or wholly underground, and having more than one-half
its height, measured from its floor to its finished ceiling, below the average adjoining
grade. If the finished floor level directly above a basement is more than six feet above
ground, at any point, such basement shall be considered a story. (Ord. 265 § 6.07, 1981)

17.10.080  Boardinghouse
“Boardinghouse” means a building, or portion thereof, other than a hotel, where regular
meals for three or more persons are provided for compensation or profit. (Ord. 265 §
6.08, 1981)

17.10.090  Building
“Building” means any structure having a roof supported by columns and/or walls and
intended for the housing or shelter of any persons, animals, or chattel, but not including
any tent or mobile home. (Ord, 265 § 6.09, 1981)
17.10.100 Building Coverage
“Building coverage” means the land area covered by all buildings on a lot, including all projections except eaves. (Ord. 265 § 6.10, 1981)

17.10.110 Building Height
“Building height” means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof ridge or parapet wall. (Ord. 265 § 6.11, 1981)

17.10.120 Building Site
“Building site” means the land area occupied by or capable of being covered by all structures permissible under this title. (Ord. 265 § 6.12, 1981)

17.10.130 Dwelling
“Dwelling” means a separate complete building designed for and/or occupied by one or more persons or families. (Ord. 265 § 6.14, 1981)

17.10.140 Dwelling, Group
“Group dwelling” means two or more detached one or two family dwellings, other than a commercial tourist, motor court, or mobile home park located upon a building site, together with all open spaces as required by this title. (Ord. 265 § 6.13, 1981)

17.10.150 Dwelling, Multiple-Family
“Multiple-family dwelling” means a separate complete building designed and/or used to house three or more families, living independently of each other, including all necessary employees of each family. (Ord. 265 § 6.18, 1981)

17.10.160 Dwelling, One-Family
“One-family dwelling” means a separate complete building designed for and/or occupied by one family. (Ord. 265 § 6.16, 1981)

17.10.170 Dwelling, Two-Family
“Two-family dwelling” means a separate complete building containing not more than two kitchens, designed and/or used to house not more than two families, living independently of each other, including all necessary employees of each family. (Ord. 265 § 6.17, 1981)

17.10.180 Dwelling Unit
“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. (Ord. 265 § 6.15, 1981)

17.10.190 Family
“Family” means an individual or two or more persons related by blood or marriage or a group of not more than five persons, excluding servants, who need not be related by blood or marriage living together in a dwelling unit. (Ord. 265 § 6.19, 1981)

17.10.200 Flag Lot
“Flag lot” means a lot having its buildable area removed from a public street and being connected to the street by means of a narrow extension or access strip. (Ord. 265 § 6.20, 1981)

17.10.210 Garage, Commercial
“Commercial garage” means a building, other than a private garage, used for the parking, repair or servicing of motor vehicles. (Ord. 265 § 6.22, 1981)

17.10.220 Garage, Parking
“Parking garage” means a public garage designed and/or used on a commercial basis for the storage only of vehicles, (Ord. 265 § 6.23, 1981)

17.10.230 Garage, Private
“Private garage” means an accessory building or portion of a building designed and/or used only for the shelter or storage of vehicles by the occupants of the dwelling, including covered parking space or carport. (Ord. 265 § 6.21, 1981)

17.10.240 Helicopter Port
“Helicopter port” means land improved and intended to be used for the landing and taking off of helicopters or vertical flying aircraft. (Ord. 265 § 6.24, 1981)

17.10.250 Home Occupation
“Home occupation” means any use customarily carried on within a dwelling by the inhabitants thereof which is incidental to the residential use of the dwelling, and which use:
A. Is confined completely within a legal structure and occupies not more than twenty-five percent of the floor space of a dwelling or fifty percent of an accessory building;
B. Involves no sales of merchandise other than that produced on the premises, or directly related to and incidental to the services offered;
C. Is carried on by the members of the family occupying the dwelling with no other persons employed;
D. Produces no evidence of its existence upon or beyond the premises such as external alteration creating nonresidential or unsightly appearance of a structure, noise, smoke, odors, vibrations, etc. (Ord. 265 § 6.25, 1981)

17.10.251 Home Occupation, Limited
“Home occupation, limited” means any use customarily carried on within a dwelling by the inhabitants thereof which is incidental to the residential use of the dwelling, and which use:
A. Is confined completely within a residence and occupies not more than ten percent of the habitable floor space of the residence;
B. Involves no sales of merchandise from the residence and is typically limited to businesses involved only in paperwork, including computer usage;
C. Is carried on by the members of the family occupying the dwelling with no other persons employed;
D. Produces no evidence of its existence upon or beyond the premises. (Ord. 404 § 2 (part), 1993)

17.10.260 Hotel

“Hotel” means any building or portion thereof, containing six or more guest rooms intended or designed to be used, let or hired out to be occupied or which are occupied by six or more guests whether the compensation for hire is paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise and includes hotels, rooming houses, dormitories, Turkish baths, bachelor hotels, studio hotels, public and private clubs and any such building of any nature whatsoever so occupied designed or intended to be so occupied, except jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed or detained under legal restraint. (Ord. 265 § 6.26, 1981)

17.10.270 Junkyard

“Junkyard” means any area of two hundred square feet or more used for the storage of junk or scrap materials, or for the wrecking or dismantling of automobiles or other vehicles or machinery. This definition includes “wrecking yards.” (Ord, 265 § 6.27, 1981)

17.10.280 Lodginghouse

“Lodginghouse” means a building or portion thereof, other than a hotel, containing three or more guest rooms used, intended or designed to be used, let or hired out to be occupied by paying guests. (Ord. 265 § 6.31, 1981)

17.10.290 Lot

“Lot” means a single integral parcel, portion or unit of land under one ownership established in accordance with city ordinances including a building site, all required yards and other open space, and street frontage. (Ord. 265 § 6.28, 1981)

17.10.300 Lot, Corner

“Corner lot” means a lot located at the junction of two or more intersection streets, with a boundary line thereof bordering on each of such streets. The shortest such street frontage shall constitute the front of the lot. (Ord. 265 § 6.29, 1981)

17.10.310 Lot Width

“Lot width” means the distance between side lot lines measured at the front yard building line. (Ord. 265 § 6.30, 1981)

17.10.320 Mobile Home

“Mobile home” means a vehicle other than a motor vehicle equipped or used for human habitation, for carrying persons or property on its structure, and for being drawn by a motor vehicle. (Ord. 265 § 6.32, 1981)

17.10.330 Mobile Home Park
“Mobile home park” means any area or tract of land where one or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation, and includes mobile home accommodation structures. (Ord. 265 § 6.33, 1981)

17.10.340 Nonconforming Structure
“Nonconforming structure” means a building or structure or portion thereof lawfully existing prior to the effective date of the use regulations in the district in which it is located which was designed, erected or structurally altered for a use that does not conform to the presently adopted use regulations of the district in which it is located or a building which does not conform to the presently adopted height, lot coverage, or open space requirements of the district in which it is located. (Ord. 265 § 6.34, 1981)

17.10.350 Nonconforming Use
“Nonconforming use” means a use which lawfully occupied a building or existed on premises prior to the effective date of the use regulations in the district in which it is located and which use does not conform to the presently adopted use regulations of the district in which it is located. (Ord. 265 § 6.35, 1981)

17.10.360 Outdoor Advertising
“Outdoor advertising” means any display of advertising material in any form upon any physical structure or natural object. (Ord. 265 § 6.36, 1981)

17.10.370 Outdoor Advertising Structure Or Sign
“Outdoor advertising structure or sign” means any structure of any kind or character erected, maintained or used for outdoor advertising purposes upon which any outdoor advertising is or may be placed or displayed. (Ord. 265 § 6.37, [ ]

17.10.380 Parking Lot
“Parking lot” means an area of land, a yard or other open space on a lot used for or designed for use by standing motor vehicles, (Ord. 265 § 6.38, 1981)

17.10.390 Parking Space
“Parking space” means land or space privately owned, covered or uncovered, laid out for, surfaced and used or designed to be used by a standing motor vehicle. (Ord. 265 § 6.39, 1981)

17.10.395 Recycling Facilities
“Recycling facility” means a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business, or manufacturer. Recycling facilities may include the following:
A. Collection Facility. A collection facility is a center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public. Such a facility does not use power-driven processing equipment. Collection facilities may include the following:

1. Reverse vending machine(s) are established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building and fire codes of the city; are located within thirty feet of the entrance to the commercial structure and not obstructing pedestrian or vehicular circulation; do not occupy parking spaces required by the primary use; occupy no more than fifty square feet of floor space per installation (including any protective enclosure) and are no more than eight feet in height; are constructed and maintained with durable waterproof and rustproof material; are clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative; have a sign area of a maximum of four square feet per machine (exclusive of operating instructions); are maintained in a clean, litter-free condition on a daily basis; maintain operating hours of at least the operating hours of the host use; and are illuminated to ensure comfortable and safe operating if operating hours are between dusk and dawn.

2. Small collection facilities occupy an area of not more than five hundred square feet, and may include a mobile unit, bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty square feet, kiosk-type units which may include permanent structures, and unattended containers placed for the donation of recyclable materials.

3. Large collection facilities occupy an area of more than five hundred square feet and may include permanent structures.

B. Processing Facility. A processing facility is a building or enclosed space used for the collection and processing of recyclable materials. “Processing” means the preparation of material for efficient shipment, or to an end user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:

1. A light processing facility occupies an area of under forty-five thousand square feet of gross collection, processing, and storage area, and has up to an average of two outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.

2. A heavy processing facility is any processing facility other than a light processing facility. (Ord. 317 § 2, 1988)

17.10.400 Servants’ Quarters

“Servants’ quarters” means a secondary dwelling or apartment without any kitchen facilities designed for and used only by persons regularly employed on the property. (Ord. 265 § 6.42, 1981)

17.10.410 Service Station
“Service station” means a retail business establishment supplying motor fuel and oil, and minor accessories and services for motor vehicles, and not including repairs. (Ord. 265 § 6.40, 1981)

17.10.420  Setback Line
“Setback line” means a line established by this title to govern the placement of buildings with respect to lot lines or public rights-of-way. (Ord. 265 § 6.41, 1981)

17.10.430  Stable, Commercial
“Commercial stable” means a stable for horses to be let, hired or used on a commercial basis. (Ord. 265 § 6.43, 1981)

17.10.440  Stable, private
“Private stable” means a stable for horses to be used by the owners thereof. (Ord. 265 § 6.44, 1981)

17.10.450  Story
“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement is more than six feet above grade at any point, such basement shall be considered a story. (Ord. 265 § 6.46, 1981)

17.10.460  Street
“Street” means a public or permanent private way forty feet or more in width which affords a primary means of access to property. (Ord. 265 § 6.47, 1981)

17.10.470  Structural Alterations
“Structural alterations” means any change in the supporting members of a building, as bearing walls, columns, beams or girder and floor joists, ceiling joints or roof rafters. (Ord. 265 § 6.48, 1981)

17.10.480  Structure
“Structure” means anything constructed or erected upon the ground or attached to a structure having location on the ground, but not including fences or walls six feet or less in height. (Ord. 265 § 6.45, 1981)

17.10.490  Tourist Court
“Tourist court” means a group of buildings designed for use by tourists or transients with living or sleeping rooms, garages, parking spaces and related facilities advertised or offered on a commercial basis, including an auto court, motor court and motor lodge. (Ord. 265 § 6.49, 1981)

17.10.500  Yard
“Yard” means land unoccupied or unobstructed, except for such encroachments as may be permitted by this title, surrounding a building site. (Ord. 265 § 6.50, 1981)
17.10.510  Yard, Front

“Front yard” means a yard extending across the full width of the lot measured between the line, or the lot line connected to a street by legal access, and the nearest line of the main building or enclosed or covered porch. On lots adjacent to streets conforming with design standard 701 of the “City of Live Oak Public Works Improvement Standards, June 2003 (or later)” the front yard setback may be measured from 0.5’ behind the back of sidewalk to the nearest line of any building with the approval of the city engineer or the public works director. In order to access the utility right of way adjacent to back of sidewalk, no permanent structure may be located on the city right of way. The front yard of a corner lot is the yard adjacent to the shorter street frontage. (Ord. 265 § 6.51, 1981; Ord. 511 §1, 2008)

17.10.520  Yard, Rear

“Rear yard” means a yard extending between the side yards of the lot and measured between the rear line of the lot and the rear line of the main building or enclosed or covered porch nearest the rear line of the lot. (Ord. 265 § 6.52, 1981)

17.10.530  Yard, Side

“Side yard” means a yard on either side of the lot extending from the front yard to the rear lot line, the width of each yard being measured between the side line of the lot, and the nearest part of the main building or enclosed porch. A side yard adjacent to a street is a “street side yard.” (Ord. 265 § 6.53, 1981)

Chapter 17.12 - DESIGNATION OF ZONING DISTRICTS

Sections:

- 17.12.010  Districts designated.
- 17.12.020  Special combining districts.
- 17.12.030  Boundary interpretation.
- 17.12.040  District map.
- 17.12.050  Zoning map.

17.12.010  Districts Designated

The several classes of zoning districts established in this title and into which the city is or may be divided are designated as follows:

R-1 Single-Family Residence District
R-2 Two-Family Residence District
R-3 Neighborhood Apartment District
R-4 General Apartment District
C-1 Neighborhood Business District
C-2 Central Business District
C-3 General Commercial District
M-1 Light Industrial District
M-2 General Industrial District (Ord. 265 § 5.01, 1981)

17.12.020  Special Combining Districts
In addition to the zoning districts established in Section 17.12.010, certain special combining districts are established which, when combined with one of the foregoing zoning districts, modifies the basic development requirements in such district. The combining districts are as follows:

PD Planned Development Combining District
A Special Agricultural Combining District
F Special Highway Frontage Combining District
MP Mobile Home Park Combining District
MH Mobile Home Residential Combining District
(Ord. 265 § 5.02, 1981)

17.12.030  Boundary Interpretation
Where uncertainty exists as to boundaries of any zoning or combining districts, the following rules of interpretation shall apply:

A. Lands not included within the boundaries of any district shall constitute R districts;
B. Lands hereinafter annexed to the city shall constitute R-1 districts unless otherwise classified at the time of annexation;
C. Where district boundaries are indicated as approximately following street, alley, or lot lines, such lines shall be construed to be such boundaries; and
D. In the case of further uncertainty, the planning commission shall determine the specific location of such boundaries, (Ord. 265 § 5.03, 1981)

17.12.040  District Map
A. The boundaries of the districts shown on the district map, or amendments thereto, are adopted, and all the regulations of this chapter with respect to the several districts delineated thereon, together with all references and information shown thereon, are established and declared to be in effect upon all lands include within the boundaries of the several districts delineated upon the district map.
B. The district map, for convenience, may be divided into parts, and each such part may, for purposes of more readily identifying areas within such district map, be subdivided into units, and each such part and unit may be separately used for purposes of amending the district map or for any official reference to the district map. Such map, and each such part and unit, and the notations, references, and other information shown thereon, shall be as much a part of this chapter as if the matters and information set forth by such map were all fully described in this chapter. (Ord. 265 § 5.04, 1981)
17.12.050  Zoning Map
The official zoning map of the city, which delineates the zoning and combining districts described in this chapter, is declared a part of this title and shall constitute the official description of the location of each district in the city. (Ord. 265 § 5.05, 1981)

Chapter 17.14 - RESIDENTIAL USE TABLE
Sections:

17.14.010  Purpose
The purpose of the residential use table is to clearly and precisely designate permitted uses and conditional uses, including appropriate conditions, within each of the following districts:
R-1 Single-family residence district
R-2 Two-family residence district
R-3 Neighborhood apartment district, three or four families
R-4 General apartment district, five or more families
(Ord. 265 § 7.01, 1981)

17.14.020  Designation Of Uses
With regard to the residential use table, an “x” indicates that the described use is unconditionally permitted in the district represented by the symbol at the top of the column. A “u” indicates that the described use requires a use permit in the district represented by the symbol at the top of the column. The absence of an “x” or “u” indicates the particular use is prohibited in such a district. If a use is not listed on the table, the planning commission or its designee, upon application, shall determine whether or not such use is similar in character to a described use for the purposes of applying district regulations and special conditions. (Ord. 265 § 7.02, 1981)

17.14.030  Table
Residential uses shall be as set out in Table 17.14.030 (Ord. 422 § 26 (part), 1995; Ord. 404 § 2 (part), 1993; Ord 273 §§ 1-3, 1982; Ord. 265 § 7.03, 1981)
Table 17.14.030
RESIDENTIAL USE TABLE

<table>
<thead>
<tr>
<th>Use</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Single-family dwelling (except mobile homes)</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>2. Duplex</td>
<td>-</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>3. Triplex/fourplex</td>
<td>-</td>
<td>-</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>4. Apartment</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>x</td>
</tr>
<tr>
<td>5. Townhouse/row house</td>
<td>-</td>
<td>-</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>6. Accessory dwelling for guest or employees</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>7. Residential care home for adults</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>x</td>
</tr>
<tr>
<td>8. Residential care home for children</td>
<td>u</td>
<td>u</td>
<td>u</td>
<td>x</td>
</tr>
<tr>
<td>9. Accessory uses or structures</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
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<tr>
<td>10. Lodge, fraternal hall, fraternity, sorority</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>x</td>
</tr>
<tr>
<td>11. Condominiums</td>
<td>u</td>
<td>u</td>
<td>u</td>
<td>x</td>
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<tr>
<td>12. Community apartment</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>u</td>
</tr>
<tr>
<td>13. Stock cooperative apartments</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>u</td>
</tr>
<tr>
<td>14. Child Day Care Facility</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td><strong>Commercial</strong></td>
<td></td>
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<tr>
<td>15. Home occupation</td>
<td>u</td>
<td>u</td>
<td>u</td>
<td>x</td>
</tr>
<tr>
<td>16. Professional offices (real estate, medical, dental, insurance, legal, bookkeeping, accounting, optometric, chiropractic)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>u</td>
</tr>
<tr>
<td>17. Temporary real estate tract offices, signs and construction facilities</td>
<td>u</td>
<td>u</td>
<td>u</td>
<td>u</td>
</tr>
<tr>
<td>17.5 Other commercial uses determined by the city council to be acceptable on a temporary basis</td>
<td>u</td>
<td>u</td>
<td>u</td>
<td>u</td>
</tr>
<tr>
<td><strong>Institutional</strong></td>
<td></td>
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<tr>
<td>18. Hospital</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>u</td>
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<tr>
<td>19. Convalescent hospital</td>
<td>-</td>
<td>-</td>
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<td>u</td>
</tr>
<tr>
<td>20. Cemetery, mortuary</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>u</td>
</tr>
<tr>
<td>21. Medical clinic</td>
<td>-</td>
<td>-</td>
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<td>u</td>
</tr>
<tr>
<td>22. Church</td>
<td>u</td>
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<td>u</td>
</tr>
<tr>
<td>23. Public or private school (K-12)</td>
<td>u</td>
<td>u</td>
<td>u</td>
<td>u</td>
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<tr>
<td>24. College or university</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>u</td>
</tr>
<tr>
<td>25. Government buildings and uses</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>26. Public utilities/facilities&lt;sup&gt;2&lt;/sup&gt;</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>27. Golf course, country club, other outdoor recreation facility</td>
<td>u</td>
<td>u</td>
<td>u</td>
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<tr>
<td><strong>Agriculture</strong></td>
<td></td>
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</tr>
<tr>
<td>28. Incidental agriculture/horticulture&lt;sup&gt;3&lt;/sup&gt;</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>

<sup>1</sup> Subject to administrative review (See Chapter 17.53)
<sup>2</sup> Including underground and aboveground utility installations for local service except that substations, generating plants, public utility communication buildings and gas holders must be approved by the planning commission prior to construction, and the route of any proposed transmission line shall be discussed with the planning commission prior to acquisition.
### Residential Land Use Summary

#### Use Permitted

<table>
<thead>
<tr>
<th>District</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>M-1</th>
<th>M-2</th>
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<tbody>
<tr>
<td>R-1</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>u*</td>
<td>u*</td>
<td>u*</td>
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<tr>
<td>R-2</td>
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<tr>
<td>R-3</td>
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<tr>
<td>R-4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>x</td>
<td>u*</td>
<td>u*</td>
<td>u*</td>
<td>u*</td>
<td>u*</td>
</tr>
</tbody>
</table>

3 Including gardening and keeping of animals as permitted by city ordinance, but not including stands or structures for the sale of agricultural or nursery products.

* Use permit may be granted only if use is consistent with the General Plan.
Chapter 17.16 - R-1 SINGLE FAMILY RESIDENCE DISTRICT

Sections:

17.16.010  Purpose
It is intended that the R-1 single-family residence district be applied in areas subdivided and used, or designated to be used for single-family residential development. (Ord. 265 § 8.01, 1981)

17.16.020  Permitted Uses
Land may be used in the R-1 district for residential uses as provided in the residential use table in Chapter 17.14. (Ord. 265 § 8.02, 1981)

17.16.030  Conditional Uses
Land may be conditionally used within the R-1 district as provided for in the residential use table in Chapter 17.14, and in accordance with appropriate conditions or limitations as noted. (Ord. 265 § 8.03, 1981)

17.16.040  Minimum Lot Area
Minimum lot area in the R-1 district shall be six thousand square feet for interior lots, and six thousand five hundred square feet for corner lots, including the external area formed by the tangents and arcs of property line curves at street intersections. (Ord. 265 § 8.04, 1981)

17.16.050  Minimum Lot Width
Minimum lot width in the R-1 district shall be sixty feet for interior lots, and sixty-five feet (including corner curve tangents) for corner lots, except as provided in Chapter 17.50. (Ord. 265 § 8.05, 1981)
17.16.060  Maximum Main Building Coverage
Maximum main building coverage in the R-1 district shall be forty-five (45%) of the lot area for single story residences and forty (40%) percent for two-story residences. (Ord. 422 § 12, 1995: Ord. 265 § 8.06, 1981; Ord. 512 § 1, 2008)

17.16.070  Minimum Building Width
Minimum building width in the R-1 district shall be twenty feet, excluding garage dimensions. (Ord. 265 § 8.07, 1981)

17.16.080  Minimum Front Yard
Minimum front yard in the R-1 district shall be twenty feet. (Ord. 265 § 8.08, 1981)

17.16.090  Side Yards
Side yards in the R-1 district shall total not less than five feet. The side yard on the street side of each corner lot shall be fifteen feet. (Ord. 447 §2 (part), 1998: Ord. 265 §8.09, 1981).

17.16.100  Minimum Rear Yard
Minimum rear yard in the R-1 district shall be twenty percent of the lot depth, may not be less than ten feet, and need not exceed twenty feet. (Ord. 265 § 8.10. 1981)

17.16.110  Automobile Parking
Automobile parking in the R-2 district shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 8.11, 1981)

17.16.120  Maximum Building Height
Maximum building height shall be limited so as not to exceed adjacent buildings by fifteen feet and not to exceed a maximum of two and one-half stories or thirty-five feet whether or not adjacent to existing buildings. Buildings or structures accessory to a primary building should similarly be limited, (Ord. 422 § 1, 1995: Ord. 265 § 8.12, 1981)

17.16.130  Landscaping Required
At the time of occupancy of any new or remodeled residence in the single-family residence district (R-1), where the costs of remodeling exceed fifty percent of the building value as shown on the tax rolls, the following minimum landscaping shall be provided:

A. There shall be at least one tree planted in all yards facing a street.

B. Trees should be a minimum fifteen-gallon size at planting and shall be planted in accord with city standards. All trees must be water by means of automatic irrigation systems. Any tree not maintained by the property owner and allowed to die must be replaced by the property owner at his sole expense in a timely manner.

C. Trees should be planted away from public sidewalks or individual driveways as specified on the list of trees.

D. Existing healthy trees, as specified on the list of trees, on the site should be maintained whenever possible and may be used in lieu of planting new trees.
E. Trees should be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, insects and diseases.

F. Trees must be planted and maintained at all times to provide sight clearance at street intersections and driveways with a minimum clearance of seven feet between the lowest branches and ground level. Trees having canopies, which may extend over public streets must maintain a minimum clearance of fourteen feet.

G. Required front and street side yard landscaping shall include varied tree and plant species. Not more than twenty-five percent of the landscaped area may be covered with hard surfaces such as gravel, landscaping rock, artificial turf, concrete or other impervious materials. (Ord. 422 §23, 1995; Ord. 333 §1(A), 1989).

Chapter 17.18 - R-2 TWO-FAMILY RESIDENCE DISTRICT

Sections:

17.18.010 Purpose
It is intended that the R-2 two-family residence district be applied where two-family dwellings (duplex) are, or are intended to be the dominant use. (Ord. 265 § 9.01, 1981)

17.18.020 Permitted Uses
Land may be used in the R-2 district for residential uses as provided in the residential use table, Chapter 17.14 of this title. (Ord. 265 § 9.02, 1981)

17.18.030 Conditional Uses
Land may be conditionally used within the R-2 district as provided for in the residential use table, Chapter 17.14 of this title, and in accordance with appropriate conditions or limitations as noted. (Ord. 265 § 9.03, 1981)
Minimum lot area in the R-2 district shall be six thousand square feet for interior lots, and six thousand five hundred square feet for corner lots, including the external area formed by the tangents and arcs of property line curves at street intersections. (Ord. 265 § 9.04, 1981)

Minimum lot width in the R-2 district shall be sixty feet for interior lots, and sixty-five feet (including corner curve tangents) for corner lots, except as provided in Chapter 17.50. (Ord. 265 § 9.05, 1981)

Maximum main building coverage in the R-2 district shall be forty percent of the lot area. (Ord. 422 § 13, 1995: Ord. 265 § 9.06, 1981)

Minimum front yard in the R-2 district shall be twenty feet, (Ord. 265 § 9.07, 1981)

Side yards in the R-2 district shall total not less than five feet. The side yard on the street side of each corner lot shall be fifteen feet. (Ord. 447 § 2 (part), 1998: Ord. 265 § 9.08, 1981).

Minimum rear yard in the R-2 district shall be twenty feet. (Ord. 265 § 9.09, 1981)

Automobile parking in the R-2 district shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 9.10. 1981)

Maximum building height shall be limited so as not to exceed adjacent buildings by fifteen feet and not to exceed a maximum of two and one-half stories or thirty-five feet whether or not adjacent to existing buildings. Buildings or structures accessory to a primary building should similarly be limited. (Ord. 422 § 2, 1995: Ord, 265 § 9.11, 1981)

At the time of occupancy of any new or remodeled residence in the single-family residence district (R-2), where costs of remodeling exceed fifty percent of the building value as shown on the tax rolls, the following minimum landscaping shall be provided:

A. Required front and street side yard landscaping shall include varied, tree and plant species. Not more than twenty-five percent of the landscaped area may be covered with hard surfaces such as gravel, landscaping rock, artificial turf, concrete or other impervious materials.

B. There shall be at least one free planted in all yards facing a street.
C. Trees should be a minimum fifteen-gallon size at planting and shall be planted in accord with city standards. All trees must be water by means of automatic irrigation systems. Any tree not maintained by the property owner and allowed to die must be replaced in a timely manner by the property owner at his sole expense.

D. Trees should be planted away from public sidewalks or individual driveways as specified on the list of trees.

E. Existing healthy trees, as specified on the list of trees, on the site should be maintained whenever possible and may be used in lieu of planting new trees.

F. All plant materials shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, insects and diseases. Landscape materials, including trees, showing such damage shall be replaced in accordance with these standards.

G. Trees shall be planted and maintained at all times to provide sight clearance at street intersections and driveways, with a minimum clearance of seven feet between the lowest branches and ground level. Trees having canopies, which may extend over public streets must maintain a minimum clearance of fourteen feet. (Ord. 422 § 24, 1995; Ord. 331 § 1(B), 1989).

Chapter 17.20 - R-3 NEIGHBORHOOD APARTMENT DISTRICT

Sections:

17.20.010 Purpose.
17.20.020 Permitted uses.
17.20.030 Conditional uses.
17.20.040 Minimum lot area.
17.20.050 Minimum lot width.
17.20.060 Maximum main building coverage.
17.20.070 Minimum front yard.
17.20.080 Side yards.
17.20.090 Minimum rear yard.
17.20.100 Automobile parking.
17.20.110 Maximum building height.
17.20.120 Landscaping required.
17.20.010  Purpose
It is intended that the R-3 neighborhood apartment district be applied in areas where homes and triplexes or fourplexes are the desirable uses. (Ord. 265 § 10.01, 1981)

17.20.020  Permitted Uses
Land may be used in the R-3 district for residential uses as provided in the residential use table in Chapter 17.14 of this title, but no less than 8 residential units per acre nor more than 14 residential units per acre shall be allowed. (Ord. 422 § 21., 1995: Ord. 265 § 10.02, 1981.)

17.20.030  Conditional Uses
Land may be conditionally used within the R-3 district as provided for in the residential use table in Chapter 17.14 of this title, and in accordance with appropriate conditions or limitations as noted. (Ord. 265 § 10.03, 1981)

17.20.040  Minimum Lot Area
Minimum lot area in the R-3 district shall be ten thousand square feet. (Ord. 265 § 10.04, 1981).

17.20.050  Minimum Lot Width
Minimum lot width in the R-3 district shall be sixty feet, and sixty-five feet (including corner curve tangents) for corner lots, except as provided in Chapter 17.50 of this title. (Ord. 265 § 10.05, 1981)

17.20.060  Maximum Main Building Coverage
Maximum main building coverage in the R-3 district shall be seventy percent of the lot area. (Ord. 422 § 14, 1995: Ord. 265 § 10.06, 1981)

17.20.070  Minimum Front Yard
Minimum front yard in the R-3 district shall be twenty feet. (Ord. 265 § 10.07, 1981)

17.20.080  Side Yards
Side yards in the R-3 district shall total not less than five feet. The side yard on the street side of each corner lot shall be fifteen feet. (Ord. 447 § 2 (part), 1998: Ord. 265 § 10.08, 1981.)

17.20.090  Minimum Rear Yard
Minimum rear yard in the R-3 district shall be twenty feet. (Ord. 265 § 10.09, 1981)

17.20.100  Automobile Parking
Automobile parking in the R-3 district shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 10.10, 1981)

17.20.110  Maximum Building Height
Maximum building height shall be limited so as not to exceed adjacent buildings by fifteen feet and not to exceed a maximum of two and one-half stories or thirty-five feet whether or not adjacent to existing buildings. Buildings or structures accessory to a
17.20.120  Landscaping Required

A. There shall be at least one tree, from the approved list of trees, for each fifty feet of frontage, planted in an irrigated and landscaped area provided on each front or street side yard.

B. In addition to the street side yard trees required above, parking lots of five or more spaces shall provide landscaped areas in the interior of the parking lot covering a percentage of the total parking lot area as follows:

<table>
<thead>
<tr>
<th>Parking Spaces Required</th>
<th>Percent of Total Parking Area to Be Landscaped</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 – 24 spaces</td>
<td>5.0% minimum</td>
</tr>
<tr>
<td>25 – 49 spaces</td>
<td>7.5% minimum</td>
</tr>
<tr>
<td>50 + spaces</td>
<td>10.0% minimum</td>
</tr>
</tbody>
</table>

C. 1. Parking lot landscaping shall include shade trees placed so as to cover a percentage of the total parking area with tree canopies within fifteen years of planting, as follows:

<table>
<thead>
<tr>
<th>Parking Spaces Required</th>
<th>Percent of Total Parking Area to Be Shaded</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 – 24 spaces</td>
<td>60.0% minimum</td>
</tr>
<tr>
<td>25 + spaces</td>
<td>60.0% minimum</td>
</tr>
</tbody>
</table>

2. Tree coverage shall be determined by the approximate crown diameter of each tree at fifteen years, as estimated on the approved tree list or landscape authority. The percentage of area required to be shaded shall be based on the number of aboveground and uncovered parking spaces provided, and shall not include the percentage of maneuvering spaces, which may be attributable to covered parking spaces.

D. Required front and street side yard landscaping shall include varied tree and plant species.

Not more than twenty-five percent of the landscaped area may be covered with hard surfaces such as gravel, landscaping rock, artificial turf, concrete or other impervious materials.

E. Trees shall be planted in accord with city standards.

F. Trees shall be planted away from public sidewalks or individual driveways, as specified on the list of trees.
G. Existing healthy trees, as specified on the list of trees, on the site shall be maintained whenever possible and may be used in lieu of planting new trees.

H. Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, insects and diseases. Trees showing such damage shall be replaced by the same species.

I. Trees shall be planted and maintained at all times to provide sight clearance at street intersections and driveways, with a minimum clearance of seven feet between the lowest branches and ground level. Trees having canopies, which may extend over public streets must maintain a minimum clearance of fourteen feet.

J. All required parking lot landscaping shall be within planters bounded by a curb at least six inches high. No planter shall be smaller than twenty-five square feet, excluding curbing. Each planter shall include an irrigation system.

K. All required parking lot landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage or encroachment, and a minimum of three feet from the back of curb or wheel stop where vehicle overhang is permitted. (Ord, 333 § 1(C), 1989).

Chapter 17.22 - R-4 GENERAL APARTMENT DISTRICT

Sections:

17.22.010 Purpose.
17.22.020 Permitted uses.
17.22.030 Conditional uses.
17.22.040 Minimum lot area.
17.22.050 Minimum lot width.
17.22.060 Maximum main building coverage.
17.22.070 Minimum front yard.
17.22.080 Side yards.
17.22.090 Minimum rear yard.
17.22.100 Minimum distances between main buildings on same lot.
17.22.110 Automobile parking.
17.22.120 Loading area.
17.22.130 Maximum building height.
17.22.140 Landscaping required.
17.22.010  Purpose
It is intended that the R-4 general apartment district be applied in areas where group dwellings and apartments with five or more dwelling units are the logical and desirable uses. (Ord. 265 § 11.01, 1981)

17.22.020  Permitted Uses
Land may be used in the R-4 district for residential uses as provided in the residential use table of Chapter 17.14 of this title, but no less than 12 residential units per acre nor more than 20 residential units per acre shall be allowed. (Ord. 422 § 22, 1995: Ord. 265 § 11.02, 1981).

17.22.030  Conditional Uses
Land may be conditionally used within the R-4 district as provided for in the residential use table in Chapter 17.14 of this title, and in accordance with appropriate conditions or limitations as noted. (Ord. 265 § 11.03, 1981)

17.22.040  Minimum Lot Area
Minimum lot area in the R-4 district shall be eight thousand square feet for each permitted use plus an additional one thousand square feet for each dwelling unit in excess of four, not to exceed a maximum of twenty dwelling units per acre. (Ord. 422 § 25, 1995: Ord. 265 § 11.04, 1981)

17.22.050  Minimum Lot Width
Minimum lot width in the R-4 district shall be sixty feet, and sixty-five feet (including corner curve tangents) for corner lots, except as provided in Chapter 17.50 of this title. (Ord. 265 § 11.05, 1981)

17.22.060  Maximum Main Building Coverage
Maximum main building coverage in the R-4 district shall be seventy percent of the lot area. (Ord. 422 § 15, 1995: Ord. 265 § 11.06, 1981)

17.22.070  Minimum Front Yard
Minimum front yard in the R-4 district shall be twenty feet. (Ord. 265 § 11.07, 1981)

17.22.080  Side Yards
Side yards in the R-4 district shall total not less than five feet. The side yard of the street side of each corner lot shall be fifteen feet. (Ord. 447 § 2 (part), 1998: Ord. 265 § 11.08, 1981).

17.22.090  Minimum Rear Yard
Minimum rear yard in the R-4 district shall be twenty feet. (Ord. 265 § 11.09, 1981)

17.22.100  Minimum Distances Between Main Buildings On Same Lot
Minimum distance between main buildings on the same lot in the R-4 district shall be ten feet except for the following:
A. Group dwellings in a single row “side to side” series facing a side lot line; side yards to the rear of buildings, minimum eight feet; side yards in front of buildings, minimum fourteen feet;

B. Group dwellings in a double row “side to side” series facing a central court; side yards to the rear of buildings, minimum eight feet; width of central court, minimum twenty-four feet; distance between buildings, minimum ten feet;

C. The rear yard on a lot which a dwelling group is constructed may be reduced to not less than twelve feet. No building in a group dwelling development shall have the rear thereof abutting upon a street;

D. For buildings of a group so located that the rear or front of one building faces the side of another building (arranged “side to front” or “side to rear”), the minimum distance between such buildings shall be twenty feet;

E. For buildings of a group so located that the rear of the building is faced by the front of the next building to the rear, et seq., (“front to back series”), no such building shall be closer than twenty feet to any other such building. (Ord. 265 § 11.10, 1981)

17.22.110 Automobile Parking
Automobile parking in the R-4 district shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 11.11, 1981)

17.22.120 Loading Area
Loading area in the R-4 district shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 11.12, 1981)

17.22.130 Maximum Building Height
Maximum building height shall be limited so as not to exceed adjacent buildings by fifteen feet and not to exceed a maximum of three stories or forty feet whether or not adjacent to existing buildings. Buildings or structures accessory to a primary building should similarly be limited. (Ord. 422 § 4, 1995: Ord. 265 § 11.13, 1981)

17.22.140 Landscaping Required
A. There shall be at least one tree, from the approved list of trees, for each fifty feet of frontage planted in an irrigated and landscaped area provided on each front or street side yard.

B. In addition to the street side yard trees required above, parking lots of five or more spaces shall provide landscaped areas in the interior of the parking lot covering a percentage of the total parking lot area as follows:
Parking Spaces Required | Percent of Total Parking Area to Be Landscaped
---|---
5 – 24 spaces | 5.0% minimum
25 – 49 spaces | 7.5% minimum
50 + spaces | 10.0% minimum

C. 1. Parking lot landscaping shall include shade trees placed so as to cover a percentage of the total parking area with tree canopies with fifteen years of planting, as follows:

<table>
<thead>
<tr>
<th>Parking Spaces Required</th>
<th>Percent of Total Parking Area to Be Shaded</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 – 24 spaces</td>
<td>40.0% minimum</td>
</tr>
<tr>
<td>25 + spaces</td>
<td>50.0% minimum</td>
</tr>
</tbody>
</table>

2. Tree coverage shall be determined by the approximate crown diameter of each tree at fifteen years, as estimated on the approved tree list or landscape authority. The percentage of area required to be shaded shall be based on the number of aboveground and uncovered parking spaces provided, and shall not include the percentage of maneuvering spaces which may be attributable to covered parking spaces.

D. Required front and street side yard landscaping shall include varied tree and plant species. Not more than twenty-five percent of the landscaped area may be covered with hard surfaces such as gravel, landscaping rock, artificial turf, concrete or other impervious materials.

E. Trees shall be a minimum fifteen-gallon size at planting and shall be planted in accord with city standards.

F. Trees shall be planted away from public sidewalks or individual driveways, as specified on the list of trees.

G. Existing healthy trees, as specified on the list of trees, on the site shall be maintained whenever possible and may be used in lieu of planting new trees.

H. Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, insects and diseases. Trees showing such damage shall be replaced by the same species.

I. Trees shall be planted and maintained at all times to provide sight clearance at street intersections and driveways, with a minimum clearance of seven feet between the lowest branches and ground level. Trees having canopies which may extend over public streets must maintain a minimum clearance of fourteen feet.
J. All required parking lot landscaping shall be within planters bounded by a curb at least six inches high. No planter shall be smaller than twenty-five square feet, excluding curbing. Each planter shall include an irrigation system.

K. All required parking lot landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage or encroachment and a minimum of three feet from the back of curb or wheel stop where vehicle overhang is permitted. (Ord. 333 § 1(D), 1989)

Chapter 17.24 - COMMERCIAL USE TABLE

Sections:

17.24.010 Purpose.
17.24.020 Designation of uses.
17.24.030 Table.

17.24.010 Purpose
The purpose of the commercial use table is to provide for a wide variety of retail sales, personal services and commercial activities that are primarily conducted within a permanent building and clearly and precisely designate permitted uses and conditional uses, including appropriate conditions, within each of the following districts:
C-1 Neighborhood business district;
C-2 Central business district;
C-3 General commercial district.

17.24.020 Designation of Uses
With regard to the commercial use table, an “x” indicates that the described use is unconditionally permitted in the district represented by the symbol at the top of the column. A “u” indicates that the described use requires a use permit in the district represented by the symbols at the top of the column. The absence of an “x” or “u” indicates the particular use is prohibited in such a district. If a use is not listed on the table, the planning commission or its designee, upon application, shall determine whether or not such use is similar in character to a described use for the purposes of applying district regulations and special conditions. (Ord. 265 § 12.02, 1981)

17.24.030 Table
Commercial uses shall be as set out in Table 17.24.030. (Ord. 422 § 26 (part), 1995: Ord. 317 § 3, 4, 1988; Ord. 273 § 4, 5, 1982; Ord. 265 § 12.03, 1981)
Table 17.24.030
COMMERCIAL USE TABLE

<table>
<thead>
<tr>
<th>USE, SERVICE OR FACILITY</th>
<th>ZONING DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-1</td>
</tr>
<tr>
<td>1. Accessory residential dwellings for guest or employees</td>
<td>u</td>
</tr>
<tr>
<td>2. Accessory residential uses or structures</td>
<td>u</td>
</tr>
<tr>
<td>3. Addressing and mailing service</td>
<td>x</td>
</tr>
<tr>
<td>4. Incidental agricultural/horticulture(^1)</td>
<td>x</td>
</tr>
<tr>
<td>5. Ambulance service</td>
<td>u</td>
</tr>
<tr>
<td>6. Antique store</td>
<td>u</td>
</tr>
<tr>
<td>7. Apartment (five or more family)(^2)</td>
<td>u</td>
</tr>
<tr>
<td>9. Appliance sales or service</td>
<td>x</td>
</tr>
<tr>
<td>10. Arcade/fun center</td>
<td>x</td>
</tr>
<tr>
<td>11. Armored car service</td>
<td>x</td>
</tr>
<tr>
<td>12. Art gallery</td>
<td>x</td>
</tr>
<tr>
<td>13. Art studio</td>
<td>x</td>
</tr>
<tr>
<td>14. Athletic equipment and sporting goods store</td>
<td>x</td>
</tr>
<tr>
<td>15. Auto sales and rental</td>
<td>u</td>
</tr>
<tr>
<td>16. Automobile service stations</td>
<td>u</td>
</tr>
<tr>
<td>17. Auto, minor adjustment and equipment installation</td>
<td>u</td>
</tr>
<tr>
<td>18. Auto repair garage, major repair and overhaul</td>
<td>u</td>
</tr>
<tr>
<td>19. Auto seat and upholstery shop</td>
<td>u</td>
</tr>
<tr>
<td>20. Auto tire shop</td>
<td>u</td>
</tr>
<tr>
<td>21. Auto parts and accessory store</td>
<td>u</td>
</tr>
<tr>
<td>22. Auto wash</td>
<td>u</td>
</tr>
<tr>
<td>23. Bakery-pastry shop</td>
<td>x</td>
</tr>
<tr>
<td>24. Bakery, wholesale</td>
<td>x</td>
</tr>
<tr>
<td>25. Bank, savings and loan, finance and credit agency</td>
<td>x</td>
</tr>
</tbody>
</table>

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\(^1\) Including gardening and keeping of annuals as permitted by city ordinance, but not including stands or structures for the sale of agricultural or nursery products

\(^2\) Use permit may be granted only if use is consistent with General Plan
<table>
<thead>
<tr>
<th>USE, SERVICE OR FACILITY</th>
<th>ZONING DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>26. Bar-tavern</td>
<td>-</td>
</tr>
<tr>
<td>27. Bathhouse; sauna, Turkish, steam</td>
<td>-</td>
</tr>
<tr>
<td>28. Barbershop</td>
<td>x</td>
</tr>
<tr>
<td>29. Beauty Shop</td>
<td>x</td>
</tr>
<tr>
<td>30. Bicycle sale, rent, service</td>
<td>x</td>
</tr>
<tr>
<td>31. Boat sale, rent, minor service, parts</td>
<td>u</td>
</tr>
<tr>
<td>32. Bookstore</td>
<td>x</td>
</tr>
<tr>
<td>33. Bottled gas sale and related storage</td>
<td>u</td>
</tr>
<tr>
<td>34. Bowling alley</td>
<td>u</td>
</tr>
<tr>
<td>35. Building material and lumber sales, retail</td>
<td>-</td>
</tr>
<tr>
<td>36. Bus depot</td>
<td>-</td>
</tr>
<tr>
<td>37. Business college</td>
<td>u</td>
</tr>
<tr>
<td>38. Butcher and meat market</td>
<td>u</td>
</tr>
<tr>
<td>39. Cabinet Shop</td>
<td>-</td>
</tr>
<tr>
<td>40. Café</td>
<td>u</td>
</tr>
<tr>
<td>41. Camper body sale, rent and service</td>
<td>-</td>
</tr>
<tr>
<td>42. Candy store</td>
<td>x</td>
</tr>
<tr>
<td>43. Cardroom</td>
<td>-</td>
</tr>
<tr>
<td>44. Carnival</td>
<td>-</td>
</tr>
<tr>
<td>45. Cemetery</td>
<td>u</td>
</tr>
<tr>
<td>46. Church</td>
<td>u</td>
</tr>
<tr>
<td>47. Circus</td>
<td>-</td>
</tr>
<tr>
<td>48. Citizens’ improvement club – community center</td>
<td>u</td>
</tr>
<tr>
<td>49. Clinic, child family guidance or physical therapy</td>
<td>u</td>
</tr>
<tr>
<td>50. Clothing and apparel store</td>
<td>x</td>
</tr>
<tr>
<td>51. Coffee shop</td>
<td>x</td>
</tr>
<tr>
<td>52. Cold storage-frozen food locker</td>
<td>-</td>
</tr>
<tr>
<td>52.5 Collection facilities, small, recycling</td>
<td>-</td>
</tr>
<tr>
<td>53. College or university</td>
<td>u</td>
</tr>
<tr>
<td>USE, SERVICE OR FACILITY</td>
<td>ZONING DISTRICT</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>54. Community center – citizens’ improvement club</td>
<td>u u u</td>
</tr>
<tr>
<td>55. Condominiums</td>
<td>u u u</td>
</tr>
<tr>
<td>56. Convalescent hospital</td>
<td>u u u</td>
</tr>
<tr>
<td>57. Costume shop, sale and rent</td>
<td>u x x</td>
</tr>
<tr>
<td>58. Country club</td>
<td>u u u</td>
</tr>
<tr>
<td>59. Curio-novelty shop</td>
<td>u x x</td>
</tr>
<tr>
<td>60. Dancehall – ballroom</td>
<td>- u u</td>
</tr>
<tr>
<td>61. Delicatessen</td>
<td>x x x</td>
</tr>
<tr>
<td>62. Disinfecting-fumigating service</td>
<td>- x x</td>
</tr>
<tr>
<td>63. Drafting service</td>
<td>x x x</td>
</tr>
<tr>
<td>64. Dressmaker-tailor</td>
<td>x x x</td>
</tr>
<tr>
<td>65. Drive-in café</td>
<td>u x x</td>
</tr>
<tr>
<td>66. Drive-in dairy</td>
<td>u x x</td>
</tr>
<tr>
<td>67. Drive-in food market or stand</td>
<td>u x x</td>
</tr>
<tr>
<td>68. Driving school</td>
<td>u x x</td>
</tr>
<tr>
<td>69. Drug store; nonprescriptive drugs and sundries</td>
<td>x x x</td>
</tr>
<tr>
<td>70. Duplex, two-family residence^4</td>
<td>u u u</td>
</tr>
<tr>
<td>71. Electronic equipment store</td>
<td>u x x</td>
</tr>
<tr>
<td>72. Equipment rental agency</td>
<td>u x x</td>
</tr>
<tr>
<td>73. Eyeglasses and frames, sales and service</td>
<td>u x x</td>
</tr>
<tr>
<td>74. Floor covering, drapery or upholstery store</td>
<td>u x x</td>
</tr>
<tr>
<td>75. Florist</td>
<td>x x x</td>
</tr>
<tr>
<td>76. Food store, supermarket</td>
<td>x x x</td>
</tr>
<tr>
<td>77. Frozen food locker, cold storage plant</td>
<td>- - x</td>
</tr>
<tr>
<td>78. Fun center</td>
<td>- x x</td>
</tr>
<tr>
<td>79. Funeral establishment</td>
<td>u u u</td>
</tr>
<tr>
<td>80. Furniture store</td>
<td>- x x</td>
</tr>
<tr>
<td>81. Garage equipment and tool sales</td>
<td>x x</td>
</tr>
<tr>
<td>USE, SERVICE OR FACILITY</td>
<td>ZONING DISTRICT</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td></td>
<td>C-1</td>
</tr>
<tr>
<td>82. Gardening, landscaping; service yard and workshop</td>
<td>-</td>
</tr>
<tr>
<td>83. Gift-card shop</td>
<td>x</td>
</tr>
<tr>
<td>84. Golf course or other outdoor recreation facility</td>
<td>-</td>
</tr>
<tr>
<td>85. Grinding, sharpening service</td>
<td>-</td>
</tr>
<tr>
<td>86. Grooming service, pets – such as poodle grooming</td>
<td>u</td>
</tr>
<tr>
<td>87. Group care facilities</td>
<td>u</td>
</tr>
<tr>
<td>88. Gun shop-gunsmith</td>
<td>u</td>
</tr>
<tr>
<td>89. Hardware store</td>
<td>x</td>
</tr>
<tr>
<td>90. Hay, seed and grain store</td>
<td>-</td>
</tr>
<tr>
<td>91. Hearing aid sales and service</td>
<td>x</td>
</tr>
<tr>
<td>92. Home occupation</td>
<td>u</td>
</tr>
<tr>
<td>93. Hospital</td>
<td>u</td>
</tr>
<tr>
<td>94. Hotel</td>
<td>-</td>
</tr>
<tr>
<td>95. Hotel.restaurant equipment, sales</td>
<td>-</td>
</tr>
<tr>
<td>96. Household moving and storage service</td>
<td>-</td>
</tr>
<tr>
<td>97. Institutional group care facilities</td>
<td>u</td>
</tr>
<tr>
<td>98. Interior decorator’s office</td>
<td>x</td>
</tr>
<tr>
<td>99. Interior decorator’s service yard and workshop</td>
<td>u</td>
</tr>
<tr>
<td>100. Janitor service</td>
<td>u</td>
</tr>
<tr>
<td>101. Jewelry store</td>
<td>x</td>
</tr>
<tr>
<td>102. Kennels; boarding or training</td>
<td>-</td>
</tr>
<tr>
<td>103. Labor union temple or hall</td>
<td>u</td>
</tr>
<tr>
<td>104. Laboratory; medical, dental or optical</td>
<td>x</td>
</tr>
<tr>
<td>105. Lapidary shop</td>
<td>-</td>
</tr>
<tr>
<td>106. Laundromat, self-service</td>
<td>x</td>
</tr>
<tr>
<td>107. Laundry or cleaning agency</td>
<td>x</td>
</tr>
<tr>
<td>108. Laundry or cleaning pick up station</td>
<td>x</td>
</tr>
<tr>
<td>109. Library</td>
<td>x</td>
</tr>
<tr>
<td>USE, SERVICE OR FACILITY</td>
<td>ZONING DISTRICT</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>110. Liquor store</td>
<td>u x x</td>
</tr>
<tr>
<td>111. Locksmith; key and lock shop</td>
<td>u x x</td>
</tr>
<tr>
<td>112. Lodge, fraternal hall</td>
<td>u u u</td>
</tr>
<tr>
<td>113. Lumber and building materials sales (retail)</td>
<td>- x x</td>
</tr>
<tr>
<td>114. Massage establishment and service</td>
<td>u u u</td>
</tr>
<tr>
<td>115. Messenger service</td>
<td>u x u</td>
</tr>
<tr>
<td>116. Military surplus store</td>
<td>- x x</td>
</tr>
<tr>
<td>117. Motel</td>
<td>u u u</td>
</tr>
<tr>
<td>118. Motorcycle sales</td>
<td>- u x</td>
</tr>
<tr>
<td>119. Movie theaters</td>
<td>- x x</td>
</tr>
<tr>
<td>120. Museum</td>
<td>x x x</td>
</tr>
<tr>
<td>121. Music store, including instrument repair</td>
<td>u x x</td>
</tr>
<tr>
<td>122. Newspaper, magazine, book printing</td>
<td>- x x</td>
</tr>
<tr>
<td>123. Newspaper, magazine stand</td>
<td>x x x</td>
</tr>
<tr>
<td>124. Novelty, curio shop</td>
<td>u x x</td>
</tr>
<tr>
<td>125. Nursery, child care center</td>
<td>x x x</td>
</tr>
<tr>
<td>126. Nursery, plants</td>
<td>u x x</td>
</tr>
<tr>
<td>127. Office, business or professional</td>
<td>x x x</td>
</tr>
<tr>
<td>128. Office machines and equipment sales</td>
<td>x x x</td>
</tr>
<tr>
<td>129. Ornamental rock sales and related storage</td>
<td>- x x</td>
</tr>
<tr>
<td>130. Paint and wallpaper store</td>
<td>u x x</td>
</tr>
<tr>
<td>131. Parking lots or garages</td>
<td>x x x</td>
</tr>
<tr>
<td>132. Pawn shop</td>
<td>u x x</td>
</tr>
<tr>
<td>133. Pest control service</td>
<td>u x x</td>
</tr>
<tr>
<td>134. Pet store, no kennel</td>
<td>u x x</td>
</tr>
<tr>
<td>135. Photographic supply, camera store</td>
<td>x x x</td>
</tr>
<tr>
<td>136. Photography studio, including processing</td>
<td>u x x</td>
</tr>
<tr>
<td>137. Picture framing shop</td>
<td>x x x</td>
</tr>
<tr>
<td>138. Pool and billiards halls</td>
<td>u x x</td>
</tr>
<tr>
<td>USE, SERVICE OR FACILITY</td>
<td>ZONING DISTRICT</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td></td>
<td>C-1</td>
</tr>
<tr>
<td>139. Swimming pools; supply, sales</td>
<td>u</td>
</tr>
<tr>
<td>140. Power tool sales</td>
<td>u</td>
</tr>
<tr>
<td>141. Prescription pharmacy</td>
<td>x</td>
</tr>
<tr>
<td>142. Printing, blueprinting, etc.</td>
<td>u</td>
</tr>
<tr>
<td>143. Psychiatric facility</td>
<td>u</td>
</tr>
<tr>
<td>144. Publicly owned building</td>
<td>x</td>
</tr>
<tr>
<td>145. Public utility facility&lt;sup&gt;3&lt;/sup&gt;</td>
<td>x</td>
</tr>
<tr>
<td>146. Record store</td>
<td>u</td>
</tr>
<tr>
<td>147. Recreation facility, indoor</td>
<td>u</td>
</tr>
<tr>
<td>148. Recreation facility, outdoor</td>
<td>u</td>
</tr>
<tr>
<td>149. Reducing, bodybuilding studio</td>
<td>u</td>
</tr>
<tr>
<td>150. Rescue mission</td>
<td>-</td>
</tr>
<tr>
<td>151. Residential care home for adults</td>
<td>u</td>
</tr>
<tr>
<td>152. Residential care home for children</td>
<td>u</td>
</tr>
<tr>
<td>153. Rest home</td>
<td>u</td>
</tr>
<tr>
<td>154. Restaurant</td>
<td>-</td>
</tr>
<tr>
<td>154.5 Reverse vending machine, recycling</td>
<td>-</td>
</tr>
<tr>
<td>155. Saddlery shop</td>
<td>-</td>
</tr>
<tr>
<td>156. Sanitarium</td>
<td>-</td>
</tr>
<tr>
<td>157. School; public or private</td>
<td>u</td>
</tr>
<tr>
<td>158. School; self-defense, judo, boxing, hobby/craft, charm, culture</td>
<td>u</td>
</tr>
<tr>
<td>159. Shoe repair shop</td>
<td>x</td>
</tr>
<tr>
<td>160. Shoe shine parlor</td>
<td>x</td>
</tr>
<tr>
<td>161. Shoe store</td>
<td>x</td>
</tr>
<tr>
<td>162. Soda fountain, ice cream parlor</td>
<td>x</td>
</tr>
</tbody>
</table>

<sup>3</sup> Including underground and aboveground utility installations for local service except that substations, generating plants, public utility communication buildings and gas holders must be approved by the planning commission prior to construction, and the route of any proposed transmission line shall be discussed with the planning commission prior to acquisition.
<table>
<thead>
<tr>
<th>USE, SERVICE OR FACILITY</th>
<th>ZONING DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-1</td>
</tr>
<tr>
<td>163. Sporting goods store</td>
<td>u</td>
</tr>
<tr>
<td>164. Sports cycles, trail bike shop</td>
<td>x</td>
</tr>
<tr>
<td>165. Stamp, coin store</td>
<td>x</td>
</tr>
<tr>
<td>166. Stationery store</td>
<td>x</td>
</tr>
<tr>
<td>167. Stenographic service</td>
<td>x</td>
</tr>
<tr>
<td>168. Studio; dance, voice music</td>
<td>u</td>
</tr>
<tr>
<td>169. Studio; radio, television, recording</td>
<td>u</td>
</tr>
<tr>
<td>170. Supermarket, food store</td>
<td>x</td>
</tr>
<tr>
<td>171. Tailor, dressmaker</td>
<td>x</td>
</tr>
<tr>
<td>172. Tattoo parlor</td>
<td>x</td>
</tr>
<tr>
<td>173. Taxicab service and storage facility</td>
<td>-</td>
</tr>
<tr>
<td>174. Taxidermist</td>
<td>-</td>
</tr>
<tr>
<td>175. Telegraph office</td>
<td>x</td>
</tr>
<tr>
<td>176. Telephone answering service</td>
<td>x</td>
</tr>
<tr>
<td>177. Television and radio sales and service</td>
<td>x</td>
</tr>
<tr>
<td>178. Ticket agency</td>
<td>x</td>
</tr>
<tr>
<td>179. Tobacco shop</td>
<td>u</td>
</tr>
<tr>
<td>180. Towing service</td>
<td>u</td>
</tr>
<tr>
<td>182. Toy store</td>
<td>x</td>
</tr>
<tr>
<td>183. Trade school</td>
<td>u</td>
</tr>
<tr>
<td>184. Travel trailer, mobile home; sale, rent and service, storage</td>
<td>-</td>
</tr>
<tr>
<td>185. Travel agency</td>
<td>x</td>
</tr>
<tr>
<td>186. Tree service</td>
<td>-</td>
</tr>
<tr>
<td>188. Trophy, emblem store</td>
<td>x</td>
</tr>
<tr>
<td>189. Truck sales, rental or storage</td>
<td>-</td>
</tr>
<tr>
<td>190. Truck service stations</td>
<td>-</td>
</tr>
<tr>
<td>191. University</td>
<td>u</td>
</tr>
<tr>
<td>192. Utility trailer rental service or storage</td>
<td>-</td>
</tr>
<tr>
<td>USE, SERVICE OR FACILITY</td>
<td>ZONING DISTRICT</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td></td>
<td>C-1</td>
</tr>
<tr>
<td>193. Veterinarian</td>
<td>-</td>
</tr>
<tr>
<td>194. Wholesale distributor’s service facility</td>
<td>-</td>
</tr>
<tr>
<td>195. Wholesale store and warehouse</td>
<td>-</td>
</tr>
<tr>
<td>196. Wig sales and service</td>
<td>x</td>
</tr>
<tr>
<td>197. Winery sales facility, tasting room</td>
<td>-</td>
</tr>
</tbody>
</table>
Chapter 17.26 - C-1 NEIGHBORHOOD BUSINESS DISTRICT

Sections:

17.26.010 Purpose
It is intended that the C-1 neighborhood business district classification be applied on properties suitable to serve residential areas with convenience shopping and service facilities. (Ord. 265 § 13.01, 1981)

17.26.020 Permitted Uses
Land may be used within the C-1 neighborhood business district as provided in the commercial use table in Chapter 17.24 of this title. (Ord. 265 § 13.02, 1981)

17.26.030 Conditional Uses
Land may be conditionally used within the C-1 neighborhood business district as provided in the commercial use table in Chapter 17.24 of this title and in accordance with appropriate conditions or limitations as noted. (Ord. 265 § 13.03, 1981)

17.26.040 Lot Area, Lot Width And Building Regulations
There are no restrictions for lot area, lot width and building regulations in the C-1 district except as required by the building code or other regulations, but the maximum main building coverage in the C-1 district shall be thirty-three percent of the lot area. (Ord. 422 § 16, 1995: Ord. 265 § 13.04, 1981)

17.26.050 Minimum Front Yard
Minimum front yard in the C-1 district shall be fifteen feet. (Ord. 265 § 13.05, 1981)

17.26.060 Side Yard
There are no side yard restrictions in the C-1 district except as required by the building code or other regulations. (Ord. 265 § 13.06, 1981)
17.26.070 Minimum Rear Yard
Minimum rear yard in the C-1 district shall be fifteen feet. (Ord. 265 § 13.07, 1981)

17.26.080 Automobile Parking
Automobile parking in the C-1 district shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 13.08, 1981)

17.26.090 Loading Area
Loading area for the C-1 district shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 13.09, 1981)

17.26.100 Building Height Limit
Maximum building height shall be limited so as not to exceed adjacent buildings by fifteen feet and not to exceed a maximum of three stories or forty-five feet whether or not adjacent to existing buildings. Buildings or structures accessory to a primary building should similarly be limited. (Ord. 422 § 5, 1995: Ord. 265 § 13.10, 1981)

17.26.120 Landscaping Required
A. A perimeter planter at least five feet wide, excluding curbing, shall be provided adjacent to all street rights-of-way, in addition, any area within the street right-of-way between the edge of the sidewalk and outer edge of the right-of-way shall be developed as a planter or landscaped area in conjunction with the required five-foot area above, subject to approval of an encroachment permit, unless this requirement is waived by the public works director or his designee. The planter shall be increased to provide an eight-foot deep, seven-foot wide area, excluding curbing, for tree planting. Within this planter, trees from the approved list shall be planted at fifty-foot spacing, at least five feet but not further than ten feet from the back of the sidewalk, depending on specification in the list of trees. The planter shall include shrubs, hedges and other natural growth or other features such as berms, designed to form a partial vision screen at least three feet in height, except within fifteen feet of street and driveway intersections where landscaping shall not exceed thirty inches in height. Nothing in this section shall preclude the installation of additional landscaping and the planting of additional listed trees so long as it is consistent with the visibility regulations. At the discretion of the appropriate authority, a barrier-free, four-foot-wide paved walk may be provided through the required planter at street and driveway intersections to provide unencumbered access for the handicapped from the sidewalk to the parking lot. Such walk shall be located so as to facilitate the most direct movement of persons using sidewalk curb ramps, if such are provided.

B. A planter at least five feet wide, excluding curbing, shall be provided adjacent to properties in the R-1 and R-2 districts. Within this planter, one screen tree, from the approved list, shall be planted in accordance with city standards, in combination with other plant materials, to provide a dense visual screen outside any residential setback area.
C. In addition to the perimeter landscaping required by subsections A and B above, parking lots of five spaces or more shall provide landscaped areas in the interior of the parking lot covering a percentage of the total parking area as follows:

<table>
<thead>
<tr>
<th>Parking Spaces Required</th>
<th>Percent of Total Parking Area to Be Landscaped</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 – 24 spaces</td>
<td>5.0% minimum</td>
</tr>
<tr>
<td>25 – 49 spaces</td>
<td>7.5% minimum</td>
</tr>
<tr>
<td>50 + spaces</td>
<td>10.0% minimum</td>
</tr>
</tbody>
</table>

D. 1. Parking lot landscaping shall include shade trees placed so as to cover a percentage of the total parking area with tree canopies within fifteen years of planting, as follows:

<table>
<thead>
<tr>
<th>Parking Spaces Required</th>
<th>Percent of Total Parking Area to Be Shaded</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 – 24 spaces</td>
<td>40.0% minimum</td>
</tr>
<tr>
<td>25 +</td>
<td>50.0% minimum</td>
</tr>
</tbody>
</table>

2. Tree coverage shall be determined by the appropriate crown diameter of each tree at fifteen years, as estimated on the approved tree list or landscape authority. Trees shall be a minimum fifteen-gallon size at planting. The percentage of area required to be shaded shall be based on the number of aboveground and uncovered parking spaces provided, and shall not include the percentage of maneuvering spaces, which may be attributable to covered parking spaces.

E. All landscaping shall be within planters bounded by a curb at least six inches high except adjacent to sidewalks or property lines. No planter shall be smaller than twenty-five square feet, excluding curbing. Each planter shall include an irrigation system.

F. Existing healthy trees, as specified on the list of trees, on the site shall be preserved whenever possible.

G. All landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage or encroachment and a minimum of three feet from the back of curb or wheel stop where vehicle overhang is permitted.

H. All plant materials shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, insects and diseases. Plant materials showing such damage shall be replaced by the same or similar species, or trees from the list of trees. Planting areas shall be kept free from weeds, debris and undesirable materials, which may be detrimental to safety, drainage or appearance.
I. Not more than twenty-five percent of the planter or landscaped area may be covered with hard surfaces such as gravel, landscaping rock, artificial turf, concrete or other impervious materials. Bus shelters are excluded from this limitation.

J. Varied tree and plant species shall be used throughout the parking lot. No one species shall comprise more than seventy-five percent of the plantings within each of the following categories: shade tree, screen tree and shrub.

K. Landscaping at the end of aisles shall not obstruct the driver’s vision of vehicle and pedestrian cross traffic. Mature trees shall have a seven-foot foliage clearance and other plant materials shall not exceed thirty inches in height. (Ord, 333 § 1(E), 1989)

Chapter 17.28 - C-2 CENTRAL BUSINESS DISTRICT

Sections:

17.28.010  Purpose
It is intended that the C-2 central business district classification be applied in the established central business district, or similar areas where there is or will be a concentration of retail sales and service uses, financial and utility offices, business and professional offices, and other such facilities of area-wide service character. (Ord. 265 § 14.01, 1981)

17.28.020  Permitted Uses
Land may be used within the C-2 central business district as provided in the commercial use table in Chapter 17.24 of this title. (Ord, 265 § 14.02, 1981)

17.28.030  Conditional Uses
Land may be conditionally used within the C-2 central business district as provided in the commercial use table in Chapter 17.24 of this title, and in accordance with appropriate conditions or limitations as noted. (Ord. 265 § 14.03. 1981)

17.28.040  Lot Area, Lot Width, Building Coverage, Front Yard And Side Yard
There are no restrictions for lot area, lot width and front yards and side yards in the C-2 district except as required by the building code or other regulations, but the maximum main building coverage in the C-2 district shall be thirty-three percent of the lot area. (Ord. 422 § 17, 1995: Ord. 265 § 14.04, 1981)

17.28.050 Rear Yard

Rear yards in the C-2 district shall be a minimum of twelve feet where it is accessible from street, alley or parking lot for loading purposes. Building may project over rear yard area providing fourteen feet clear vertical distance from ground level is maintained. Building code and other regulations shall apply. (Ord, 265 § 14.05, 1981)

17.28.060 Maximum Building Height

Maximum building height shall be limited so as not to exceed adjacent buildings by fifteen feet and not to exceed a maximum of three stories or forty-five feet whether or not adjacent to existing buildings. Buildings or structures accessory to a primary building should similarly be limited. (Ord. 422 § 6, 1995: Ord. 265 § 14.06, 1981)

17.28.070 Automobile Parking

Automobile parking in the C-2 district shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 14.07, 1981)

17.28.080 Loading Area

Loading area in the C district shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 14.08, 1981)

17.28.090 Landscaping Required

Planters containing live landscaping shall be provided adjacent to and within parking areas in accordance with the following regulations:

A. A perimeter planter at least five feet wide, excluding curbing, shall be provided adjacent to all street rights-of-way. In addition, any area within the street right-of-way between the edge of the sidewalk and outer edge of the right-of-way shall be developed as a planter or landscaped area in conjunction with the required five-foot area above, subject to approval of an encroachment permit, unless this requirement is waived by the public works director or his designee. The planter shall be increased to provide an eight-foot-deep, seven-foot-wide area, excluding curbing, for tree planting. Within this planter, trees from the approved list shall be planted at fifty-foot spacing, at least live feet but not further than ten feet from the back of the sidewalk depending on specification in the list of trees. The planter shall include shrubs, hedges and other natural growth or other features such as berms, designated to form a partial vision screen at least three feet in height, except within fifteen feet of street and driveway intersections where landscaping shall not exceed thirty inches in height. Nothing in this section shall preclude the installation of additional landscaping and the planting of additional listed trees so long as it is consistent with the visibility regulations. At the discretion of the appropriate authority, a barrier-free, four-foot-wide paved walk may be provided through the required planter at street and driveway intersections to provide unencumbered access for the handicapped from the sidewalk to the parking lot. Such walk shall be located so as to
facilitate the most direct movement of persons using sidewalk curb ramps, if such are provided.

B. A planter at least five feet wide, excluding curbing, shall be provided adjacent to properties in the R-1 and R-2 districts. Within this planter, one screen tree, from the approved list, shall be planted in accordance with city standards, in combination with other plant materials to provide a dense visual screen outside any residential setback area.

C. In addition to the perimeter landscaping required by subsections A and B above, parking lots of five spaces or more shall provide landscaped areas in the interior of the parking lot covering a percentage of the total parking area as follows:

<table>
<thead>
<tr>
<th>Parking Spaces Required</th>
<th>Percent of Total Parking Area to Be Landscaped</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 – 24 spaces</td>
<td>5.0% minimum</td>
</tr>
<tr>
<td>25 – 49 spaces</td>
<td>7.5% minimum</td>
</tr>
<tr>
<td>50 + spaces</td>
<td>10.0% minimum</td>
</tr>
</tbody>
</table>

D. 1. Parking lot landscaping shall include shade trees placed so as to cover a percentage of the total parking area with tree canopies within fifteen years of planting, as follows:

<table>
<thead>
<tr>
<th>Parking Spaces Required</th>
<th>Percent of Total Parking Area to Be Landscaped</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 – 24 spaces</td>
<td>30.0% minimum</td>
</tr>
<tr>
<td>25 + spaces</td>
<td>40.0% minimum</td>
</tr>
</tbody>
</table>

2. Tree coverage shall be determined by the approximate crown diameter of each tree at fifteen years, as estimated on the approved tree list or landscape authority. Trees shall be a minimum fifteen-gallon size at planting. The percentage of area required to be shaded shall be based on the number of the aboveground and uncovered parking spaces provided, and shall not include the percentage of maneuvering spaces which may be attributable to covered parking spaces.

E. All landscaping shall be within planters bounded by a curb at least six inches high except adjacent to sidewalks or property lines. No planter shall be smaller than twenty-five square feet, excluding curbing. Each planter shall include an irrigation system.

F. Existing healthy trees, as specified on the list of trees, on the site shall be preserved whenever possible.

G. All landscaped areas shall be designated so that plant materials, at maturity, are protected from vehicle damage or encroachment, and a minimum of three feet from the back of curb or wheel stop where vehicle overhang is permitted.

H. All plant materials shall be maintained by property owners to be free from physical damage or injury, arising from lack of water, chemical damage, insects and diseases. Plant materials showing such damage shall be replaced by the same or similar species, or
trees from the list of trees. Planting areas shall be kept free from weeds, debris and undesirable materials which may be detrimental to safety, drainage or appearance.

I. Not more than twenty-five percent of the planter or landscaped area may be covered with hard surfaces such as gravel, landscaping rock, artificial turf, concrete or other impervious materials. Bus shelters are excluded from this limitation.

J. Varied tree and plant species shall be used throughout the parking lot. No one species shall comprise more than seventy-five percent of the planting within each of the following categories: shade tree, screen tree and shrub.

K. Landscaping at the end of aisles shall not obstruct the driver’s vision of vehicle and pedestrian cross traffic. Mature trees shall have a seven-foot foliage clearance and other plant materials shall not exceed thirty inches in height. (Ord. 333 § 1(F). 1989)

Chapter 17.30 - C-3 GENERAL COMMERCIAL DISTRICT

Sections:

17.30.010 Purpose

It is intended that the C-3 general commercial district classification be applied where general commercial facilities are necessary for public service and convenience. (Ord. 265 § 15.01, 1981)

17.30.020 Permitted Uses

Land may be used within the C-3 central business district as provided in the commercial use table in Chapter 17.24 of this title. (Ord. 265 § 15.02, 1981)

17.30.030 Conditional Uses

Land may be conditionally used within the C-3 central business district as provided in the commercial use table in Chapter 17.24 of this title and in accordance with appropriate conditions or limitations as noted. (Ord. 265 § 15.03, 1981)

17.30.040 Lot Area, Lot Width, Building Coverage, Front Yard, And Side Yard
There are no restrictions for lot area, lot width, and front yards and side yards in the C-3 district except as required by the building code or other regulations, but the maximum main building coverage in the C-3 district shall be thirty-three percent of the lot area. (Ord. 422 § 18, 1995: Ord. 265 § 15.04, 1981)

17.30.050  Rear Yard
Rear yards in the C-3 district shall be a minimum of twelve feet where it is accessible from street, alley or parking lot for loading purposes. Building may project over rear yard area providing fourteen feet clear vertical distance from ground level is maintained. Building code and other regulations shall apply. (Ord. 265 § 15.05, 1981)

17.30.060  Maximum Building Height
Maximum building height shall be limited so as not to exceed adjacent buildings by fifteen feet and not to exceed a maximum of three stories or forty-five feet whether or not adjacent to existing buildings. Buildings or structures accessory to a primary building should similarly be limited. (Ord. 422 § 7, 1995: Ord. 265 § 15.06, 1981)

17.30.070  Automobile Parking
Automobile parking in the C-3 district shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 15.07, 1981)

17.30.080  Loading Area
Loading area in the C-3 district shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 15.08. 1981)

17.30.090  Landscaping Required
Planters containing live landscaping shall be provided adjacent to and within parking areas in accordance with the following regulations.

A. A perimeter planter at least five feet wide, excluding curbing, shall be provided adjacent to all street rights-of-way. In addition, any area within the street right-of-way between the edge of the sidewalk and outer edge of the right-of-way shall be developed as a planter or landscaped area in conjunction with the required five foot area above, subject to approval of an encroachment permit, unless this requirement is waived by the public works director or his designee. The planter shall be increased, to provide an eight-foot-deep, seven-foot-wide area, excluding curbing, for tree planting within this planter. Trees from the approved list shall be planted at fifty-foot spacing, at least five feet but not further than ten feet from the back of the sidewalk, depending on specification in the list of trees. The planter shall include shrubs, hedges and other natural growth or other features such as berms, designed to form a partial vision screen at least three feet in height, except within fifteen feet of street and driveway intersections where landscaping shall not exceed thirty inches in height. Nothing in this section shall preclude the installation of additional landscaping and the planting of additional listed trees so long as it is consistent with the visibility regulations. At the discretion of the appropriate authority, a barrier-free four-foot wide paved walk may be provided through the required planter at street and driveway intersections to provide unencumbered access for the handicapped from the sidewalk to the parking lot. Such walk shall be located so as to
facilitate the most direct movement of persons using sidewalk curb ramps, if such are provided.

B. A planter at least five feet wide, excluding curbing, shall be provided adjacent to properties in the R-1 and R-2 districts. Within this planter, one screen tree, from the approved list, shall be planted in accordance with city standards, in combination with other plant materials to provide a dense visual screen outside any residential setback area.

C. In addition to the perimeter landscaping required by subsections A and B above, parking lots of five spaces or more shall provide landscaped areas in the interior of the parking lot covering a percentage of the total parking area as follows:

<table>
<thead>
<tr>
<th>Parking Spaces Required</th>
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<td>10.0% minimum</td>
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D. 1. Parking lot landscaping shall include shade trees placed so as to cover a percentage of the total parking area with tree canopies within fifteen years of planting, as follows:

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</tr>
<tr>
<td>25 + spaces</td>
<td>50.0% minimum</td>
</tr>
</tbody>
</table>

2. Tree coverage shall be determined by the approximate crown diameter of each tree at fifteen years, as estimated on the approved tree list or landscape authority. Trees shall be a minimum fifteen-gallon size at planting. The percentage of area required to be shaded shall be based on the number of aboveground and uncovered parking spaces provided and shall not include the percentage of maneuvering spaces, which may be attributable to covered parking spaces.

E. All landscaping shall be within planters bounded by a curb at least six inches high except adjacent to sidewalks or property lines. No planter shall be smaller than twenty-five square feet, excluding curbing. Each planter shall include an irrigation system.

F. Existing healthy trees, as specified on the list of trees, on the site shall be preserved whenever possible.

G. All landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage or encroachment and a minimum of three feet from the back of curb or wheel stop where vehicle overhang is permitted.
H. All plant materials shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, insects and diseases. Plant materials showing such damage shall be replaced by the same or similar species, or trees from the list of trees,

Planting areas shall be kept free from weeds, debris and undesirable materials, which may be detrimental to safety, drainage or appearance.

I. Not more than twenty-five percent of the planter or landscaped area may be covered with hard surfaces such as gravel, landscaping rock, artificial turf concrete or other impervious materials. Bus shelters are excluded from this limitation.

J. Varied tree and plant species shall be used throughout the parking lot. No one species shall comprise more than seventy-five percent of the plantings within each of the following categories: shade tree, screen tree and shrub.

K. Landscaping at the end of the aisles shall not obstruct the driver’s vision of vehicle and pedestrian cross traffic. Mature trees shall have a seven-foot foliage clearance and other plant materials shall not exceed thirty inches in height. (Ord. 333 § 1(G), 1989)

Chapter 17.32 - INDUSTRIAL USE TABLE

Sections:

17.32.010 Purpose
17.32.020 Designation of uses
17.32.030 Table.

17.32.010 Purpose
The purpose of the industrial use table is to clearly and precisely designate permitted uses and conditional uses, including appropriate conditions, within each of the following districts:

M-1 Light industrial district;
M-2 General industrial district.
(Ord. 265 § 16.06, 1981)

17.32.020 Designation Of Uses
A. With regard to the industrial use table, an “x” indicates that the described use is unconditionally permitted in the district represented by the symbol at the top of the column. A “u” indicates that the described use requires a use permit, and an “I” indicates that the described use is permitted when conducted within a building, or when enclosed within a solid wall or fence of a type approved by the planning commission, not less than six feet in height.
B. The absence of an “x,” “u” or “1” indicates the particular use is prohibited in such a district. If a use is not listed on the table, the planning commission or its designee, upon application, shall determine whether or not such use is similar in character to a described use for the purposes of applying district regulations and special conditions. (Ord. 265 § 16.02, 1981)

17.32.030 Table
Industrial uses are as set out in Table 17.32.030. (Ord. 422 § 26 (part), 1995: Ord. 317 § 5, 1988; Ord. 273 § 6, 7, 1982; Ord. 265 § 16.03, 1981)
Table 17.32.030
INDUSTRIAL USE TABLE
USE, SERVICE OR FACILITY

<table>
<thead>
<tr>
<th></th>
<th>M-1</th>
<th>M-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Airport</td>
<td>u</td>
</tr>
<tr>
<td>4.</td>
<td>Apparel and accessory stores</td>
<td>u</td>
</tr>
<tr>
<td>5.</td>
<td>Assembly of previously manufactured electronic and plastic products</td>
<td>x</td>
</tr>
<tr>
<td>6.</td>
<td>Auto; sales, rental service or parts</td>
<td>x</td>
</tr>
<tr>
<td>7.</td>
<td>Auto; painting, reconditioning, overhauling, upholstery</td>
<td>1</td>
</tr>
<tr>
<td>8.</td>
<td>Automobile service stations</td>
<td>x</td>
</tr>
<tr>
<td>9.</td>
<td>Auto tire shop</td>
<td>x</td>
</tr>
<tr>
<td>10.</td>
<td>Bakery, wholesale</td>
<td>x</td>
</tr>
<tr>
<td>11.</td>
<td>Bank, savings and loan, finance or credit agency</td>
<td>x</td>
</tr>
<tr>
<td>12.</td>
<td>Bar-tavern</td>
<td>x</td>
</tr>
<tr>
<td>13.</td>
<td>Beverage bottling plant</td>
<td>1</td>
</tr>
<tr>
<td>14.</td>
<td>Boat; sale, rental, minor service, parts</td>
<td>x</td>
</tr>
<tr>
<td>15.</td>
<td>Boat; building and major repair</td>
<td>-</td>
</tr>
<tr>
<td>16.</td>
<td>Book binding, printing, lithography</td>
<td>x</td>
</tr>
<tr>
<td>17.</td>
<td>Bottled gas; sale and related storage</td>
<td>x</td>
</tr>
<tr>
<td>18.</td>
<td>Bowling alley</td>
<td>x</td>
</tr>
<tr>
<td>19.</td>
<td>Building contractors; office and storage yard</td>
<td>1</td>
</tr>
<tr>
<td>20.</td>
<td>Building material and garden supplies; retail</td>
<td>1</td>
</tr>
<tr>
<td>21.</td>
<td>Building material &amp; supplies; wholesale</td>
<td>-</td>
</tr>
<tr>
<td>22.</td>
<td>Bus depot</td>
<td>u</td>
</tr>
<tr>
<td>23.</td>
<td>Business college</td>
<td>x</td>
</tr>
<tr>
<td>24.</td>
<td>Butcher; wholesale, excluding slaughterhouse</td>
<td>x</td>
</tr>
<tr>
<td>25.</td>
<td>Cabinet shop</td>
<td>x</td>
</tr>
<tr>
<td>26.</td>
<td>Café-restaurant</td>
<td>x</td>
</tr>
<tr>
<td>27.</td>
<td>Camper body; sale, rental and service</td>
<td>x</td>
</tr>
<tr>
<td>28.</td>
<td>Camper body manufacturing</td>
<td>1</td>
</tr>
<tr>
<td>29.</td>
<td>Carnival</td>
<td>-</td>
</tr>
<tr>
<td>30.</td>
<td>Casting foundry</td>
<td>x</td>
</tr>
<tr>
<td>31.</td>
<td>Church</td>
<td>u</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>32.</td>
<td>Circus</td>
<td>u</td>
</tr>
<tr>
<td>33.</td>
<td>Cold storage – frozen food locker</td>
<td>x</td>
</tr>
<tr>
<td>34.</td>
<td>Concrete batching plants</td>
<td>u</td>
</tr>
<tr>
<td>35.</td>
<td>Disinfecting-fumigating service</td>
<td>x</td>
</tr>
<tr>
<td>36.</td>
<td>Draying or freight yard</td>
<td>1</td>
</tr>
<tr>
<td>37.</td>
<td>Data processing and computer operations</td>
<td>x</td>
</tr>
<tr>
<td>38.</td>
<td>Egg processing facility</td>
<td>x</td>
</tr>
<tr>
<td>39.</td>
<td>Equipment rental agency</td>
<td>x</td>
</tr>
<tr>
<td>40.</td>
<td>Feed or fuel yard</td>
<td>x</td>
</tr>
<tr>
<td>41.</td>
<td>Funeral establishment</td>
<td>x</td>
</tr>
<tr>
<td>42.</td>
<td>Furniture, home furnishing, appliance stores</td>
<td>x</td>
</tr>
<tr>
<td>43.</td>
<td>Gardening – landscaping; service yard an workshop</td>
<td>x</td>
</tr>
<tr>
<td>44.</td>
<td>Garment manufacturing</td>
<td>x</td>
</tr>
<tr>
<td>45.</td>
<td>Group care facility</td>
<td>u</td>
</tr>
<tr>
<td>47.</td>
<td>Hay, seed, or grain store</td>
<td>x</td>
</tr>
<tr>
<td>50.</td>
<td>Ice manufacturing plant</td>
<td>x</td>
</tr>
<tr>
<td>51.</td>
<td>Junkyard</td>
<td>-</td>
</tr>
<tr>
<td>52.</td>
<td>Kennel</td>
<td>1</td>
</tr>
<tr>
<td>54.</td>
<td>Machine shops</td>
<td>x</td>
</tr>
<tr>
<td>55.</td>
<td>Manufacturing, compounding, processing, packaging or treatment of such products as:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Bakery goods</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>b. Candy</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>c. Cosmetics</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>d. Dairy products</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>e. Drugs</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>f. Food products (excluding fish and meat products, sauerkraut, wine, vinegar, yeast and the rendering of fats &amp; oils)</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>g. Fruit and vegetable packing only</td>
<td>x</td>
</tr>
</tbody>
</table>
56. Manufacturing compounding, assembly or treatment of articles or merchandise from such previously prepared materials as:
   a. Canvas x x
   b. Cloth x x
   c. Feathers x x
   d. Fiber x x
   e. Fur x x
   f. Hair x x
   g. Glass x x
   h. Leather x x
   i. Paper, no milling x x
   j. Precious/semiprecious stones or metals x x
   k. Plaster x x
   l. Plastic x x
   m. Textiles x x
   n. Wood x x
   o. Yarns x x

57. Manufacturing and fabrication uses:
   a. Alcohol, industrial or grain manufacture - x
   b. Ammonia, bleaching powder or chlorine manufacture - x
   c. Asphalt manufacturing or refining - x
   d. Boiler works - x
   e. Brick, adobe, tile, terra cotta or concrete products - x
   f. Chemical manufacture and cold storage - x
   g. Concrete or cement products - x
   h. Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture - x
   i. Paper and pulp manufacture - x
   j. Planning and saw mills - x
   k. Plastic manufacture - x
   l. Railroad repair shops - x
   m. Rolling mills - x
n. Soap manufacture  
- x
o. Sodium compound manufacture  
- x
p. Tar distillation, tar products manufacture  
- x
q. Electric or neon sign manufacture  
- x
r. Acid manufacture  
- x
s. Cement, lime, gypsum or plaster of paris  
- x
t. Fertilizer manufacture  
- x
u. Gas manufacture  
- x
v. Glue manufacture  
- x
w. Acetylene gas manufacture  
- x

58. Manufacturing of food products, including fish and meat products, sauerkraut, wine, vinegar, yeast and the rendering of fats and oils  
- u

59. Mining and excavating uses  
- u

60. Motel  
u u

61. Motorcycles; sales, service and repair  
x x

62. Movie theater  
x x

63. Moving and storage service  
x x

64. Office; business and professional  
x x

65. Ornamental rock sales and storage  
 u x

66. Parking lots and garages  
x x

67. Pest control service  
x x

68. Petroleum, bulk storage  
x x

69. Plumbing shop and storage yard  
x x

70. Processing assembly uses
   a. Wool pulling or scouring  
   - x
   b. Petroleum products manufacture  
   - x
   c. Creameries  
x x
d. Carpet and rug cleaning plants  
x x
e. Laundries, cleaning & dyeing plants  
x x
f. Tire retreading, recapping, rebuilding  
x x

71. Public building  
x x

72. Public utility facility  
x x
<table>
<thead>
<tr>
<th></th>
<th>Activity Description</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>73.</td>
<td>Recreation facility, outdoor</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>74.</td>
<td>Research institutes</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>75.</td>
<td>Residence of caretaker, proprietor or owner of permitted use</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>76.</td>
<td>Retail sales, limited in connection with product manufactured on site</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>77.</td>
<td>Sheet metal shop</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>79.</td>
<td>Telegraph office</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>80.</td>
<td>Travel trailer – mobile home manufacture</td>
<td>-</td>
<td>x</td>
</tr>
<tr>
<td>81.</td>
<td>Travel trailer – mobile home sale, rental, service or storage</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>82.</td>
<td>Truck; sale, rental, storage, service or repair</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>83.</td>
<td>Truck terminal</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>84.</td>
<td>Utility trailer, rental, storage or service</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>85.</td>
<td>Veterinary hospital</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>86.</td>
<td>Welding shop</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>87.</td>
<td>Wholesale distributors; service facility</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>88.</td>
<td>Wholesale store</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>89.</td>
<td>Wrecking yard</td>
<td>x</td>
<td>1</td>
</tr>
</tbody>
</table>

1. Use permit may be granted only if use is consistent with General Plan.
Chapter 17.34 - M-1 LIGHT INDUSTRIAL DISTRICT

Sections:

17.34.010  Purpose
The purpose of the M-1 light industrial district is to provide areas in the city suitable for the assembly and storage of materials, limited manufacturing and production, heavy commercial wholesaling, trucking and similar industrial uses. It is intended that the M-1 district be located so as to avoid conflicts with more sensitive land uses, yet still have good transportation access for trucks. (Ord. 265 § 17.01, 1981)

17.34.020  Permitted Uses
Land may be used within the M-1 light industrial district as provided in the industrial use table in Chapter 17.32 of this title. (Ord. 265 § 17.02, 1981)

17.34.030  Conditional Uses
Land may be conditionally used within the M-1 light industrial district as provided in the industrial use table in Chapter 17.32 of this title, and in accordance with appropriate conditions or limitations as noted. (Ord. 265 § 17.03, 1981)

17.34.040  Lot Area, Lot Width, Building Coverage, Front Yard And Side Yard
There are no restrictions for lot area, lot width, and front yards and side yards in the M-1 district except as required by the building code or other regulations, but the maximum main building coverage in the M-1 district shall be thirty-three percent of the lot area. (Ord. 422 § 19, 1995: Ord. 265 § 17.04, 1981)

17.34.050  Rear Yard
Rear yards in the M-1 district shall be a minimum of twelve feet where it is accessible from street, alley or parking lot for loading purposes. Building may project over the rear yard area providing fourteen feet clear vertical distance from ground level is maintained. Building code and other regulations shall apply. (Ord. 265 § 17.05, 1981)
17.34.060  Automobile Parking
Automobile parking in the M-1 district shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 17.06, 1981)

17.34.070  Loading Area
Loading area in the M-1 district shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 17.07, 1981)

17.34.080  Maximum Building Height
Maximum building height shall be limited so as not to exceed adjacent buildings by fifteen feet and not to exceed a maximum of three stories or forty-five feet whether or not adjacent to existing buildings. Buildings or structures accessory to a primary building should similarly be limited. (Ord. 422 § 8, 1995: Ord. 265 § 17.08, 1981)

17.34.090  Landscaping Required
Planters containing live landscaping shall be provided adjacent to and within parking areas in accordance with the following regulations:

A. A perimeter planter at least five feet wide, excluding curbing, shall be provided adjacent to all street rights-of-way. In addition, any area within the street right-of-way between the edge of the sidewalk and outer edge of the right-of-way shall be developed as a planter or landscaped area in conjunction with the required five-foot area above, subject to approval of an encroachment permit, unless this requirement is waived by the public works director or his designee. The planter shall be increased to provide an eight-foot deep, seven-foot wide area, excluding curbing, for tree planting. Within this planter trees from the approved list shall be planted at fifty-foot spacing, at least five feet but not further than ten feet from the back of the sidewalk depending on specification in the list of trees. The planter shall include shrubs, hedges and other natural growth or other features such as berms, designed to form a partial vision screen at least three feet in height, except within fifteen feet of street and driveway intersections where landscaping shall not exceed thirty inches in height. Nothing in this section shall preclude the installation of additional landscaping and the planting of additional listed trees so long as it is consistent with the visibility regulations. At the discretion of the appropriate authority, a barrier-free, four-foot wide paved walk may be provided through the required planter at street and driveway intersections to provide unencumbered access for the handicapped from the sidewalk to the parking lot. Such walk shall be located so as to facilitate the most direct movement of persons using sidewalk curb ramps, if such are provided.

B. A planter at least five feet wide, excluding curbing, shall be provided adjacent to properties in the R-1 and R-2 districts. Within this planter, one screen tree from the approved list shall be planted in accordance with city standards, in combination with other plant materials, to provide a dense visual screen outside any residential setback area.

C. In addition to the perimeter landscaping required by subsections A and B above, parking lots of five spaces or more shall provide landscaped areas in the interior of the parking lot covering a percentage of the total parking area as follows:
D. 1. Parking lot landscaping shall include shade trees placed so as to cover a percentage of the total parking area with tree canopies within fifteen years of planting, as follows:

<table>
<thead>
<tr>
<th>Parking Spaces Required</th>
<th>Percent of Total Parking Area to Be Landscaped</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 – 24 spaces</td>
<td>5.0% minimum</td>
</tr>
<tr>
<td>25 – 49 spaces</td>
<td>7.5% minimum</td>
</tr>
<tr>
<td>50 + spaces</td>
<td>10.0% minimum</td>
</tr>
</tbody>
</table>

E. All landscaping shall be within planters bounded by a curb at least six inches high except adjacent to sidewalks or property lines. No planter shall be smaller than twenty-five square feet, excluding curbing. Each planter shall include an irrigation system.

F. Existing healthy trees, as specified on the list of trees, on the site shall be preserved whenever possible.

G. All landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage or encroachment and a minimum of three feet from the back of curb or wheel stop where vehicle overhang is permitted.

H. All plant materials shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, insects and diseases. Plant materials showing such damage shall be replaced by the same or similar species, or trees from the list of trees. Planting areas shall be kept free from weeds, debris and undesirable materials which may be detrimental to safety, drainage or appearance.

I. Not more than twenty-five percent of the planter or landscaped area may be covered with hard surfaces such as gravel, landscaping rock, artificial turf, concrete or other impervious materials. Bus shelters are excluded from this limitation.

J. Varied tree and plant species shall be used throughout the parking lot. No one species shall comprise more than seventy-five percent of the plantings within each of the following categories: shade tree, screen tree and shrub.
Chapter 17.36 - M-2 GENERAL INDUSTRIAL DISTRICT

Sections:

17.36.010  Purpose
The purpose of the M-2 manufacturing district is to provide areas in the city suitable for heavy manufacturing and industrial uses which have the greatest potential for the generation of undesirable or adverse by-products of the uses of the land, including but not limited to noise, heavy traffic, odors and dust. The M-2 district will be located in those portions of the city most separated from residential and public areas. This separation of use, however, is not to be regarded as acceptance of adverse by-products of such land uses where it is economically and technologically feasible for such emissions and undesirable impacts to be minimized or eliminated. (Ord. 265 § 18.01, 1981)

17.36.020  Permitted Uses
Land may be used within the M-2 manufacturing district as provided in the industrial use table in Chapter 17.32 of this title. (Ord. 265 § 18.02, 1981)

17.36.030  Conditional Uses
Land may be conditionally used within the M-2 manufacturing district as provided in the industrial use table in Chapter 17.32 of this title, and in accordance with appropriate conditions or limitations as noted. (Ord. 265 § 18.03, 1981)

17.36.040  Lot Area, Lot Width, Building Coverage, Front Yard, Side Yard And Rear Yard
There are no restrictions on lot area, lot width, building coverage, front yards, side yards, and rear yards in the M-2 district except as required by the building code or other regulations. (Ord. 265 § 18.04, 1981)
17.36.050  Automobile Parking
Automobile parking in the M-2 district shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 18.05, 1981)

17.36.060  Maximum Building Height
Maximum building height shall be limited so as not to exceed adjacent buildings by fifteen feet and not to exceed a maximum of three stories or forty-five feet whether or not adjacent to existing buildings. Buildings or structures accessory to a primary building should similarly be limited. (Ord. 422 § 9, 1995: Ord. 265 § 18.06, 1981)

17.36.080  Landscaping Required
Planters containing live landscaping shall be provided adjacent to and within parking areas in accordance with the following regulations:

A. A perimeter planter at least five feet wide, excluding curbing, shall be provided adjacent to all street rights-of-way. In addition, any area within the street right-of-way between the edge of the sidewalk and outer edge of the right-of-way shall be developed as a planter or landscaped area in conjunction with the required five-foot area above, subject to approval of an encroachment permit, unless this requirement is waived by the public works director or his designee. The planter shall be increased to provide an eight-foot deep, seven-foot wide area, excluding curbing, for tree planting. Within this planter, trees from the approved list shall be planted at fifty-foot spacing, at least five feet but not further than ten feet from the back of the sidewalk, depending on specification in the list of trees. The planter shall include shrubs, hedges and other natural growth. or other features such as berms, designed to form a partial vision screen at least three feet in height, except within fifteen feet of street and driveway intersections where landscaping shall not exceed thirty inches in height. Nothing in this section shall preclude the installation of additional landscaping and the planting of additional listed trees so long as it is consistent with the visibility regulations. At the discretion of the appropriate authority, a barrier-free, four-foot-wide paved walk may be provided through the required planter at street and driveway intersections to provide unencumbered access for the handicapped from the sidewalk to the parking lot. Such walk shall be located so as to facilitate the most direct movement of persons using sidewalk curb ramps, if such are provided.

B. A planter at least five feet wide, excluding curbing, shall be provided adjacent to properties in the R-1 and R-2 districts. Within this planter, one screen tree, from the approved list, shall be planted in accordance with city standards, in combination with other plant materials to provide a dense visual screen outside any residential setback area.

C. In addition to the perimeter landscaping required by subsections A and B above, parking lots of five spaces or more shall provide landscaped areas in the interior of the parking lot covering a percentage of the total parking area as follows:
D. 1. Parking lot landscaping shall include shade trees placed so as to cover a percentage of the total parking area with tree canopies within fifteen years of planting, as follows:

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<td>7.5% minimum</td>
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<tr>
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</tr>
</tbody>
</table>

2. Tree coverage shall be determined by the approximate crown diameter of each tree at fifteen years, as estimated on the approved tree list or landscape authority. Trees shall be a minimum fifteen-gallon size at planting. The percentage of area required to be shaded shall be based on the number of aboveground and uncovered parking spaces provided, and shall not include the percentage of maneuvering spaces which may be attributable to covered parking spaces.

E. All landscaping shall be within planters bounded by a curb at least six inches high except adjacent to sidewalks or property lines. No planter shall be smaller than twenty-five square feet, excluding curbing. Each planter shall include an irrigation system.

F. Existing healthy trees, as specified on the list of trees, on the site shall be preserved whenever possible.

G. All landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage or encroachment and a minimum of three feet from the back of curb or wheel stop where vehicle overhang is permitted.

H. All plant materials shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, insects and diseases. Plant materials showing such damage shall be replaced by the same or similar species, or trees from the list of trees. Planting areas shall be kept free from weeds, debris and undesirable materials which may be detrimental to safety, damage or appearance.

I. Not more than twenty-five percent of the planter or landscaped area may be covered with hard surfaces such as gravel, landscaping rock, artificial turf, concrete or other impervious materials. Bus shelters are excluded from this limitation.

J. Varied tree and plant species shall be used throughout the parking lot. No one species shall comprise more than seventy-five percent of the planting within each of the following categories: shade tree, screen tree and shrub.
K. Landscaping at the end of aisles shall not obstruct the driver’s vision of vehicle and pedestrian cross traffic. Mature trees shall have a seven-foot foliage clearance and other plant materials shall not exceed thirty inches in height. (Ord. 333 § 1(1). 1989)

Chapter 17.38 - PD PLANNED DEVELOPMENT COMBINING DISTRICT

Sections:

17.38.010 Purpose

17.38.020 Permitted uses

17.38.030 Land use intensity

17.38.040 Review criteria

17.38.050 Application contents

17.38.060 Application procedure

17.38.070 Initiation by the city

17.38.080 Approval

17.38.010 Purpose

The purpose of the PD planned development combining district is to encourage and facilitate the creative, innovative design and use of land in the city which may otherwise be limited or stifled by the standardized provisions of the remainder of this title. The PD district is designed to allow diversity in the relationship between buildings and open spaces in such a way as to create unique and interesting physical environments in the city which maximize usable open space, while at the same time preserving the public health, safety and welfare. The application of the district to land may be by application of the landowner, or his/her representative, or at the initiation of the city. It is not intended that the PD district be used to avoid the standards established by this title for otherwise traditional development, nor would the development of a single home or building generally be done under the PD district provisions. In those cases, either variances or use permits would be the appropriate application procedure. It will be appropriate, under certain circumstances, for the city to allow development in the PD district at residential densities greater than those allowed under the existing general plan or zoning ordinance, as an incentive for creative, innovative development by landowners and developers. In no case shall such residential densities exceed by fifty percent the basic allowed density. A PD planned development combining district may be combined with any other zoning classification. (Ord. 265 § 19.01, 1981)

17.38.020 Permitted Uses

Any land uses consistent with the general plan policies and which will not be in conflict with the general health, safety and welfare of the community are permitted in the PD district, subject to the review and approval of the city council. These uses include residential, commercial and industrial uses or reasonable combinations thereof. (Ord. 265 § 19.02, 1981)
17.38.030  Land Use Intensity

A. The intensity of land use within the PD district shall be governed by the policies of the General Plan. If a planned development proposes greater density than permitted either by the existing zoning regulations or the General Plan, the project proponent must show that the planned development will not:

1. Create a burden on other public utilities and facilities, particularly parks and schools; and

2. Have an adverse impact on neighboring property.

B. Any increase in land use intensity which is greater than permitted by the existing zoning regulations shall be compensated for by additional amenities to be achieved by the design and type of development and the amount, location, use and development of open space. (Ord. 265 § 19.03, 1981)

17.38.040  Review criteria

A. The following criteria shall be used by the planning department, planning commissions and city council in evaluating the appropriateness of the proposed PD district:

1. Consistency with the General Plan policies;

2. Creativity in design and use of land

3. Appropriateness of use at the proposed location;

4. The mix of housing styles and costs;

5. Opportunities provided for persons of different income levels;

6. Compatibility of uses with existing and proposed land use in the development area;

7. Use of innovative technology and materials;

8. Overall contribution to the enhancement of the urban environment of the city; and

9. Assurance that the development schedule will be met.

B. Review of PD district proposals may include additional considerations as determined as relevant by the staff, planning commission or city council. (Ord. 265 § 19.04, 1981)
17.38.050 Application Contents

A. If the project involves a land division or development under jurisdiction of the subdivision ordinance, a tentative, map for the project shall be filed and processed concurrently with the planned development zoning application.

B. Applications for the establishment of a combining planned development district shall include the following information in the form of a development plan to the satisfaction of the planning commission:

1. A statement of the proposed usage of the area covered, including:
   a. Assessor parcel numbers;
   b. Number of dwelling units per net acre;
   c. Specific uses to be allowed in the area;
   d. Areas of each proposed land use;
   e. The type of commercial uses anticipated;
   f. Special design limitations to be imposed on the proposed development of the area;
   g. Landscaping, screening and aesthetic minimums for the proposed development;
   h. A schedule and sequence of development for all of the property included in the overall development proposal even though only a portion of it is included in the proposed zoning map amendment;
   i. Explanation of the nature of the proposed development and the deviations from regulations otherwise applicable to the property.

2. A site plan, drawn to scale, showing:
   a. The boundaries of the property;
   b. The existing and proposed topography;
   c. The width, location, names and any proposed dedication and improvement of the adjacent streets;
   d. The location, dimensions, floor area and uses of all existing and proposed buildings and structures in the area, including floor plans;
   e. All proposed landscaping and the maintenance facilities therefore;
   f. The layout of the parking facilities and private streets; and
   g. Any other specific information deemed necessary by the planning commission for the review of the specific project.

C. Any of the information required by this section may be waived by the planning commission providing sufficient regulation is specified in the development plan to accomplish the purposes of this chapter. (Ord. 265 § 19,05, 1981)

17.38.060 Application Procedure
The application for a PD district shall be submitted at any time to the planning commission with five copies of the information described in Section 17.38.050. The application shall be reviewed by the planning commission and city council in the same manner as any other application for a zoning district amendment pursuant to the provisions of this title. The applicant is, however, encouraged to arrange informal review of preliminary plans with the planning commission to insure general compatibility with city policies and to avoid unnecessary delay and revision during the formal review process. (Ord. 265 § 19.06, 1981)

17.38.070 Initiation By The City

A. A PD district may, after certain finding, be initiated on certain property by recommendation of the planning commission or by action of the city council. In such a case, the city council must find that due to the unique environmental, historic or architectural character of the subject property, application of a standard zoning district or districts will not provide adequate safeguards to ensure that the use and development of such property will preserve or enhance its unique character. Upon such a finding, the city council shall initiate a zoning district amendment under the provisions of this title.

B. Such an initiation shall include, as a legal description of a city-initiated PD district, the following provisions:

1. A legal description of the property covered by the ordinance;
2. The reason or reasons for establishment of the PD district;
3. A listing of permitted uses;
4. Performance and development standards relating to lot area, yards, intensity, density, landscaping, open space, parking and signs; and
5. Other appropriate design and development standards. (Ord. 265 § 19.07, 1981)

17.38.080 Approval

Approval of the PD district and submitted development plans shall be by amendment to the zoning ordinance. Such an amendment shall include all information which comprises the approved development plan, including all information submitted under Section 17.38.050, or Section 17.38.070. The land subject to the amendment shall be designated “PD” on the official zoning map of the city. (Ord. 265 § 19.08, 1981)

Chapter 17.40 - “A” SPECIAL AGRICULTURAL COMBINING DISTRICT

Sections:

17.40.010 Purpose.
17.40.020 Uses permitted.
17.40.030 Uses requiring a use permit.
17.40.040 Yard requirements.
17.40.050 Distances from dwellings.
17.40.010 Purpose
The purpose of the “A” special agricultural combining district is to allow for agricultural uses of land in any zoning district with which it is combined. (Ord. 265 § 20.10, 1981)

17.40.020 Uses Permitted
Uses permitted in the “A” district shall be as follows:
A. All uses permitted in the respective district with which the “A” district is combined;
B. Animal husbandry and livestock farming, provided that not more than one horse, one mule, one cow, one steer, or five sheep shall be kept for each half acre of land;
C. Small livestock farming, provided that a use permit shall be required for the raising of more than one hundred head of either poultry or animals;
D. Sale of agricultural products produced on the premises, provided that no commercial structure for such purpose, other than a temporary stand, shall be permitted. (Ord. 265 § 20.02, 1981)

17.40.030 Uses Requiring A Use Permit
The following uses require the issuance of a use permit in any district which is combined with the “A” district:
A. Dog and cat kennel, private and commercial stables;
B. Dairy, poultry and rabbit slaughter and processing;
C. Veterinary hospital. (Ord. 265 § 20.03, 1981)

17.40.040 Yard Requirements
Any accessory use such as barns, chicken houses, stables and similar buildings in the “A” district must have the following minimum yard requirements notwithstanding the provisions of the district with which it is combined:
A. Front yard, fifty feet;
B. Side yard, twenty feet.

17.40.050 Distances From Dwellings
Any accessory use such as barns, chicken houses, stables and similar buildings must be at least thirty feet from any dwelling. (Ord. 265 § 20.05, 1981)

17.40.060 Priority
In any district with which is combined any “A” district, the regulations of this chapter shall apply in addition to those hereinbefore specified for such district, provided that if conflict in regulations occurs, the regulations of this chapter shall govern. (Ord. 265 §20.06, 1981)
Chapter 17.42 - “F” SPECIAL HIGHWAY FRONTAGE COMBINING DISTRICT

Sections:

17.42.010  Purpose
The purpose of the “F” special highway combining frontage district is to provide for special setback and landscaping requirements for property fronting on highways in any zoning district with which it is combined. (Ord. 265 § 21.01, 1981)

17.42.020  Yard Requirements
A front yard of not less that twenty feet shall be required for all uses, unless a greater front yard is required in the district with which the “F” district is combined; provided, however, that uncovered parking shall be permitted within the front yard space and nothing in this title shall be construed to prohibit uncovered parking within the front yard setback. (Ord, 265 § 21.02, 1981)

17.42.030  Landscaping
Screen planting or fencing of permitted commercial uses of open land shall be required as a condition to the granting of a use permit in each particular case. (Ord. 265 § 21.03, 1981)

17.42.040  Signs
Signs shall conform to the city sign ordinance. (Ord. 265 § 21.04, 1981)

17.42.050  Priority
In any district with which is combined any “F” district, the regulations of this chapter shall apply in addition to those hereinbefore specified for such district; provided, that if conflict in regulations occurs, the regulations of this chapter shall govern. (Ord. 265 § 21.05, 1981)

Chapter 17.44 - “MP” MOBILE HOME PARK COMBINING DISTRICT

Sections:

17.44.010  Purpose
17.44.020  Uses permitted.
17.44.030  Development standards.
17.44.040  Utilities and drainage.
17.44.010 Purpose
A. Applicants may apply for a use permit for a mobile home park or applicants may apply for a “MP” mobile home park combining district to allow mobile home parks under one ownership as set forth in this chapter.

B. Use permits and the “MP” combining districts impose development conditions. (Ord. 281 § 1(part), 1983: Ord. 265 § 22.01, 1981)

17.44.020 Uses Permitted
A. Use Permits.

1. Mobile home parks, as defined in Section 18214 of the Health and Safety Code of the state may be permitted by use permit on land planned and zoned for residential land use, as designed by the general plan.

2. “Mobile home parks,” for the purposes of this section, also means a mobile home development constructed in accordance with Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code and intended for use and sale as a mobile home condominium or cooperative park or as a mobile home planned unit development.

3. Use permits shall be subject to the requirements of Sections 17.44.030 through 17.44.090 and other requirements of the planning commission.

B. Combining Districts. Mobile home parks and all uses permitted in the R-4 district are allowed when the “MP” district is combined with the R-4 district. (Ord. 281 § 1(part), 1983: Ord. 265 § 22.02, 1981)

17.44.030 Development Standards
A. Area. Each park shall have an area of not less than five acres.

B. Density. The number of mobile home sites shall not exceed eight and one-half per net acre of the park.

C. Site Size.

1. Length. Each site for a mobile home shall be not less than seventy feet long.

2. Width. Each site for a mobile home shall not be less than forty-two feet wide for twelve-foot-wide mobile homes; forty-four feet wide for fourteen-foot-wide mobile homes; and fifty-four feet wide for twenty-four-foot-wide mobile homes. The site width
includes three feet of clear yard width on each site boundary, twelve feet of parking area width and twelve feet of entrance porch area width.

D. Site Marking. Each site for a mobile home shall be clearly defined and marked at all corners with permanent markers.

E. Yards.

1. Street Yards. A landscaped yard not less than twenty-five feet wide shall be provided adjoining all public streets.

2. Property Boundary Yards. A landscaped yard not less than ten feet wide shall be provided adjoining all interior property boundary lines.

3. Generally. All required yards shall be provided an irrigation system and shall be properly maintained free of trash and weeds.

F. Setbacks. A minimum clear yard width of three feet from the boundaries of each mobile home site shall be provided for all mobile homes, patio covers, automobile parking areas, driveways, porch covers, awnings, ramadas and other structures, except that storage sheds for two adjoining mobile home sites may be located at the common lot line of the adjoining spaces.

G. Public Streets.

1. Each mobile home park shall have not less than sixty feet of frontage on a public street.

2. All necessary rights-of-way adjacent to the site as may be necessary to conform to the requirements of the select systems for adopted general plan shall be offered free of charge to the city, shall be improved with grading, aggregate base, asphaltic concrete, concrete curbs, gutters, and sidewalks shall be provided adjacent to all public streets or highways and shall conform to city improvement standards.

3. All areas used or provided for use by automobiles shall be improved to city standards.

H. Private Streets and Driveways.

1. The minimum pavement width on private streets shall be thirty feet. Private streets on which parking is permitted on one side shall have a paved width of not less than thirty-three feet. Private Streets on which parking is permitted on both sides shall have a paved width of not less than forty feet.

2. All driveways and private streets within each mobile home park shall be paved with a minimum of two inches of asphaltic concrete over four inches of compacted aggregate base or an equivalent structural section.

3. All mobile home lots shall have access to internal private streets located within the mobile home park. There shall be no direct access from a mobile home lot to a public street or alley.

4. A minimum of two off-street parking spaces shall be provided for each mobile home site, and shall be improved with a minimum of two inches of asphaltic concrete over four inches of compacted aggregate base or an equivalent structural section. (Ord. 281 § 1 (part), 1983: Ord. 265 § 22.03, 1981)
17.44.040 Utilities and Drainage
A. Underground storm drainage facilities shall be installed prior to occupancy and shall be subject to approval by the director of public works.
B. Fire protection facilities shall be installed prior to occupancy and shall be subject to approval by the fire chief and director of public works.
C. Water and sewage disposal facilities shall be installed prior to occupancy, shall be continuously maintained, and shall be subject to approval by the director of public works.
D. Utility connections to each individual mobile home lot shall be placed underground. Electric utility and telephone lead-ins between the transmission pole and the mobile home park shall be subject to the same requirements provided in this code for subdivisions located in the same area; provided, however, nothing herein shall be deemed to exempt mobile home parks from the requirements applicable to underground utility districts. (Ord. 281 § 1 (part), 1983: Ord. 265 § 22.04, 1981)

17.44.050 Recreation Area
Recreation areas shall be provided in each mobile home park as follows:
A. Required recreation areas may be divided into several locations, but no single location shall contain less than one thousand square feet. Such required space shall be accessible to all of the mobile home lots in the park and shall not be used for any purpose except recreation.
B. There shall be not less than two hundred square feet of recreation area per mobile home space.
C. All required recreation areas shall be landscaped and maintained in a usable condition. (Ord. 281 § 1 (part), 1983: Ord. 265 § 22.05. 1981)

17.44.060 Storage Area
Storage areas shall be provided for the storage of the residents’ boats, utility trailers, camping trailers, recreation vehicles, and camper bodies as follows:
A. Not less than one hundred square feet of vehicle storage area per mobile home space;
B. The required storage areas shall be enclosed with a chain link fence or masonry wall at least six feet in height. (Ord. 281 § 1 (part), 1983: Ord. 265 § 22.06, 1981)

17.44.070 Height Restrictions
Maximum building height shall be limited so as not to exceed adjacent buildings by fifteen feet and not to exceed a maximum of two and one-half stories or thirty-five feet whether or not adjacent to existing buildings. Buildings or structures accessory to a primary building should similarly be limited. (Ord. 422 § 10, 1995: Ord. 281 § 1 (part), 1983: Ord. 265 § 22.07, 1981)

17.44.080 Enclosures
A. An ornamental enclosure of six feet in height, consisting of a wall, compact eugenia or other evergreen hedge, chain link fence with vertical slats, grape stake or other ornamental wood fence or a combination of the foregoing, shall be constructed along the
rear lot line and the side lot lines, subject to architectural review and approval by the planning commission.

B. An ornamental enclosure, as described in subsection A, shall also be constructed along the front of the mobile home park site, except for the accessway, subject to the following additional provisions and exceptions: where the street or highway in front of the mobile home park site is a major or secondary highway alignment or a part of the select system of the city or adopted General Plan, such enclosure shall be constructed along the proposed right-of-way line. Where mobile home sites are parallel (side-on) to the enclosure or where an interior roadway runs parallel to the enclosure, it shall be forty-eight inches in height. Where mobile home sites back up to the enclosure, such enclosure shall be at least six feet in height, and shall maintain the required front yard setback for the mobile home park for the particular zone in which the park is situated. unless a more stringent condition is imposed in connection with any proposed widening of the highway. (Ord, 281 § 1 (part). 1983: Ord. 265 § 22.08. 1981)

**17.44.090 Conditions**

A. The planning commission may recommend and the city council may in the exercise of reasonable discretion prescribe additional conditions and require additional physical facilities as a condition to the combining of any “MP” district, when it is determined that such is reasonably necessary to insure the protection of the character of neighboring properties, compatibility with neighboring land uses, and protection of the health, safety and general welfare of persons living within and in the neighborhood of the mobile home park.

B. The planning commission may recommend and the city council may waive or modify any of the conditions and performance standards mentioned in this section where special circumstances exist which are applicable to the subject property, including size, shape, topography, location or surroundings. (Ord. 281 § 1 (part), 1983: Ord. 265 § 22.09, 1981)

**17.44.100 Priority**

When the R-4 district is combined with the “MP” district the regulations of this chapter shall apply in addition to those of the R-4 district, provided if conflict in regulations occurs, the regulations of this chapter shall govern. (Ord. 281 § 1 (part). 1983: Ord. 265 § 22.10, 1981)

**Chapter 17.46 - “MH” MOBILE HOME RESIDENTIAL COMBINING DISTRICT**

Sections:

- **17.46.010** Purpose.
- **17.46.020** Eligibility.
- **17.46.030** Criteria.
- **17.46.040** Architectural standards.
- **17.46.050** Permitted uses.
- **17.46.060** Conditional uses.
17.46.010  Purpose

The purpose of the “MW” mobile home residential combining district is to designate and allow mobile homes to be placed in R-1 single-family residence districts in areas subdivided and used, or designated to be used for R-1 single-family residential development and designated as “MH” mobile home residential combining districts. Mobile homes shall be constructed on permanent foundations. (Ord. 265 § 22.51, 1981)

17.46.020  Eligibility

A mobile home shall not be located on a permanent foundation on a private lot or parcel of land unless the home was constructed after September 15, 1971, and was issued an insignia of approval by the California Department of Housing and Community Development or was constructed after July 1, 1976, and was issued an insignia of approval by the U.S. Department of Housing and Urban Development and has not been altered in violation of the terms of approval or applicable codes.

The planning commission shall not designate lots or parcels of land as “MW” mobile home residential combining districts unless they find that, on a rational basis, such areas are equally compatible for mobile home use. (Ord. 265 § 2252, 1981)

17.46.030  Criteria

A. “Mobile home,” for the purpose of this chapter, means a structure transportable in one or more sections, designed and equipped to contain a single-family dwelling unit and shall not include a recreational vehicle, commercial coach or factory-built housing.

B. Mobile homes located on a permanent foundation system on a lot or parcel shall:

1. Be occupied only as a single-family residence;
2. Be subject to all provisions of this title applicable to residential structures;
3. Be attached to a foundation system in compliance with all applicable building code regulations and Section 18551 of the Health and Safety Code of the state;
4. A building permit shall not be issued for the installation and permanent foundation of a mobile home until the planning commission has first reviewed the site plan and materials
used for siding, overhang and roofing materials used in constructing the mobile home and have found that the siding material, overhang and roofing material used are found to be compatible with the architecture in the area in which it is proposed to be installed.

In making findings for compatibility, the planning commission shall first determine if the area meets existing zoning and subdivision requirements; the planning commission can then find for compatibility or noncompatibility. If the planning commission finds that mobile homes would be “totally out of place” in an area of existing homes which are architecturally different from mobile homes, the finding of compatibility should not be made. (Ord. 265 § 22.53, 1981)

17.46.040 Architectural Standards

A. Material specifications for roof overhang, roofing material and siding material shall conform to requirements for conventional single-family housing as set forth in the Uniform Building Code. The Uniform Building Code as adopted and enforced in the city of Live Oak shall apply.

B. Mobile homes may be required to have porches and eaves or roofs with eaves and to have materials and textures used on the exterior of the homes which are compatible with the neighborhood architecture when, in the opinion of the planning commission, it is necessary to render such mobile homes compatible with dwellings in the area which is being zoned. (Ord. 265 § 22.54, 1981)

17.46.050 Permitted Uses

Land may be used in mobile home residential combining districts as provided in the residential use table in Chapter 17.14 of this title. (Ord. 265 § 22.55, 1981)

17.46.060 Conditional Uses

Land may be conditionally used within the mobile home residential combining district as provided in the residential use table in Chapter 17.14 of this title and in accordance with the appropriate conditions and limitations as noted. (Ord. 265 § 22.56, 1981)

17.46.070 Minimum Lot Areas

Lot areas for interior and corner lots shall be identical to R-1 single-family districts of this title. (Ord. 265 § 22.57, 1981)

17.46.080 Minimum Lot Width

Minimum lot width shall be identical to R-1 single-family districts of this title. (Ord. 265 § 22.58, 1981)

17.46.090 Maximum Main Building Coverage

Maximum main building coverage in the MH district shall be forty percent of the lot area. (Ord. 422 § 20, 1995: Ord. 265 § 22.59, 1981)

17.46.100 Minimum Building Width

Minimum building width shall be identical to R-1 single-family districts of this title. (Ord. 265 § 22.60, 1981)

17.46.110 Minimum Front Yard
Minimum front yards shall be identical single-family districts of this title. (Ord. 265 § 22.61, 1981)

17.46.120 Minimum Side Yard
Minimum side yard requirements shall be identical to R-1 single-family districts of this title. (Ord. 265 § 22.62, 1981)

17.46.130 Minimum Rear Yard
Minimum rear yards shall be identical to R-1 single-family districts of this title. (Ord. 265 § 22.63, 1981)

17.46.140 Automobile Parking
Automobile parking shall be as provided in Chapter 17.48 of this title. (Ord. 265 § 22.64, 1981)

17.46.150 Maximum Building Height
Maximum building height shall be limited so as not to exceed adjacent buildings by fifteen feet and not to exceed a maximum of two and one-half stories or thirty-five feet whether or not adjacent to existing buildings. Buildings or structures accessory to a primary building should similarly be limited. (Ord. 422 § 11, 1995: Ord. 265 § 22.65, 1981)

Chapter 17.48 - PARKING AND LOADING SPACE REQUIREMENTS

Sections:

17.48.010 Off-street parking requirements.
17.48.020 Minimum size for parking and loading spaces.
17.48.030 Location prohibition.
17.48.040 Driveway widths.
17.48.050 Minimum access way width.
17.48.060 Materials requirements.
17.48.070 Drainage.
17.48.080 Joint Use of Common Parking Facilities.
17.48.090 Off-Site Parking.
17.48.100 Bicycle Parking Facilities
17.48.110 Waiver of On-Site Parking Requirements.
17.48.120 Maintenance.

17.48.010 Off-Street Parking Requirements
At the time of the erection of any main building, or at the time any main building is
enlarged or increased, in capacity, or a change in the nature of occupancy which would
require increased parking requirements, there shall be provided minimum off-street
parking space, together with provisions for ingress and egress, in accordance with this
chapter, except that the requirements of this chapter shall not apply to the legal
restoration of a nonconforming building or use.

A. Single-family homes: two parking spaces per unit, both of which shall be covered and
enclosed on four sides including garage doors. The materials and architecture of the
enclosed parking shall be compatible with the dwelling and the neighborhood.

B. Duplexes, identical to single-family homes per each duplex unit; triplexes and four-
plexes: two parking spaces per dwelling unit.

C. Apartments and multiple dwellings: one parking space per studio apartment or one-
bedroom dwelling unit; one and one-half parking spaces per 2-bedroom dwelling unit;
and two parking spaces per dwelling unit containing 3 or more bedrooms per dwelling
unit. In addition to the above listed requirements, one guest space shall be provided for
each 10 units or fraction thereof.

D. Churches: one parking space for each five seats.

E. Motels and hotels: 2 spaces, plus one parking space per unit or room.

F. Mobile home parks: Two parking spaces per dwelling unit, plus a parking space for
each five units for guest parking. Mobile home park spaces set aside for overnight use
only shall be excluded from guest parking requirements.

G. Offices, retail and service uses:

1. Business offices, professional offices and banks: one parking space per each three
hundred square feet of gross floor area.

2. Medical and dental offices: one space per each two hundred square feet of gross floor
area or five spaces for each doctor, whichever is greater.

3. Retail food stores and personal services: one space for each one hundred fifty (150)
square feet of floor space, excluding areas used exclusively for storage and office space.

4. Retail stores and shopping centers (except food stores and personal services): one
space for each two hundred fifty square feet of floor space.

5. Commercial service establishments, wholesale establishments, repair shops, and retail
stores which exclusively handle bulky merchandise: one space for each five hundred
square feet of floor space.
H. Restaurant and cocktail lounges: one space for each four seats, plus one space for each car to be served if a drive-in.

I. Service stations: one space for every three thousand feet of land area or major fraction thereof,

J. Hospitals, rest homes, and sanitariums: one space for each bed.

K. Rooming houses, boardinghouses, lodges, and clubs: one space for each guest room and one parking space for each four seats in any assembly hail.

L. Dancehalls, assembly halls without fixed seats and exhibition halls or facilities: one parking space for each one hundred square feet used for assembly.

M. Bowling alleys: four parking spaces for each lane.

N. Theaters, auditoriums, stadiums, and arenas: one parking space for each four seats.

O. Mortuaries and funeral homes: one parking space for each twenty-five square feet of floor area of assembly rooms used for services but in no case less than ten.

P. Manufacturing and warehousing:

1. Manufacturing establishments shall provide one parking space for each two employees per shift, based on the shift having the most employees.

2. Warehouse and wholesale storage establishments shall provide one parking space for each two thousand square feet of gross floor area.

Q. Loading spaces: retail, warehousing, wholesale storage and manufacturing buildings occupying a gross floor area of five thousand square feet or more shall provide one loading space and one additional loading space shall be provided for each additional twenty thousand square feet or major fraction thereof of gross floor area.

R. Requirements for uses not specifically set forth in this section shall be determined by the Planning Director based upon requirements for comparable uses.

(Ord. 400 § 2, 1993; Ord. 399 § 1, 1993; Ord. 287 § 1, 1984; Ord. 271 (part), 1982; Ord. 265 § 23.01, 1981)

17.48.020 Minimum Size For Parking And Loading Spaces

A. Parking spaces shall be no less than nine feet in width and. eighteen feet in length, exclusive of aisles and access drives,

B. Compact spaces may be approved on a case-by-case basis by the Planning Director or the City Engineer. Each compact space shall be a minimum of 7 feet and 6 inches in
width and 16 feet in length, exclusive of aisles and access drives. For parking lots where compact spaces may be allowed, there must be a minimum of 6 total parking spaces, of which no more than 35% of the spaces may be approved for compact spaces.

C. Loading spaces shall not be less than ten feet in width, twenty-five feet in length, and fourteen feet in height, exclusive of aisles and access drives. (Ord. 271 (pare, 1982; Ord. 265 § 23.02, 1981)

17.48.030 Location Prohibition
Required parking spaces shall not be located in any front or street side-yard setback areas, except as permitted in Section 17.48.010. Any driveway (access way) leading to a garage, carport, or parking space shall be not less than twenty feet in length, measured from the nearest boundary of the adjacent right-of-way. (Ord., 271 (part), 1.982; Ord. 265 § 23.03, 1981)

17.48.040 Driveway Widths
Driveway widths for off-street parking areas shall be not less than the following schedule:

A. For two-way traffic serving two to four spaces: twelve feet;

B. For two-way traffic serving five to eight spaces: sixteen feet;

C. For two-way traffic serving nine or more spaces: twenty-two feet;

D. For one-way traffic serving nine or more spaces: twelve feet. (Ord. 265 § 23.04, 1981)

17.48.050 Minimum Accessway Width
Minimum width for access ways where vehicles are allowed to back into or from the access way shall be in accordance with the following schedule:

A. Parallel parking: twelve feet;

B. Thirty-degree angle parking: eleven feet;

C. Forty-five-degree angle parking: thirteen feet;

D. Sixty-degree angle parking: eighteen feet;


17.48.060 Materials Requirements
A. All commercial industrial or multiple-family parking areas shall be striped or marked to delineate the required parking spaces and access-ways. Bumpers or wheel stops shall
be installed where necessary to control vehicles. The minimum thickness of such driveways and access ways shall be two inches of asphaltic concrete over four inches of aggregate base, or three and one-half inches of portland cement concrete over a compacted sub-grade.

B. In commercial, industrial, and multiple-family districts, the structural thickness of accessways and driveways shall be increased, if, in the opinion of the city engineer or the director of public works, additional structural thickness must be provided because of high traffic volumes.

C. Accessways (driveways) adjacent to off-street parking spaces in R-l and R-2 districts shall be three-and-one-half-inch portland cement concrete or two-inch asphalt concrete on compacted subgrade for a length of not less than twenty feet and a width of not less than thirteen feet for a single-width accessway and twenty feet for side-by-side or double accessways. Access ways (driveways) located in street or roadway areas shall be constructed, in accordance with an appropriate encroachment permit issued by the city. (Ord. 271 (part), 1982; Ord. 265 § 23.06, 1981)

17.48.070 Drainage

All off-street parking areas shall be constructed with a suitable storm, drainage system, the design of which shall be subject to approval of the director of public works, (Ord. 265 § 23.07, 1981)

17.48.080 Joint Use Of Common Parking Facilities

A. The Planning Commission may grant a use permit (Sec. 17.52) for reduction in the total number of parking spaces when the joint use of a parking facility has divergent needs in relation to user on the basis of non-use by one user during a period of use by another such as during nighttime in relation to daytime hours, or weekdays in relation to Saturdays or Sundays.

B. CONDITIONS FOR ALLOWING JOINT USES.

a. The buildings or uses shall be within 500 feet of the nearest point by walking distance to a parking facility;

b. The applicant shall show there is minimal conflict in the principal operating hours of the buildings or uses for which the joint parking facilities are proposed; and

c. The parties concerned in the joint use of off street parking facilities shall show evidence of an agreement for such joint use by a proper legal instrument. Such instrument when approved as conforming to the provisions of this section shall be recorded in the office of the County Reorder and copies thereof filed with the Building and Planning Departments of the City.

17.48.090 Off-Site Parking
The Planning Commission may grant a use permit, pursuant to Section 17.52, for off-site parking provided the following conditions are met:

A. The site is within 500 feet (walking distance) of the use and is not separated from the use by any feature that would make pedestrian access inconvenient or hazardous.

B. The site on which the parking is located shall be owned, leased or otherwise controlled, by the party controlling the use.

C. The site is surfaced as required by this article and is landscaped in conformance with Section 17.50.100.

17.48.100 Bicycle Parking Facilities

A. Amount of bicycle parking spaces required.

   a. Commercial and Industrial: Bicycle parking spaces shall be provided at a rate equal to 3 percent of required auto parking.

   b. Institutional:

      i. Elementary schools, middle schools, high schools: 100 percent of required auto parking.

      ii. Cultural/Library services, trade schools, business colleges, and commercial schools: 10 percent of required auto parking

B. Requirements for Bicycle Parking Facilities.

   a. Location - Bicycle parking facilities shall be located on the same lot or building site as the building or use incurring these requirements, or shall be located on an adjacent, contiguous lot. Bicycle facilities shall be located so as to be at least as convenient as the majority of vehicular parking areas, and as closely oriented to adjacent bikeways as possible.

   b. Bicycle Facilities Standards —

      i. Bicycle parking facilities shall include provisions for storage and locking of bicycles, either in lockers or secured racks or equivalent installations in which the user may lock the bicycle frame and wheels. Racks or lockers shall be anchored so that they cannot be easily removed. It is recommended that bicycle facilities be covered and/or located so that they are protected from the elements.

      ii. Bicycle racks shall be designed and located to insure that they relate well to the remainder of the facilities, are architecturally consistent
with the site and structures, and are located in the most appropriate location.
c. Maintenance: Bicycle parking facilities as required herein shall be maintained for the duration of the use incurring said requirements and shall not be used for other purposes.

17.48.110 Waiver of On-Site Parking Requirements

An existing building that lacks adequate required on-site parking and has lost its nonconforming status, may be reoccupied with a permitted use allowed in the district it is located if a use permit (Sec. 17.52) is first secured.

In those cases where a building is to be erected, enlarged, or increased in intensity of use, to a level of intensity similar to neighboring properties, parking standards may be reduced or waived to a level typically found in the vicinity if a use permit is first secured.

In either case a finding must be made that adequate mitigations are proposed or that conditions exist such that neighboring property’s on-site parking will not be unduly impacted.

17.48.120 Maintenance

All required parking facilities including striping, handicapped parking and bicycle parking areas shall be well maintained, and kept free of litter and debris.

Chapter 17.49 SIGN REGULATIONS

Sections:

17.49.010 Purpose.

17.49.020 Applicability.

17.49.030 Definitions.

17.49.035 Permitted signs

17.49.040 Prohibited signs.

17.49.050 General criteria.

17.49.060 Sign lighting.

17.49.070 Sign maintenance.

17.49.080 Sign standards.

17.49.010 Purpose

The purpose of these sign regulations is to establish definite standards for development of signs within the city of Live Oak. The goal of these regulations is to improve the visual
aspects of the community and to further economic development in the city. The city
council has determined that one of the most appealing aspects of the city is its small-town
color. The council has found that commercial facade improvements, landscaping and
signage to reinforce this positive image will assist in giving an overall impression of
economic health and vitality. The council has determined that design that reinforces the
small-town image, rather than repeating standard corporate highway development
architecture and signage, shall be encouraged. (Ord. 448 § 2 (part), 1998)

17.49.020  Applicability

This chapter shall apply to all signs erected or maintained within the city of Live Oak,
except for address signs, civic event signs, civic or city entrance signs, official flags of a
state, nation, or political subdivision and nationally and internationally recognized
organization, garage or yard sale signs, gas station signs, interior signs, official and legal
notices, political signs, seasonal displays, special event signs, temporary real estate or
developer signs and flags, traffic signs or window signs, all as defined below.

No new, altered, or changed sign shall be installed or utilized without approval of a
building permit. Minor repair of all or part of an existing sign to duplicate the
appearance and location of the original sign shall not require such prior approval.

The number and area of signs allowed shall be considered and are intended to be
maximum standards. In all cases, consideration shall be given to the overall appearance
of the sign and its relationship to the property and to surrounding uses. (Ord. 448 § 2
(part), 1998)

17.49.030  Definitions

For the purpose of this chapter, a “sign” is defined as any visual device or representation
designed or used for communicating a message and/or identifying or attracting attention
to premises, product, service, person, organization, business or event and the following
specific definitions shall apply:

A.  Address signs are the numeric reference of structures or uses to a street.

B.  A-frame signs are freestanding signs usually hinged at the top or attached in a
similar manner and widening at the bottom to form a shape similar to the letter “A.” A-
frame signs may not exceed (2) feet wide by four (4) feet high with no sharp edges. The
signs shall be displayed on the sidewalk in front of the business it is advertising during
normal business hours only. Signs shall be located so that they do not create an
obstruction on the sidewalk and to ensure handicap accessibility.

C.  Awning signs are non-electric signs printed on, painted on, or attached to an
awning, canopy, or marquee. The coloration of awnings should be simple and
complementary to the building on which it is attached. Awnings shall be constructed of
canvas or canvas-like material; no plastic or high-gloss awnings will be permitted.
D. Banners, flags, pennants or balloons or any cloth, bunting, plastic, paper or similar material used for advertising purposes attached to or pinned to or from any structure, staff, pole, line, framing or vehicle, including captive balloons and inflatable signs, but not including official flags of a state, nation or political subdivision.

E. Billboards, off-premises, outdoor advertising, or off-site signs are signs that advertise or in form in any manner any business, service, goods, persons or events at any building site(s) other than upon which the sign is located.

F. Building signs are signs painted upon or fastened to and parallel to an exterior building wall and which do not project more than six inches from the wall nor above the height of the eave of the building to which it is attached.

G. Canopy signs are awning signs as defined above.

H. Changeable copy signs are designed to allow the changing of copy through manual or mechanical means, including date, time, and temperature. This definition does not include electrical message signs with moving or scrolling letters or symbols.

I. Civic event signs are temporary signs, other than commercial signs, posted to advertise a civic event sponsored by a public agency or similar non-commercial organization.

J. Developer/contractor signs are erected on a building site upon which construction is taking place. These signs are limited to specifying the names of the parties or firms directly involved in the construction are limited to the duration of the construction project and may not exceed forty-eight square feet in size.

K. Directional signs are limited to those required for directing pedestrian or vehicular traffic on a site; such as “one-way,” “entrance,” “exit,” etc.

L. Directory signs are used to identify the tenants or occupants of a building or center and their suite numbers.

M. Flashing signs are those signs using animation, or flashing, blinking, scintillating or traveling lights or any other means not providing constant illumination, except for date, time and temperature signs and Christmas lights during a period not to exceed sixty days.

N. Freestanding or pole signs are supported on one or more poles, braces, uprights, or similar structural components placed onto the ground and detached from any building.

O. Gas station signs are those price signs permitted by state law.
P. Interior signs are those signs used inside a building and not visible from the exterior.

Q. Monument signs are signs placed upon a foundation or slab and not supported by poles, braces, or uprights and are not attached to any building.

R. Off-site signs are defined as billboards above.

S. Political signs are temporary signs directly associated with national, state, or local elections and as defined by state law.

T. Projecting signs are affixed to a building wall in such a manner that the leading edge extends more than six inches beyond the surface of that building wall.

U. Public information signs, including street name signs, posted by any state or local government as required by law and for the public safety.

V. Real estate signs are temporary signs, no more than three square feet in size, advertising the sale, lease or rental of real property or portions thereof and are removed within seven days of the completion of the sale, lease or rental of the property and not exceeding four such signs off-site directing traffic to the location of the real estate office.

W. Roof signs are signs erected, constructed, or placed upon or above a building roof or awning, canopy or marquee.

X. Seasonal displays are displays not advertising a company, product or special event associated with an individual business in the commercial or industrial districts of the city and for which an administrative review, pursuant to Chapter 17.53 of this code, has been approved or conditionally approved and which does not create a traffic hazard. Approval of an administrative, review may be granted if the finding is made that the display will enhance the aesthetic appearance of the retail area and will not be distracting from adjoining properties.

Y. Special event signs are signs for which an administrative review pursuant to Chapter 17.53 of this code has been approved or conditionally approved and include banners, flags, pennants, balloons and similar other signs used on a temporary basis and displayed for a limited period of time, not to exceed sixty days, to promote a new business, the sale of new products, new management, new hours of operation, new services or a special sale.

Z. Suspended signs are signs suspended from the underside of an awning, canopy, or marquee.

AA. Vehicle signs are those attached to or painted upon a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a
product sold or to an activity or business located on or nearby to property. (Ord. 448 § 2 (part), 1998)

BB. Set forth below is a graphic example of the type of signs referred to in this chapter. (Ord. 471 § 1, 2003)

17.49.035 Permitted Signs

All permitted signs require approval of the Planning Director and/or the Design Review committee.

A. Flush mounted or painted wall signs.
B. Awning and canopy signs if the primary purpose of the awning is for shade, and secondarily as a sign location. Letters and graphics are limited to no more than 50% of the awning surface. Internally illuminated awning signs are prohibited.
C. Monument signs.
D. Directory signs.
E. Portable signs and “A” frame signs such as menu boards for restaurants if they are stored indoors after hours of operation. No more than one (1) such sign will be allowed for any one business.
F. Temporary or special event signs as specified in subsection Y of section 17.49.030.
G. Banner signs may be used to advertise special events, sales, and promotions so long as they are attached to an unobtrusive frame but shall be allowed on display for no more than six months total for each calendar year. Frames for banner signs shall be
installed in a landscaped area that visually minimizes the frame during the times when the banner is not being used. Projecting signs. Projecting signs are more appropriate for buildings that lie within the historic downtown area of Live Oak than along the highway 99 corridor.

17.49.040 Prohibited Signs

Signs expressly prohibited in the City of Live Oak include the following:

A. A-frame signs except for real estate signs as specified in subsection (V) of section 17.49.030 or portable, and temporary signs as specified in section 17.49.035

B. Banners and other signs as described in subsection (D) of section 17.49.030 except those specified in section 17.49.035

C. Flashing signs as described in subsection (M) of section 17.49.030

D. Freestanding signs as described in subsection (N) of section 17.49.030

E. Vehicle signs as described in subsection (AA) of section 17.49.030

F. “Canned” signs. These are typically cabinet signs that are internally illuminated with plastic face(s) and are pre-fabricated. Corporate or chain-store signs may be allowed if they are sufficiently modified to reflect the small-town character of Live Oak.

G. Signs that create traffic hazards by obstructing sight clearance for vehicles or pedestrians.

H. Signs that create traffic hazards by reason of position, intensity of light, shape or color interfering with or being confused with any authorized traffic sign, signal or device.

I. Signs that interfere with mislead or confuse traffic by use of work symbols, phrases, shapes, or color.

J. Signs located within public rights of way or upon public property other than those signs established by the public entity. (Ord. 448 § 2 (part), 1998)

17.49.050 General Criteria

The following general criteria shall be applied to all new signs constructed in the city:

A. Commercial signs should reinforce Live Oak’s small town rural character.

B. Interesting wood and metal projecting signs with exterior illumination would be supported. Individual backlit letters on wall surfaces could be supportive in some areas. Larger cabinet-type, interior illuminated signs should generally be discouraged. When
developing signs all parties should be conscious of the desirability to create an overall character and appeal for the community, and resist the temptation to install large and aggressive signs.

C. Creative and unique signs should be encouraged.

D. Signs can do a great deal to express a unique personality for each business and the community as a whole. Icon signs, which have symbols in addition to letters, can be effective in achieving this uniqueness. They can be projecting, wall-mounted, or attached to low monuments in front of businesses.

E. Signs should be kept in scale with the small-town character desired for Live Oak.

F. Large signs, which try to draw customers by their sheer size and brightness, should be avoided. In general, letter size should be appropriate to the distance from which signs must be read. One inch of letter height for each fifty feet of viewing distance is a sign industry standard for minimum letter size. Larger letters are often appropriate if the overall design of the sign has a high visual quality. The amount of signage for any one establishment should be reasonable but not overdone. Not every service or brand of product needs to be displayed on the signs. (Ord, 448 § 2 (part), 1998)

17.49.060 Sign Lighting

Sign lighting shall be restricted to external lighting whenever possible. Lighting shall not flash or oscillate in any manner, except for temporary Christmas decoration lighting, nor shall colors used be detrimental to traffic safety.

All lighting shall be shielded to prevent illumination of adjacent property and light and glare onto roadways. (Ord. 448 § 2 (part), 1998)

17.49.070 Sign Maintenance

Every sign displayed within the city, including those signs for which permits are or are not required, shall be maintained in good physical condition. Dilapidated signs reflect poorly on the community as a whole, and as such, maintenance will be strictly enforced. All signs, together with supports, braces, anchors and electrical components, shall be kept in a safe, presentable condition. All defective or broken parts shall be replaced within a reasonable time. Any damaged or defective light bulbs on or in an illuminated sign shall be replaced in a timely manner. Exposed surfaces shall be kept clean, in good repair and painted on a regular basis. The city may order the repair or removal of any sign determined to be unsafe, defective, damaged, or substantially deteriorated. (Ord. 448 § 2 (part), 1998)

17.49.080 Sign Standards
The following tables establish standards relative to sign type, number of signs permitted, and area of signs, maximum height of signs permitted, text permitted, setbacks required, and lighting regulations. Measurement of sign areas shall include the entire face of the sign, including the surface and any framing, but not including the support structure. Individual letters on a building shall be measured by the area enclosed by a continuous line outlining the perimeter of the words, emblems, and logos used. Double-faced signs with less than 18 inches between faces shall be measured on one side only to determine the area of the sign. (Ord. 483 § 1, 2004)

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<td>Wall Signs</td>
<td>R-1, R-2</td>
<td>1 per street frontage</td>
<td>16 square feet</td>
<td>Name, logo and nature of occupancy of the building as permitted by use permit.</td>
<td>Attached to building</td>
<td>Below eave of building</td>
<td>External</td>
</tr>
<tr>
<td>Wall signs</td>
<td>R-3, R-4</td>
<td>1 per street frontage</td>
<td>16 square feet</td>
<td>Name, logo and nature of occupancy of the building</td>
<td>Attached to building</td>
<td>Below eave of building</td>
<td>External</td>
</tr>
<tr>
<td>Changeable copy signs</td>
<td>R-1, R-2</td>
<td>Attached to permitted sign</td>
<td>Less than 50% of permitted sign</td>
<td>Limited to the activities and events to be offered on the site</td>
<td>Attached to permitted sign</td>
<td>Same as permitted sign</td>
<td>External</td>
</tr>
<tr>
<td>Changeable copy signs</td>
<td>R-3, R-4</td>
<td>Attached to permitted sign</td>
<td>Less than 50% of permitted sign</td>
<td>Limited to the activities and events to be offered on the site</td>
<td>Attached to permitted sign</td>
<td>Same as permitted sign</td>
<td>External</td>
</tr>
</tbody>
</table>
### Table 17.49.080 – Sign Standards

**B. Commercial Districts (C-1, C-2 and C-3)**

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Zoning District</th>
<th>Maximum Number</th>
<th>Maximum Area/Sign</th>
<th>Permitted Text</th>
<th>Minimum Setbacks</th>
<th>Maximum Height</th>
<th>Lighting Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monument signs</td>
<td>C-1 C-2 C-3</td>
<td>1 per street frontage</td>
<td>32 square feet in C-1; 64 square feet in C-2 and C-3</td>
<td>Name, logo and nature of occupancy of the building</td>
<td>5 feet from any property line</td>
<td>6 feet in C-1; 10 feet in C-2 &amp; C-3</td>
<td>External for C-1 and C-2, Internally illuminated signs are permitted in C-3 along Hwy. 99 corridor</td>
</tr>
<tr>
<td>Banners</td>
<td>C-1 C-2 C-3</td>
<td>1 per building street frontage</td>
<td>8 square feet</td>
<td>Logos, special events, sales, or promotions</td>
<td>5 feet from any property line</td>
<td></td>
<td>External</td>
</tr>
<tr>
<td>“A” Frame Signs</td>
<td>C-1 C-2 C-3</td>
<td>1 per street frontage</td>
<td>8 square feet Max</td>
<td>Permanent border or “frame” with changeable text such as menus or specials within the border</td>
<td>On sidewalk adjacent to business</td>
<td>4 feet</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Directional Signs</td>
<td>C-1 C-2 C-3</td>
<td>1 per one-way drive; 2 per two-way drive</td>
<td>4 square feet</td>
<td>Directional and regulatory information; no more than 20% occupancy identification or logo</td>
<td>None</td>
<td>3 feet</td>
<td>External</td>
</tr>
<tr>
<td>Directory signs</td>
<td>C-1 C-2 C-3</td>
<td>1 per building street frontage</td>
<td>12 square feet</td>
<td>Name and nature of the occupancy to which the sign is directing the public</td>
<td>Adjacent to entry; not readable from street</td>
<td>6 feet</td>
<td>Internal or External</td>
</tr>
<tr>
<td>Wall signs</td>
<td>C-1 C-2 C-3</td>
<td>1 per street frontage</td>
<td>1 square foot/lineal foot of building frontage</td>
<td>Name, logo and nature of occupancy of the building</td>
<td>Attached to the building</td>
<td>Below eave of building</td>
<td>External</td>
</tr>
<tr>
<td>Projecting Wall Signs</td>
<td>C-1 C-2 C-3</td>
<td>1 per occupancy</td>
<td>Included in the area of Wall Signs</td>
<td>Name, logo and nature of occupancy of the occupancy of the building to which it is attached</td>
<td>Attached to building</td>
<td>Below eave of building</td>
<td>External</td>
</tr>
<tr>
<td>Awning or Canopy Signs</td>
<td>C-1 C-2 C-3</td>
<td>1 per occupancy</td>
<td>Less than 50% of the awning or canopy</td>
<td>Name and logo of occupancy of the building frontage to which it is attached</td>
<td>Attached to awning or canopy</td>
<td>Below top of awning or canopy</td>
<td>None</td>
</tr>
<tr>
<td>Suspended Signs</td>
<td>C-1 C-2 C-3</td>
<td>1 double-faced sign per entrance</td>
<td>6 square feet</td>
<td>Name and logo of occupancy of the building frontage to which it is attached</td>
<td>Attached to awning or canopy</td>
<td>Below top of awning or canopy</td>
<td>None</td>
</tr>
</tbody>
</table>
## Table 17.49.080 – Sign Standards

### C. Industrial Districts (M-1 and M-2)

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Zoning District</th>
<th>Maximum Number</th>
<th>Maximum Area/Sign</th>
<th>Permitted Text</th>
<th>Minimum Setbacks</th>
<th>Maximum Height</th>
<th>Lighting Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-site Signs Billboards</td>
<td>M-2 by Conditional Use Permit</td>
<td>1 per site</td>
<td>Less than 600 square feet</td>
<td>Advertising material</td>
<td>5 feet from any property line</td>
<td>30 feet</td>
<td>External</td>
</tr>
<tr>
<td>Monument Signs</td>
<td>M-1 M-2</td>
<td>1 per street frontage</td>
<td>64 square feet</td>
<td>Name, logo and nature of occupancy of the building</td>
<td>5 feet from any property line</td>
<td>10 feet</td>
<td>External</td>
</tr>
<tr>
<td>Directional Signs</td>
<td>M-1 M-2</td>
<td>1 per one-way drive; 2 per two-way drive</td>
<td>4 square feet</td>
<td>Directional and regulatory information; no more than 20% occupancy identification or logo</td>
<td>None</td>
<td>3 feet</td>
<td>External</td>
</tr>
<tr>
<td>Directional Signs</td>
<td>M-1 M-2</td>
<td>1 per building street frontage</td>
<td>12 square feet</td>
<td>Name and nature of the occupancy to which the sign is directing the public</td>
<td>Adjacent to entry; not readable from street</td>
<td>6 feet</td>
<td>Internal or External</td>
</tr>
<tr>
<td>Wall Signs</td>
<td>M-1 M-2</td>
<td>1 per street frontage</td>
<td>1 square foot/lineal foot of building frontage</td>
<td>Name, logo and nature of occupancy of the building</td>
<td>Attached to building</td>
<td>Below eave of building</td>
<td>External</td>
</tr>
<tr>
<td>Projecting Wall Signs</td>
<td>M-1 M-2</td>
<td>1 per occupancy</td>
<td>Included in the area of wall signs</td>
<td>Name, logo and nature of occupancy of the occupancy of the building frontage to which it is attached</td>
<td>Attached to building</td>
<td>Below eave of building</td>
<td>External</td>
</tr>
<tr>
<td>Awning or canopy signs</td>
<td>M-1 M-2</td>
<td>1 per occupancy</td>
<td>Less than 50% of the awning or canopy</td>
<td>Name and logo of occupancy of the building frontage to which it is attached</td>
<td>Attached to awning or canopy</td>
<td>Below top of awning or canopy</td>
<td>None</td>
</tr>
<tr>
<td>Suspended signs</td>
<td>M-1 M-2</td>
<td>1 double-faced sign per entrance</td>
<td>6 square feet</td>
<td>Name and logo of occupancy of the building frontage to which it is attached</td>
<td>Attached to awning or canopy</td>
<td>Below top of awning or canopy</td>
<td>None</td>
</tr>
</tbody>
</table>
Chapter 17.50 - REGULATIONS APPLICABLE TO ALL DISTRICTS

Sections:

17.50.010  Applicability
The regulations specified in this title shall be subject to the general provisions and exceptions set out in this chapter. (Ord. 265 § 24.01, 1981)

17.50.020  Rules Governing Use Of Zoning Map And Symbols
Where uncertainty exists as to the boundaries of any district shown on the zoning map, the following rules shall apply:

A. Where such boundaries are indicated as approximately following property, street or alley lines, such lines shall be construed to be such boundaries.

B. In unsubdivided property and where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the zoning map.

C. A symbol indicating the classification of property on the zoning map shall in each instance apply to the whole of the area within the district boundaries.

D. Where a public street, alley or parcel of land is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to such vacated or abandoned street or alley.

E. Where one land ownership is divided by a district boundary, the total ownership may be placed in either district by approval of a variance application. (Ord. 265 § 24.02, 1981)

17.50.030  Minimum Requirements
In interpreting and applying the provisions of this title, unless otherwise stated, they shall be held to be the minimum requirements for the promotion and protection of the public safety, health and general welfare. (Ord. 265 § 24.03, 1981)

17.50.040 Relationship To Other Regulations And To Private Restrictions

A. Where conflict occurs between the regulations of this title and any building code or other regulations effective within the city, the more restrictive of any such regulations shall apply.

B. It is not intended that this title shall interfere with or abrogate or annul any easement, covenants or other agreements now in effect; provided, however, that where this title imposes greater restrictions than are imposed or required by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this title shall apply. (Ord. 265 § 24.04, 1981)

17.50.050 Additional Uses Permitted

The following accessory, uses, in addition to those hereinbefore mentioned shall be permitted:

A. The renting of rooms and/or the providing of table board for not more than four paying guests in a dwelling;

B. The operation of necessary service facilities and equipment in connection with schools, colleges and other institutions when located on the site of the principal use;

C. Recreation, refreshment and service buildings in public parks, playgrounds and golf courses;

D. Off-street parking areas in conjunction with commercial uses may be permitted in R districts on properties adjoining C or M districts upon the securing of a use permit in each case;

E. Domestic pets, up to an aggregate number of six pets, but no more than three pets of any one species, may be permitted in R districts providing that such pets are not kept for commercial purposes. Domestic pets for the purpose of this section do not include horses, cows, mules, swine, hogs, goats, sheep, roosters, or any exotic animal otherwise normally found in the wild; notwithstanding exotic animals otherwise normally found in the wild may be allowed in all R districts when an appropriate permit from a recognized conservation organization has been secured by the owner and/or occupant of the premises;

F. Crop and tree farming and viticulture shall be permitted in all districts. The sale of agricultural products produced on the premises shall be permitted; provided, that no commercial structure shall be erected for such purpose in any R district;

G. Animal husbandry and livestock farming shall be permitted on any parcel containing at least five acres where no more than one animal is kept for each. one and one-half acre of land and; providing that any such animals shall be confined within a fenced enclosure not less than five hundred feet from any off-site dwelling or business establishment. (Ord. 319 § 1, 1988; Ord. 265 § 24.05, 1981)

17.50.055 Prohibited Uses:
“Medical Marijuana Dispensary” or “Dispensary” means any facility or location where medical marijuana is made available to and/or distributed by or to three or more of the following: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A “medical marijuana dispensary” shall not include the following uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with, applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.

17.50.060 Building Sites, Areas And Easements
A. Any lot or parcel of land in one ownership having an area sufficient for more than one dwelling may be divided in accordance with the city subdivision ordinance.
B. In the case of a corner lot abutting upon two streets, no detached accessory building shall be erected, altered or moved so as to occupy any part of the front half of such lot.
C. Any lot of record existing prior to March 21, 1962, shall be considered a legal building site.
D. A detached garage or accessory building not exceeding one story in height and without living quarters may occupy not more than fifty percent of the area of a required rear yard. In exception to the provisions of this section, a garage or other similar outbuilding not exceeding fifteen feet in height at the ridge may be built to the side and/or rear line, provided that said garage or similar outbuilding is not less than sixty feet from any street, and otherwise shall observe a five-foot clear distance for side yard and rear yard. A garage or accessory building that is not attached to and made a part of the main building shall not be closer than six feet clear distance to the main building. (Ord: 275. § 1, 2, 1983; Ord. 265 § 24.06, 1981)

17.50.070 Yards
A. No permanent structure shall be constructed, moved or enlarged so as to be located within or over any part of an open space established by set back lines.
B. Dimensions of irregular lots shall be computed by determining the average width and average depth; provided, however, no lot shall have less than forty feet of frontage on a street and a minimum width of fifty feet at the front yard building setback line.
C. For through lots in residence districts, one street frontages shall be deemed the front of the lot and one street frontages shall be deemed the rear. If the lot abuts a major and a minor street, the front of the lot shall be deemed to be on the minor street frontage.
subject to the approval of the Planning Director or the City Engineer. The frontage abutting the major street shall provide a one (1) foot wide “No Access” strip on the lot side of the major street right-of-way line along the entire length of each lot which abuts said right-of-way. A masonry or concrete wall six feet in height shall be constructed along the “No Access” strip to separate the lot from the major street.

D. No yard or other open space provided about any building of the purpose of complying with the regulations of this title shall be considered as providing a yard or open space for any other building or structure.

E. In cases where a building line or official plan line has been established, the required yards on the street frontages of lots shall be measured in accordance with such line and in no case shall the provisions of this title be construed as permitting any structure to extend beyond such line.

F. Garages, carports and other accessory buildings may be attached to and have a common wall with the main building, or, when located as required by this title, may be connected thereto by a breezeway. No parking spaces as required by this title shall be located in any required front yard, or in any required side yard on the street side of any corner lot.

G. In cases where side yards are to be computed on the basis of twenty percent of the width of the lot under the terms of this title no such side yard need exceed fifteen feet in width unless required by other regulations.

H. Cornices, eaves, canopies, fireplaces and similar architectural features, but not including any flat wall or window surface, may extend into any required yard a distance not to exceed two feet.

I. Uncovered porches, or stairways, fire escapes or landing places may extend into any required front or rear yard a distance not to exceed six feet and into any required side yard a distance not exceeding one-half of the width of the side yard required for the lot.

J. In any R district where fifty percent or more of the building sites in any one block or portion thereof in the same district have been improved with buildings, the required front yard shall be of a depth equal to the average of the front yards of the improved building sites, to a maximum requirement of that specified for the district but in no case less than sixteen feet.

K. In R districts a minimum rear yard may be reduced to ten feet for single-story construction provided the average rear yard is equal to or exceeds the rear yard area as required by this title.

L. In R districts, fences in side and rear yards may not exceed six feet in height. In R districts, hedges, fences and walls may not exceed a height of three feet in any required front yard except that chain link or ornamental fences may not exceed three and one-half
feet. On street side yards, fences may not exceed six feet in height provided that they are not within the equilateral triangular area formed by the intersection or projection of street property lines and a line connecting two points on the intersecting street lines each fifty feet from the point of intersection of the property lines. Notwithstanding any other provisions of this chapter, the council may require fences or hedges existing prior to the adoption date of these use regulations for fences and hedges, which do not conform to the height limitations of this chapter, to be lowered when, in the opinion of the City Engineer or Public Works director, such nonconforming fences or hedges constitute a hazard to traffic visibility. Fences for new residential uses where permitted in C and M districts shall be provided for yards in accordance with the requirements of the district conforming to the use.

In R districts, brushes and shrubs over three feet in height shall not be permitted and trees and other objects which obscure visibility as determined by the City Engineer or Public Works director shall not be permitted in front and street side yards at corner lots within the equilateral triangular area formed by the intersection or projection of street property lines and a line connecting two points on the intersecting street lines each fifty feet from the point of intersection of the property lines.

M. In R districts, no yard or lot, or any portion thereof, shall be used for the storage of lumber, lime, cement, plaster, building materials, machinery, trucks or other materials or for equipment used in and for any business.

N. In case a dwelling is to be located so that the front or rear thereof faces any side or rear lot line, such dwelling shall be located not less than ten feet from such lot line.

O. In any full block of lots, the front yards may be varied so that the required yard depth is not reduced more than five feet, the average of all lots equals the required yard depth and corner lot yards are not reduced.

P. Flag lots may be permitted in planned development combining districts where conditions preclude direct lot frontage on the abutting street. In such case the access strip shall be not less than twenty feet in width and shall not exceed one lot in depth. In calculating the lot area of a flag lot, the square footage included in the access strip shall not be counted. The lot width shall be measured at the front yard setback line as designated by the planning commission.

Q. Yards required for residential buildings which may be permitted by use permit shall be as required for the particular district or for R-4 districts, whichever yard requirements are greater. (Ord. 483 § 2; Ord. 405 § 2, 1994; Ord. 271 (pad), 1983; Ord. 265 § 24.07, 1981)

17.50.080 Height Exceptions
Towers, spires, chimneys, machines, penthouses, scenery lofts, cupolas, water tanks, radio aerials, television antennae and similar architectural and utility structures and necessary mechanical appurtenances may be built and used to a height not more than twenty-five feet above the height limit established for the district in which the structures
are located; provided, however, that no such architectural or utility structure in excess of
the allowable building height shall be used for sleeping or eating quarters. Additional
heights for public utility structures may be permitted upon the approval of the planning
commission. Height limitations provided herein shall not apply to public utility
transmission and distribution towers and pole lines. (Ord. 265 § 24.08, 1981)

17.50.090  Housing Bonus Incentive

A. When a developer of housing agrees to construct at least twenty-five percent of the
total units of a housing development for persons and families of low and moderate
income as defined by Section 50093 of the Health and Safety Code, the city will enter
into an agreement with the developer to either grant a density bonus or provide not less
than two other bonus incentives for the project low and moderate income is defined in the
Health and Safety Code Section 50093 as persons and families whose income does not
exceed one hundred twenty percent of the Sutter County area median income.

B. “Density bonus” means a density increase of at least twenty-five percent over the
otherwise allowable residential density at the site based on the applicable zoning
ordinance. The density bonus shall not be included when determining the otherwise
allowable residential density. The density bonus allowance shall apply only to housing
developments consisting of five or more dwelling units.

C. The city may agree to other bonus incentives which include, but are not limited to:
1. Exemption of the development park and recreation fees and dedication requirements of
   Section 66477 of the Government Code and any local ordinances adopted pursuant thereto;
2. Construction of public improvements appurtenant to the proposed housing
development, which may include, but shall not be limited to, streets, sewers and
   sidewalks;
3. Utilization of federal or state grant moneys or local revenues to provide the land on
   which the housing development will be constructed at a reduced cost;
4. Exemption of the development from any provision of local ordinances which may
   cause an indirect increase in the cost of the housing units to be developed.

D. Nothing in this section shall preclude the city from taking any additional actions
which will aid housing developers to construct housing developments with twenty-five
percent or more of the total units of housing development for persons and families of low
or moderate income. The determination of the means by which the city will comply with
this section shall be in the sole discretion of the city, provided that no developer shall be
required to enter into an unacceptable agreement as a prerequisite to approval of a
housing development.

E. Where there is a direct financial contribution by the city to a housing development
pursuant to this section through participation in cost of infrastructure, write-down of land
costs, or subsidizing the cost of construction, the city shall assure continued availability
for low and moderate income units for thirty years. When appropriate, an agreement shall
specify the mechanisms and procedures necessary to carry out this section. (Ord. 265 §
24.09, 1981)
17.50.090  Improvements Required

A. No building permit shall be issued to construct, erect or move onto a lot any building or structure, unless provisions have been made for the dedication of the necessary right-of-way for street and highway purposes, and unless provisions have been made for the improvement of that portion of a street upon which such lot fronts and abuts,

B. For the purpose of this section construct, erect, or move onto a lot does not include construction of alterations or additions to existing buildings or structures.

C. For the purpose of this section, the words “provisions have been made for the dedication” shall be deemed to have been satisfied if the owner of the lot has signed and filed a statement with the city that he will dedicate to the city, at no cost to the city, the required right-of-way.

D. For the purposes of this section, the word “improvement” means and includes the installation of not less than such curbs, gutters and sidewalks as are required on that side of the centerline of the street which adjoins such lot. Such improvements shall be constructed under permits issued by and to standards established by the public works department.

E. For the purposes of this section, the words “provisions have been made for the improvement” shall be deemed to have been satisfied if any one of the following exists:

1. All of the required improvements are in place in conformity with the existing requirements of the public works department; or

2. A good and sufficient bond is on file with the city which guarantees that upon sixty days’ notice by the city the required improvements will be constructed; or

3. The owner and/or developer has signed and filed with the city an agreement approved by the council which guarantees that the required improvements will be constructed within two years of the date of the issuance of the building permit. The period may be extended upon approval of the city council; or

4. A cash deposit in an amount sufficient to pay the contract cost of such improvement.

(Ord. 308 § 1, 1987)

17.50.100  Landscaping And Screening

In addition to the requirements for landscaping set forth in the individual zone districts, the following requirements shall be met:

A. Decorative Walls. Where decorative walls are required or permitted adjacent to street rights-of-way, such walls shall be set at least five feet from the right-of-way line and the area shall be landscaped with live material as specified in the applicable district. Such landscaping shall be irrigated and maintained as provided for trees in the district.

B. All trash collection points and loading areas shall be screened from view from adjacent streets or highways by decorative walls or dense landscaping. Such screening shall be maintained by the property owner as provided for trees in the district.
C. Security or parking lot lighting in landscaped areas shall be coordinated with the landscape plan to assure that vegetation growth will not interfere with the intended illumination.

D. Total parking area, as used for landscaping and shading requirements, shall be measured between lines drawn five feet outside of the paved areas used for parking and maneuvering area, but not including accessways. Shading requirements can partially be met by perimeter or yard trees insofar as such trees actually shade such total parking area.

E. Provision of landscaping to meet the requirements of this chapter shall be deemed to have been satisfied if any one of the following exists:

1. All of the required landscaping is installed in conformance with the requirements and standards; or

2. A surety in an amount equal to the estimated cost of landscaping, including materials and installation, is on file with the city which guarantees that the required landscaping shall be installed within one hundred twenty days of issuance of a certificate of occupancy, and an agreement is on file with the city to assure completion of the landscaping within such time. The surety may take the form of a cash deposit, letter of credit or bond, and, together with the agreement, would provide for payment to the city of any costs incurred in contracting for completion of the required landscaping.

F. The landscape requirements of this chapter shall be applied so that:

1. All new development shall provide landscaping, shading and screening as specified in the applicable zone district:

2. All expansion of floor area or change of use in an existing development on property containing less than five acres which requires additional parking shall provide landscaping, shading and screening for such additional parking area as specified in the applicable zone district; and

3. All expansion of floor area or change of use in an existing development on property containing more than five acres shall provide landscaping, shading and screening as specified in the applicable zoning district. (Ord. 333 § 1(J), 1989)

Section 17.51 - SECOND UNITS

Sections:

17.51.010 Purpose.
17.51.020 Use permit.
17.51.030 Second unit defined.
17.51.040 Appearance.
17.51.050 Parking.
17.51.060 Occupancy.
17.51.070 Construction.
17.51.010  Purpose
The purpose of this chapter is to provide housing for low and moderate income households without public subsidy, to provide for unmet housing needs, to reduce the cost of construction, to enable purchasers to meet loan payments and to provide security for homeowners who are alone. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.51, 1981)

17.51.020  Use Permit
Upon application to the city planning commission in any residential district, the planning commission may issue a conditional use permit in accordance with Chapter 17.52 for the construction of a second unit on a parcel of land where a single-family residence exists. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.52, 1981)

17.51.030  Second Unit Defined
A ‘second unit” means a detached dwelling unit which provides complete, independent living facilities for not more than two persons and it includes permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel of land as the primary unit is situated. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.53, 1981)

17.51.040  Appearance
If a second unit is constructed on a parcel, the principal dwelling building entry and its design shall be such that to a degree reasonably possible, the principal building and the second unit will appear as a one-family residence from the street side of the buildings. There shall be no external entrance in addition to that of the principal dwelling that faces the same street. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.54, 1981)

17.51.050  Parking
In addition to the requirements for off-street parking set forth in this chapter, for the principal building occupying the parcel, one additional off-street parking space shall be furnished for each bedroom constructed in the second unit. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.55, 1981)

17.51.060  Occupancy
Either the second unit or the principal residence shall be occupied by the owner of the parcel on which the second unit is located. The parcel upon which a second unit is located or added, shall be or have been owner-occupied by the current owner/occupant for the last twelve calendar months preceding the date of application for a use permit. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.56, 1981)

17.51.070  Construction
A. Construction shall conform to height, setback, lot coverage, site plan review, fees, parking charges and other ordinances, and zoning requirements applicable to residential construction shall apply to second units. All of the requirements of Section 17.22.100.
entitled “minimum distances between main buildings on same lot,” shall apply to second units.

B. “Living area” means the interior inhabitable area of a dwelling unit including basements and walls and shall not include a garage or other accessory structure. The living area of a second unit shall be not less than four hundred square feet and not more than six hundred forty square feet. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.57, 1981)

17.51.080 Nonconforming Use

Any existing second unit at the time of adoption of the ordinance codified in this chapter which does not conform to the provisions of this title shall be a nonconforming second unit. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.58, 1981)

17.51.090 Application Procedure

An application for a conditional use permit for a second unit shall include the following items:

A. A notarized letter from the owner stating that one of the dwelling units on the premises will be occupied by the owner.

B. A combination floor plan and plot plan of scale one-quarter inch to the foot shall be submitted to the planning commission accompanying the application for a second unit.

C. Purchasers of homes that have conditional use permits for second units who want to continue renting second units shall reapply for a conditional use permit and shall demonstrate that the provisions of this chapter have been met. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.59, 1981)

Chapter 17.52 - USE PERMITS

Sections:

17.52.010 Purpose.
17.52.020 Application and fee.
17.52.030 Action by the planning commission.
17.52.040 Revocation.
17.52.050 Appeal.

17.52.010 Purpose

Use permits, which may be revocable, conditional or valid for a term period, may be issued by the planning commission for any of the uses or purposes for which such permits are required or permitted by the terms of this title. Guarantees to insure compliance with terms and conditions may be required by the commission, (Ord. 265 § 25.01, 1981)

17.52.020 Application And Fee
A. Application for a use permit shall be made to the planning commission by filing an application form available from the commission secretary together with information necessary to adequately describe the proposal being made including:

1. A detailed description of the proposal requiring the use permit:

2. Twenty copies of a plot plan of the property involved, drawn accurately at a scale of one inch equals twenty, thirty, forty, fifty, sixty, or one hundred feet, on a reproducible page of standard size, and showing all pertinent information with complete locational and size dimensions including:
   a. Property lines,
   b. Existing and proposed buildings,
   c. Location, widths and names of adjacent streets, including widening required,
   d. Parking spaces and aisles to standards of the zoning regulations,
   e. Existing easements affecting the property,
   f. Existing and proposed landscaped areas, including the name, canopy area and condition of any trees on the site having a diameter of three inches or more measured one foot from ground level and similar information on proposed landscaping, and
   g. Walls, fences, driveways, sidewalks, signs, trash enclosures and other minor improvements existing or proposed on the site;

3. Mailing labels addressed to each property owner within three hundred feet of the site;

4. Authorization for application by the owner(s) having an interest in the property. (This may be included in the application form as noted in subsection A of this section;)

5. A fee as established by the city council to cover the costs of processing the application.

B. A finding of incomplete application shall invalidate the application and the applicant will be notified of such finding to allow necessary revisions.

C. An environmental assessment will be made and must be complete prior to acceptance of the application for filing.

D. Upon acceptance of an application for filing, the city clerk shall schedule the application for public hearing by the planning commission on the next regularly scheduled meeting for which adequate legal notice may be published according to law.

E. The planning commission shall conduct a public hearing on the application in accord with its standards and procedures. (Ord. 383 § 5, 1992: Ord. 265 § 25.02, 1981)

17.52.030 Action By The Planning Commission

The findings of the planning commission shall be that the establishment, maintenance or operation of the use or building applied for will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or to be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city. (Ord. 265 § 25.03, 1981)
17.52.040  Revocation

A. In any case where the conditions of the granting of a use permit have not been, or are not, complied with, the planning commission shall give notice to the permittee of intention to revoke such permit at least ten days prior to a hearing thereon. Following such hearing the planning commission may revoke such permit.

B. In any case where a permit has not been used within one year after the date of granting thereof, then without further action by the planning commission, the use permit granted shall be null and void. (Ord. 265 § 25M4, 1981)

17.52.050  Appeal

Appeal from any finding of the planning commission may be made in writing to the city council within ten days from the date of the commission’s action. (Ord. 265 § 25.05, 1981)

Chapter 17.53 - ADMINISTRATIVE REVIEW

Sections:

17.53.010  Purpose.
17.53.020  Application and fee.
17.53.030  Action by the city staff.
17.53.040  Revocation.
17.53.050  Appeal.

17.53.010  Purpose

Administrative review is intended to streamline the process of permitting uses in certain zone districts which might be objectionable if not carefully reviewed for compliance with criteria established by this title. Approvals, which may be revocable, conditional or valid for a term period, may be issued by the planning director for any of the uses or purposes for which such administrative review is required or permitted by the terms of this title. (Ord. 404 § 2, 1993)

17.53.020  Application And Fee

A. Application for administrative review shall be made upon an application form supplied by the city and shall include pertinent information to insure that full disclosure of the proposed use is provided. The application form shall provide blanks to be filled in by the applicant to include data specifically relevant to the use proposed and certification by the applicant that the limiting criteria are understood and the information supplied is true and correct.

B. Application for administrative review shall include a fee as established by the city council to cover the costs of processing the application. (Ord. 404 § 2, 1993)

17.53.030  Action By The City Staff
Upon receipt of the application and fee, the planning director or authorized agent shall review the application to insure conformance to the criteria for the use as established by the terms of this title. The planning director or authorized agent shall, within seven working days, approve, conditionally approve, or deny the application based upon agreement between the certified information on the application and the criteria for the use as established by the terms of this title. The approval, conditional approval or denial and any supporting statements therefore shall be written upon the application form a copy of which will be provided to the applicant. (Ord. 404 § 2, 1993)

17.53.040 Revocation
In any case where the data supplied and certified by the applicant as true and correct is found to be incorrect or where the conditions of approval have not been met the planning director or authorized agent shall give notice to the applicant of intention to revoke the administrative review approval and a time, date and place for an administrative hearing on the proposed revocation. The applicant should appear at the administrative hearing to show cause why the approval should not be revoked, (Ord. 404 § 2, 1993)

17.53.050 Appeal
Appeal from any finding of the planning director or authorized agent relative to administrative review may be made in writing to the city council within ten days from the date of notice of the administrative review action. (Ord. 404 § 2, 1993)

Chapter 17.54 - VARIANCES

Sections:

17.54.010 Purpose.
17.54.020 Application and fee.
17.54.030 Public hearing.
17.54.040 Action by planning commission.
17.54.050 Appeal.
17.54.060 Revocation.

17.54.010 Purpose
Where practical difficulties, unnecessary hardships or results inconsistent with the purposes and intent of this title may result from the strict application of certain area, height, yard and space requirements thereof, variances in such requirements may be granted as provided in this chapter. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not expressly authorized by the zone or regulations governing the parcel. (Ord. 265 § 26.01, 1981)

17.54.020 Application and Fee
A. Application for a variance shall be made to the planning commission by filing an application form available from the commission secretary together with information necessary to adequately describe the proposal being made including:

1. A detailed description of the proposal requiring the variance, together with statements showing how the project will meet the requirements for variance summarized below:
   a. That there is something unusual about the project site preventing development in accordance with the zoning regulations to the same standards found on other properties in the neighborhood and in the same zoning classification,
   b. That the variance would not be a grant of special privilege,
   c. That the variance will not be detrimental in any way to neighboring properties or to the city as a whole;

2. Twenty copies of a plot plan of the property involved, drawn accurately at a scale of one inch equals twenty, thirty, forty, fifty, sixty, or one hundred feet, on a reproducible page of standard size, and showing all pertinent information with complete locational and size dimensions including:
   a. Property lines,
   b. Existing and proposed buildings,
   c. Location, widths and names of adjacent streets, including widening required,
   d. Parking spaces and aisles to standards of the zoning regulations,
   e. Existing easements affecting the property,
   f. Existing and proposed landscaped areas, including the name, canopy area and condition of any trees on the site having a diameter of three inches or more measured one foot from ground level and similar information on proposed landscaping, and
   g. Walls, fences, driveways, sidewalks, signs, trash enclosures and other minor improvements existing or proposed on the site;

3. Mailing labels addressed to each property owner within three hundred feet of the site;

4. Authorization for application by the owner(s) having an interest in the property. (This may be included in the application form as noted in subsection A of this section);

5. A fee as established by the city council to cover the costs of processing the application.

B. A finding of incomplete application shall invalidate the application and the applicant will be notified of such finding to allow necessary revisions.

C. An environmental assessment will be made and must be complete prior to acceptance of the application for filing.

D. Upon acceptance of an application for filing, the city clerk shall schedule the application for public hearing by the planning commission on the next regularly scheduled meeting for which adequate legal notice may be published according to law.

E. The planning commission shall conduct a public hearing on the application in accord with its standards and procedures. (Ord. 383 § 6, 1992; Ord. 265 § 26.02, 1981)
17.54.030  Public Hearing
A public hearing shall be held within sixty days after a filing of application, notice of which shall be given by at least one publication in a newspaper of general circulation in the city and/or by posting notice on the property involved or adjacent thereto at least ten days prior to such hearing. (Ord. 265 § 26.03, 1981)

17.54.040  Action By Planning Commission
Within thirty days after the public hearing, the planning commission shall make a finding of facts showing whether the qualifications under Section 17.56.020 apply to the land, building, or use for which variance is sought and whether such variance shall be in harmony with the general purposes of this title. Such written finding of facts shall be the basis for the granting, conditional granting or denial of the variance. (Ord. 265 § 26.04, 1981)

17.54.050  Appeal
Appeal from any finding of the planning commission may be made in writing to the city council within ten days from the date of the commission’s action, (Ord. 265 § 26.05, 1981)

17.54.060  Revocation
A. In any case where the conditions of granting of a variance have not or are not, complied with, the planning commission shall give notice to the permittee of intention to revoke such variance at least ten days prior to hearing thereon. After conclusion of the hearing, the commission may revoke such variance.
B. In any case where a variance has not been used within one year after the date of granting thereof, then without further notice by the planning commission, the variance granted shall be null and void. (Ord. 265 § 26.06, 1981)

Chapter 17.56 - NONCONFORMING BUILDINGS AND USES

Sections:

17.56.010  Purpose
The provisions set out in this chapter shall govern the continuance of nonconforming buildings and uses existing prior to the effective date of the use regulations in the district in which they are located. (Ord. 265 § 27.01, 1981)
17.56.020 Nonconforming Buildings

Except as otherwise herein provided, such buildings may be maintained under the following provisions:

A. Authorized Maintenance. Maintenance requiring a permit shall be permitted in accordance with the building code of the city.

B. Additions—Enlargements—Moving.

1. A building nonconforming as to use regulations shall not be added to or enlarged, unless such building, including such additions, is made to conform to all the regulations of the district in which it is located, except as permitted by a use permit.

2. A building nonconforming as to height or area regulations shall not be added to or enlarged, unless such additions conform to all the regulations of the district in which it is located.

3. No nonconforming building shall be moved in whole or in part to any other location on the lot, unless every portion is made to conform to all the regulations of the district in which it is located.

C. Restoration of Damaged Buildings. A nonconforming building which is damaged or partially destroyed by fire, calamity or act of God to the extent of not more than fifty percent of its replacement value at that time may be restored, provided the total cost of such restoration does not exceed fifty percent of the value of the building at the time of such damage. In the event such damage exceeds fifty percent of the value of the building, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all the regulations of the district in which it is located, except that nonconforming owner-occupied buildings, at the time of the fire, calamity or act of God, may be restored by obtaining a use permit. (Ord. 265 § 27.02, 1981)

17.56.030 Nonconforming use of buildings.

A. Continuation and Change of Use. Except as otherwise herein provided:

1. The nonconforming use of a building which existed at the time this title became effective may be continued.

2. If no structural alterations are made, the use of a nonconforming building may be changed to a use of the same or more restrictive classification as determined and approved by the planning commission.

3. A vacant nonconforming building may be occupied by a use for which the building was designed if so occupied within a period of six months after the effective date of this title, or after the date when the building became vacant.

B. Expansion Prohibited. A nonconforming use of a portion of a building otherwise conforming to the use regulation shall not be expanded or extended into any other portion of such building. If such a nonconforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building or portion thereof shall conform to all the regulations of the district in which it is located.
C. Construction Begun. Nothing in this chapter shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the effective date of this chapter; actual construction being defined as placing of construction materials in a permanent manner, excavation for construction purposes, or demolition of existing structures preparatory to rebuilding; provided, that in all cases construction work shall be diligently carried on to completion.

D. Declaration of Conformity. Any use of a building for which a use permit is required or for which a use permit may be granted, as provided in this title, which use is existing at the time of adoption of this title, in any district, in which such use is permitted subject to securing a use permit, shall without further action be deemed to be a conforming use in such district. (Ord. 265 § 27.03, 1981)

17.56.040 Nonconforming Use Of Land

The nonconforming use of land, except as otherwise herein provided, which existed at the time this chapter became effective, may be continued provided as follows:

A. That no such nonconforming use of land, except land for additions to nonconforming buildings which have been permitted by use permits, shall in any way be expanded or extended either on the same or on adjoining property;

B. That if such nonconforming use of land or any portion thereof is discontinued for six months or changed, any future use of such land shall be in conformity with the provisions of this chapter. (Ord. 265 § 27.04, 1981)

17.56.050 Occupancy Permit

The owner or occupant of any land or building classified as a nonconforming use under provisions of this title shall, upon notification by the planning commission, make application for a certificate of use and occupancy and shall annually thereafter apply for renewal of the certificate. (Ord. 265 § 27.05, 1981)

17.56.060 Use Permits

Use permits shall be as provided in Chapter 17.52. (Ord. 265 § 27.6, 1981)

Chapter 17.58 - AMENDMENTS, ALTERATIONS AND CHANGES IN DISTRICTS

Sections:

17.58.010 Procedure
17.58.020 Application and fee

17.58.010 Procedure

This title may be amended by changing the boundaries of districts or by changing any other provisions thereof whenever the public necessity and convenience and the general welfare require such amendment by procedure prescribed by law. (Ord. 265 § 28, 1981)

17.58.020 Application and Fee
Application for an amendment to Title 17, the zoning regulations of the city, whether to the text herein or to change zoning applied to individual properties, shall be made to the planning commission by filing an application form available from the commission secretary together with a fee adopted by the city council to cover the costs of the application and information necessary to adequately describe the proposal being made:

A. Text changes shall include the following information:
1. The section number(s) affected by the proposed change;
2. The wording of the proposed change to the text;
3. A description of how the change will implement the general plan, citing specific sections of the plan affected, and how the change will be in the best interests of the city;
4. Arguments in favor of the text change.
B. Changes to specific zoning applications shall include the following information:
1. The purpose of the zoning change;
2. A legal description of the property included in the application;
3. The assessor’s parcel number(s) applied to the subject property by the Sutter County assessor;
4. A description of how the change will implement the general plan, citing specific sections of the plan affected, and how the change will be in the best interests of the city;
5. Arguments in favor of the zone change.
C. A finding of incomplete application shall invalidate the application and the applicant will be notified of such finding to allow necessary revisions.
D. An environmental assessment will be made and must be complete prior to acceptance of the application for filing.
E. Upon acceptance of an application for filing, the city clerk shall schedule the application for public hearing by the planning commission on the next regularly scheduled meeting for which adequate legal notice may be published according to law.
F. The planning commission shall conduct a public hearing on the application in accord with its standards and procedures.
G. The planning commission shall report its findings and recommendations on the application to the city council within thirty days of the completion of the commission hearing.
H. Upon receipt of the planning commission report on the application, the city council shall schedule the application for public hearing on the next regularly scheduled meeting for which adequate legal notice may be published according to law.
I. The city council shall hold a public hearing on the application in accord with its standards and procedures.
J. Upon completion of its public hearing process, the city council may adopt findings and conclude to:
1. Reject the application; or

2. Approve the application in whole or in part, introduce and adopt an ordinance affecting the change and cause such approved change to be published as required by law; or

3. Refer the matter back to the planning commission for report within forty-five days to reopen the council hearing upon receipt of the commission report and conclude as in paragraphs (1) or (2) of this subsection. (Ord. 383 § 7, 1992)

**Chapter 17.60 - ENFORCEMENT, LEGAL PROCEDURE AND PENALTIES**

**Sections:**

17.60.010 Application

All departments, officials and public employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no such permit or license for uses, buildings, purposes where the same would be in conflict with the provisions of this title. (Ord. 265 § 29.01, 1981)

17.60.020 Enforcement

It shall be the duty of the building inspector and of the officers of the city herein and/or otherwise charged by law with the enforcement of ordinances of the city, to enforce this title and all the provisions of the same. (Ord. 265 § 29.02, 1981)

17.60.030 Violation a Misdemeanor

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating any of the provisions of this title shall be guilty of a misdemeanor and punishable as such, and shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by such person, firm or corporation. (Ord. 265 § 29.03, 1981)

17.60.040 Abatement

Any building set up, erected, built, moved or maintained and/or any use of property contrary to the provisions of this title shall be and the same is declared to be unlawful and a public nuisance and the city attorney shall, within thirty days from the date of notice, commence proceedings for the abatement, removal and enjoinder thereof in the manner provided by law and shall take other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building, or use and restrain and enjoin any persons, firm, or corporation from setting up, erecting, building,
moving or maintaining any such building or using any property contrary to the provisions of this title. (Ord. 265 § 29.04, 1981)

17.60.050 Remedies Cumulative

All remedies provided for herein shall be cumulative and not exclusive. (Ord. 265 § 29.05, 1981)
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