

# CITY CODE OF CORCORAN, CALIFORNIA

Current through ordinances up to and including ordinance 610, passed July 20, 2009

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## PREFACE

This city code of the city of Corcoran, as supplemented, contains ordinances up to and including ordinance 610, passed July 20, 2009. Ordinances of the city adopted after said ordinance supersede the provisions of this city code to the extent that they are in conflict or inconsistent therewith. Consult the city office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

Sterling Codifiers

Cincinnati, Ohio

## ORDINANCES PENDING CODIFICATION

Ordinances listed have been passed, but have not been incorporated in the actual code. Please contact the office of the clerk if there are any questions concerning the ordinances listed.

## ADOPTING ORDINANCE

### ORDINANCE NO. 519

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORCORAN ADOPTING THE CITY CODE OF THE CITY OF CORCORAN, CALIFORNIA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORCORAN, CALIFORNIA, A CALIFORNIA MUNICIPAL CORPORATION:

SECTION 1: From and after the date of passage of this Ordinance, the City Code of the City of Corcoran, California, prepared by Sterling Codifiers, Inc., containing the compilation of all ordinances of a general nature together with the changes made to said ordinances, under the direction of the governing body of the City, shall be accepted in all courts without question as the Official Code and Law of the City as enacted by the Corcoran City Council.

SECTION 2: There is hereby adopted, as a method of perpetual codification, the loose-leaf type of binding together with the continuous supplement service, provided by Sterling Codifiers, Inc., whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding or deleting provisions of the Official City Code is identified by the proper catchline and is inserted in the proper place in each of the official copies, three (3) copies of which shall be maintained in the office of the City Clerk, certified as to correctness and available for inspection at any and all times that said office is regularly open.

SECTION 3: All ordinances of a general nature included in this Official City Code shall be considered as a continuation of said ordinance provision and the fact that some provisions have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said Official City Code. All ordinances of a special nature, such as tax levy ordinances, bond ordinances, franchises, vacating ordinances and annexation ordinances shall continue in full force and effect unless specifically repealed or amended by a provision of the City Code. Such ordinances are not intended to be included in the Official City Code.

SECTION 4: It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

SECTION 5: All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

SECTION 6: This Ordinance and the Code adopted by the same shall be in full force and effect from and after its passage, approval and publication in accordance with law, as printed and published in book form by order of the City Council of the City of Corcoran.

I, Connie Harris, City Clerk of the City of Corcoran, hereby certify that this Ordinance was INTRODUCED on the 19th day of August, 1996, and PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CORCORAN at a meeting thereof held on the 3rd day of September, 1996, by the following vote of the members thereof:

AYES: Councilmembers Kwast, Quintanilla, Lerma and Rachford

NOES: None

## TITLE 1

### ADMINISTRATION

#### CHAPTER 1

#### OFFICIAL CITY CODE

SECTION:

**1-1-1: Title**

**1-1-2: Acceptance**

**1-1-3: Amendments**

**1-1-4: Code Alterations**

**1-1-1: TITLE:**

Upon the adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official City Code of Corcoran. This City Code of ordinances shall be known and cited as the *CORCORAN CITY CODE* and is hereby published by authority of the Council and shall be supplemented to incorporate the most recent legislation of the City as provided in Section 1-1-3 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents. (1996 Code)

**1-1-2: ACCEPTANCE:**

The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Title. (1996 Code)

**1-1-3: AMENDMENTS:**

Any ordinance amending the City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code. (1996 Code)

**1-1-4: CODE ALTERATIONS:**

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The City Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk. Any person having custody of a copy of the City Code shall make every effort to maintain said Code current as to the most recent ordinances passed. Such person shall see to the immediate insertion of new or replacement pages when such are delivered or made available to such person through the office of the City Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the City Clerk when directed so to do by order of the City Council. (1996 Code)

#### CHAPTER 2

#### SAVING CLAUSE

SECTION:

**1-2-1: Repeal Of General Ordinances**

**1-2-2: Public Ways And Public Utility Ordinances**

**1-2-3: Court Proceedings**

**1-2-4: Severability Clause**

**1-2-1: REPEAL OF GENERAL ORDINANCES:**

All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are included in this City Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances. (1996 Code)

**1-2-2: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:**

No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the preceding Section, excepting as the City Code may contain provisions for such matters, in which case, this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (1996 Code)

**1-2-3: COURT PROCEEDINGS:**

A. No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued

or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

B. This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

C. Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code. (1996 Code)

#### **1-2-4: SEVERABILITY CLAUSE:**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1996 Code)

## **CHAPTER 3**

### **DEFINITIONS**

#### **SECTION:**

##### **1-3-1: Construction Of Words**

##### **1-3-2: Definitions, General**

##### **1-3-3: Catchlines**

##### **1-3-1: CONSTRUCTION OF WORDS:**

A. Whenever any word in any section of this City Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this City Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.

B. The word "ordinance" contained in the ordinances of the City has been changed in the content of this City Code to "Title", "Chapter", "Section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the City's ordinances is not meant to amend passage and effective dates of such original ordinances. (1996 Code)

##### **1-3-2: DEFINITIONS, GENERAL:**

Whenever the following words or terms are used in this Code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

**AGENT:** A person acting on behalf of another with authority conferred, either expressly or by implication.

**CITY:** The City of Corcoran, County of Kings, State of California.

**CODE:** The Municipal Code of the City of Corcoran.

**COUNCIL:** Unless otherwise indicated, the City Council of the City of Corcoran.

**COUNTY:** The County of Kings, State of California.

**EMPLOYEES:** Whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words "of the City of Corcoran".

**FEE:** A sum of money charged by the City for the carrying on of a business, profession or occupation.

**GENDER:** A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.

**LICENSE:** The permission granted for the carrying on of a business, profession or occupation.

**NUISANCE:** Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the City, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.

**OCCUPANT:** As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

**OFFENSE:** Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

**OFFICERS:** Whenever reference is made in this Code to a City officer by title only, this shall be construed as though followed by the words "of the City of Corcoran".

**OPERATOR:** The person who is in charge of any operation, business or profession.

**OWNER:** As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

**PERSON:** Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

**PERSONAL PROPERTY:** Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

**RETAILER:** Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

**RIGHT OF WAY:** The privilege of the immediate use of the roadway or other property.

**STATE:** The State of California.

**STREET:** Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

**TENANT:** As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

**WHOLESALE:** The terms "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

**WRITTEN, IN WRITING:** May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark. (1996 Code)

### **1-3-3: CATCHLINES:**

The catchlines of the several sections of the City Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted. (1996 Code)

## **CHAPTER 4**

### **GENERAL PENALTY**

#### **SECTION:**

#### **1-4-1: General Penalty**

#### **1-4-2: Default**

#### **1-4-3: Labor**

#### **1-4-4: Application Of Provisions**

#### **1-4-5: Liability Of Officers**

#### **1-4-6: Arrests**

#### **1-4-7: Fines, Fees, Charges, Licenses, And Taxes Made A Civil Debt**

#### **1-4-1: GENERAL PENALTY <sup>1</sup> :**

A. Misdemeanor: Unless specifically provided elsewhere, any person convicted of a violation of any of the terms and provisions of this code shall be fined in a sum not to exceed one thousand dollars (\$1,000.00) for any one offense and such person may be confined in the city or county jail for a period of not more than six (6) months, or both such fine and imprisonment may be imposed.

B. Infraction: Any person who has committed an infraction shall be punished for a first violation by a fine not exceeding one hundred dollars (\$100.00), and for committing the same offense a second time within one year, by a fine not exceeding two hundred dollars (\$200.00) and for committing the same offense a third or any subsequent time within one year, by a fine not exceeding five hundred dollars (\$500.00). (1996 Code)

#### **Notes**

<sup>1</sup> 1. Gov.C. § 36901.

#### **1-4-2: DEFAULT:**

Any person in default of payment of any fine imposed shall be imprisoned in the city or county jail for a period of one day for each one hundred dollars (\$100.00) of the fine; provided, that the term shall not exceed the term for which the defendant might be sentenced to imprisonment for the offense of which he/she has been convicted. For an individual that is deemed to be indigent, there may be imposed one day of community service for each eighty dollars (\$80.00) of fine. (1963 Code § 1-4-2; amd. 1996 Code)

#### **1-4-3: LABOR:**

Any person imprisoned under the provisions of this chapter may be put to work for the benefit of the city for the term of his/her imprisonment. (1963 Code §1-4-3; amd. 1996 Code)

#### **1-4-4: APPLICATION OF PROVISIONS:**

A. The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this code.

B. In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

C. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (1996 Code)

#### **1-4-5: LIABILITY OF OFFICERS:**

No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any

fine or penalty provided for a failure to perform such duty, unless the intention of the city council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1996 Code)

**1-4-6: ARRESTS:**

A. If any person arrested for a violation of any of the provisions of this code is not immediately taken before a magistrate as prescribed in the Penal Code, the arresting officer shall prepare in duplicate a written notice to appear in court containing the name and address of such person, the offense charged and the time and place where and when such person shall appear in court. If such person signs the citation agreeing to appear in court at the time and place stated, he/she shall be released from custody.

B. Any person wilfully violating his/her written promise to appear in court at the time and place stated in the citation, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he/she was originally arrested and shall be subject to penalty as provided in section 1-4-1 of this chapter.

C. When a person signs a written promise to appear at the time and place specified in the citation and has not posted bail as provided in the Penal Code <sup>1</sup>, the magistrate shall issue and have delivered for execution a warrant for his/her arrest within twenty (20) days after his/her failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail, other than a magistrate, and fails to do so on or before the date he/she has promised to appear, then the magistrate shall issue and have delivered for execution a warrant for his/her arrest within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense. (Ord. 179, 5-18-1959; amd. 1996 Code)

Notes

<sup>1</sup> 1. Pen.C. § 853.6.

**1-4-7: FINES, FEES, CHARGES, LICENSES, AND TAXES MADE A CIVIL DEBT:**

A. The amount of any fine, fee, service charge, utility charge, license or tax of any nature whatsoever imposed by this code or by any other resolution, ordinance, rule, regulation or in any other fashion by the city shall be deemed a civil debt owing to the city. An action may be commenced in the name of the city in any court of competent jurisdiction for the collection of the amount of any such delinquent or unpaid fee, service charge, utility charge, license or tax, together with any penalties applicable thereto as prescribed by this code or any other enactment. Such action may also be commenced for the collection of any other amount or debt determined to be due the city on account of any contractual obligation or on account of any tortious act or conduct by any person. The remedy prescribed by this section shall be cumulative, and the use of an action to collect such an amount as a debt by civil action shall not bar the use of any other remedy provided by this code or by law for the purpose of enforcing the provisions thereof.

B. The collection of any fine, fee, service charge, and tax made a civil debt under this section, unless specifically provided for within this code, shall be subject to those provisions set forth in chapter 11 of this title. (Ord. 586, 7-12-2006)

## CHAPTER 5

### CITY COUNCIL

**SECTION:**

**1-5-1: Council Elections**

**1-5-2: Vacancy For Absence**

**1-5-3: Council Meetings**

**1-5-4: Procedural Rules**

**1-5-5: Journal Of Proceedings**

**1-5-6: Compensation**

**1-5-1: COUNCIL ELECTIONS:**

Election of members to the city council shall be held in November of each even numbered year. The number of open positions on the council shall rotate between two (2) positions in one election and three (3) positions in the subsequent election. (1996 Code)

**1-5-2: VACANCY FOR ABSENCE:**

If a council person is absent from all regular council meetings for sixty (60) days consecutively from the last regular meeting attended, such office becomes vacant and shall be filled as any other vacancy. (1963 Code § 1-17-2)

**1-5-3: COUNCIL MEETINGS:**

A. Regular Meetings: Regular meetings of the city council shall be held on the first and third Monday of each calendar month beginning at the hour of six o'clock (6:00) P.M. in the city council chambers at 1015 Chittenden Avenue. Should the regular day of a council meeting fall on a public holiday, the meeting shall be held on the next succeeding day that is not a holiday. (Ord. 591, 2-5-2007)

B. Change Of Location Or Time: The council may select a different location or time for the purpose of holding any meeting upon a majority vote of its members.

C. Special Meetings: Special meetings may be called in accordance with state code<sup>1</sup>.

D. Meetings Open To Public: Meetings shall be open to the public in accordance with state code<sup>2</sup>. (1996 Code)

E. Adjourned Meetings; Hour: When an order of adjournment of a regular meeting fails to state the hour at which the adjourned meeting is to be held, it shall be conducted at the time and manner as provided in statute <sup>3</sup>. (1963 Code § 1-17-3E)

F. Quorum; Adjournment; Compelling Attendance: A majority of the council shall constitute a quorum for transaction of business. Less than a majority may adjourn from time to time, and compel attendance of absent members. (1963 Code § 1-17-3F)

Notes

1. Gov.C. § 54956.
2. Gov.C. § 54953.
3. 1. Gov.C. § 54955.

#### **1-5-4: PROCEDURAL RULES:**

A. The council may establish rules for the conduct of its proceedings. It may punish a member or other person for disorderly behavior at a meeting. (1963 Code § 1-17-4)

B. The city, in order to curb abusive and disorderly conduct during its meetings, intends to regulate the display of signs and/or posters during its meetings as follows:

1. The size of any placard, sign, and/or poster shall not exceed twelve inches (12") wide by eighteen inches (18") high.
2. Signs and/or posters may be displayed by persons seated either in the back row or behind the back row of the audience section in the city council chambers.
3. The failure of an audience member to comply with this subsection B is punishable as a misdemeanor and subjects the individual to removal from the meeting. (Ord. 558, 4-2-2002)

#### **1-5-5: JOURNAL OF PROCEEDINGS:**

The council shall cause the clerk to keep a correct record of its proceedings. At the request of a member, the clerk shall enter the ayes and noes in the journal. (1963 Code § 1-17-5)

#### **1-5-6: COMPENSATION:**

Members of the city council shall serve without compensation but may be reimbursed for reasonable expenses necessarily incurred in the performance of official duties, subject to the approval of the city council. (1996 Code)

## **CHAPTER 6**

### **MAYOR**

#### **SECTION:**

##### **1-6-1: Mayor, Mayor Pro Tempore Selection**

##### **1-6-2: Mayor Pro Tempore**

##### **1-6-3: Conduct As Councilperson**

##### **1-6-4: Signature**

##### **1-6-5: Administration Of Oaths; Affidavits**

##### **1-6-6: Acknowledgments**

##### **1-6-1: MAYOR, MAYOR PRO TEMPORE SELECTION:**

The Mayor and Mayor Pro Tempore shall be selected at the first regular meeting following canvass of the vote of a consolidated general Municipal election. (1996 Code)

##### **1-6-2: MAYOR PRO TEMPORE:**

If the Mayor is absent or unable to act, the Mayor Pro Tempore shall have all of the powers and duties of the Mayor in the Mayor's absence, and shall serve only until the Mayor returns or is able to act. (1996 Code)

##### **1-6-3: CONDUCT AS COUNCILPERSON:**

The Mayor may make or second any motion and present and discuss any matter as a member of the Council. (1963 Code § 1-18-3)

##### **1-6-4: SIGNATURE:**

The Mayor shall sign all documents authorized by the City Council, in accordance with State Code. (1996 Code)

##### **1-6-5: ADMINISTRATION OF OATHS; AFFIDAVITS:**

The Mayor may administer oaths and affirmations, take affidavits and certify them under his/her hand. (1963 Code § 1-18-5)

##### **1-6-6: ACKNOWLEDGMENTS:**

The Mayor may acknowledge the execution of all instruments executed by the City and required to be acknowledged. (1963 Code § 1-18-6)

## **CHAPTER 7**

### **CITY OFFICERS AND EMPLOYEES**

#### **SECTION:**

##### **1-7-1: Personnel Manual Adopted**

##### **1-7-2: Blanket Bond**

##### **1-7-3: Compensation**

##### **1-7-4: Employees' Retirement System**

##### **1-7-5: Municipal Elections; Date Change**

##### **1-7-1: PERSONNEL MANUAL ADOPTED:**

The personnel manual for the city is hereby adopted by reference and shall be and remain on file in the office of the city clerk. (1996 Code)

##### **1-7-2: BLANKET BOND:**



The city shall provide a blanket bond in the amount of two hundred thousand dollars (\$200,000.00) which covers the bond requirements for the city clerk, police chief and finance director and city treasurer 1 . (1996 Code)

Notes

1. See also section 1-7C-2 of this chapter.

**1-7-3: COMPENSATION:**

The compensation for municipal officers shall be as set forth by official action of the city council. (1963 Code § 1-22-1)

**1-7-4: EMPLOYEES' RETIREMENT SYSTEM:**

A. Contract Authorized: A contract between the city council and the board of administration, California public employees' retirement system is hereby authorized, a copy of said contract and any amendments thereto being on file in the office of the city clerk, and by this reference made a part hereof as though herein set out in full.

B. Mayor To Execute Contract: The mayor of the city is hereby authorized, empowered and directed to execute said contract for and on behalf of said agency. (Ord. 367, 2-19-1980)

**1-7-5: MUNICIPAL ELECTIONS; DATE CHANGE:**

Pursuant to government code section 36503.5, the general municipal election date of the city is hereby changed from the second Tuesday in April in each even-numbered year to the same day as the statewide general election. (Ord. 404, 12-19-1983)

## ARTICLE A. CITY MANAGER

SECTION:

**1-7A-1: Office Created**

**1-7A-2: Residence**

**1-7A-3: Bond**

**1-7A-4: Compensation**

**1-7A-5: Powers And Duties**

**1-7A-6: Internal Relations**

**1-7A-7: Removal Procedure**

**1-7A-8: Agreements On Employment**

**1-7A-1: OFFICE CREATED:**

The office of the City Manager is hereby 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 qualifications and shall hold office for and during the pleasure of the City Council. (Ord. 269, 3-2-1970, eff. 4-1-1970)

**1-7A-2: RESIDENCE:**

Residence in the City at the time of appointment of a City Manager shall not be required as a condition of the appointment, but within ninety (90) days after reporting for work the City Manager must become a resident of the City unless the City Council approves his/her residence outside the City. (Ord. 269, 3-2-1970, eff. 4-1-1970)

**1-7A-3: BOND:**

The City Manager shall furnish a corporate surety bond to be approved by the City Council in such sum as may be determined by the said City Council, and shall be conditioned upon the faithful performance of the duties imposed upon the City Manager as herein prescribed. Any premium for such bond shall be a proper charge against the City. (Ord. 269, 3-2-1970, eff. 4-1-1970)

**1-7A-4: COMPENSATION:**

The City Manager shall receive such compensation as the City Council shall from time to time determine. In addition, the City Manager shall be reimbursed for all actual and necessary expenses incurred in the performance of the official duties of such office. (Ord. 269, 3-2-1970, eff. 4-1-1970; 1996 Code)

**1-7A-5: POWERS AND DUTIES:**

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. The Manager shall be responsible for the efficient administration of all the affairs of the City which are under his/her control. In addition to the general powers as administrative head, and not as a limitation thereof, it shall be the City Manager's duty and such Manager shall have the powers set forth in the following subsections:

A. Law Enforcement: To enforce all laws and ordinances of the City and to see that all franchises, contracts, permits and privileges granted by the City Council are faithfully observed. (Ord. 269, 3-2-1970, eff. 4-1-1970)

B. Authority Over Employees: 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 or directly in their absence. (Ord. 269, 3-2-1970, eff. 4-1-1970; 1996 Code)

C. Power Of Appointment And Removal: To appoint, remove, promote and demote any and all officers and employees of the City, subject to all applicable personnel ordinances, rules and regulations.

D. Administrative Reorganization Of Offices: To conduct studies and effect such administrative reorganization of offices, positions or units under his/her direction as may be indicated in the interest of efficient, effective and economical conduct of the City's business.

E. Ordinances: To recommend to the City Council for adopting such measures and ordinances as he/she deems necessary.

F. Attendance At Council Meetings: To attend all meetings of the City Council unless the Manager requests to be excused therefrom by the Mayor individually or the City Council.

G. Financial Reports: To keep the City Council at all times fully advised as to the financial conditions and needs of the City.

H. Budget: To prepare and submit the proposed annual budget and the proposed annual salary plan to the City Council for its approval.

I. Expenditure Control And Purchasing: To see that no expenditures shall be submitted or recommended to the City Council except on approval of the City Manager. The City Manager shall be the purchasing agent of the City and shall be responsible for the purchase of all supplies for all the departments or divisions of the City as provided in Chapter 9 of this Title.

J. Investigations And Complaints: 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 said City.

K. Public Buildings: To exercise general supervision over all public buildings, public parks, and other public property which are under the control and jurisdiction of the City Council.

L. Additional Duties: To perform such other duties and exercise such other powers as may be delegated to the Manager from time to time by ordinances or resolution or other official action of the City Council. (Ord. 269, 3-2-1970, eff. 4-1-1970)

**1-7A-6: INTERNAL RELATIONS:**

A. Council Manager Relations: The City Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any member thereof shall give orders or instructions to any subordinates of the City Manager. The City Manager shall receive direction and instructions from the City Council when it is sitting in a duly convened meeting of the City Council and individual Council members shall not give orders or direction to the City Manager without knowledge and concurrence of the whole Council.

B. Department Cooperation: It shall be the duty of all subordinate officers and the City Clerk, City Treasurer and City Attorney to assist the City Manager in administering the affairs of the City efficiently, economically and harmoniously. (Ord. 269, 3-2-1970, eff. 4-1-1970)

C. Attendance At Commission Meetings: The City Manager may attend any and all meetings of the Planning Commission, Parks and Recreation Commission, and any other commissions, boards or committees created by the City Council, upon his/her own volition or upon direction of the City Council. At such meetings which the City Manager attends, he/she shall be heard by such commissions, boards or committees as to all matters upon which he/she wishes to address the members thereof, and he/she shall inform said members as to the status of any matter being considered by the City Council and the City Manager shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the City Council. (Ord. 269, 3-2-1970, eff. 4-1-1970; 1996 Code)

**1-7A-7: REMOVAL PROCEDURE:**

The removal of the City Manager shall be effected only by a majority vote of the whole City Council as then constituted, convened in a regular Council meeting. However, the City Manager shall not be removed from office other than for misconduct in office, during or within a period of ninety (90) days next succeeding any general Municipal election held in the City at which election a member of the City Council is elected; the purpose of this provision is to allow any newly elected member of the City Council or a reorganized City Council to observe the actions and ability of the City Manager in the performance of the powers and duties of such office. (Ord. 269, 3-2-1970, eff. 4-1-1970)

**1-7A-8: AGREEMENTS ON EMPLOYMENT:**

Nothing in this Chapter shall be construed as a limitation on the power or authority of the City Council to enter into any supplemental agreement with the City Manager delineating additional terms and conditions of employment not inconsistent with any provisions of this Chapter. (Ord. 269, 3-2-1970, eff. 4-1-1970)



**ARTICLE B. CITY CLERK**

**SECTION:**

**1-7B-1: Appointment**

**1-7B-2: Record Of Proceedings**

**1-7B-3: Ordinance Book; Certificate**

**1-7B-4: City Records; Use In Court**

**1-7B-5: Custodian Of City Seal**

**1-7B-6: Additional Duties**

**1-7B-7: Certification Of Oaths; Affidavit**

**1-7B-1: APPOINTMENT:**

The City Clerk shall be appointed by the City Manager with the advice and consent of the City Council. (1996 Code)

**1-7B-2: RECORD OF PROCEEDINGS:**

The Clerk shall keep an accurate record of the proceedings of the Council in books bearing appropriate titles and devoted exclusively to such purposes. The books shall have a comprehensive general index <sup>1</sup>. (1963 Code § 1-13-1)

Notes

<sup>1</sup> 1. West's Ann.Cal.Stats.Gov. C. § 40801.

**1-7B-3: ORDINANCE BOOK; CERTIFICATE:**

The Clerk shall keep a book marked "Ordinances" and record in it all City ordinances with the Clerk's certificate annexed to each stating:

- A. It is a true and correct copy of a City Ordinance.
- B. The ordinance number.
- C. It has been published or posted pursuant to law<sup>1</sup>. (1963 Code § 1-13-3)

Notes



<sup>1</sup> 2. West's Ann.Cal.Stats.Gov. C. § 40806.

**1-7B-4: CITY RECORDS; USE IN COURT:**

The official City records in the custody of the Clerk shall not be filed in any court proceedings but shall be returned to the custody of the Clerk. (1963 Code § 1-13-4)

Notes

<sup>1</sup> 1. West's Ann.Cal.Stats.Gov. C. § 40808.

**1-7B-5: CUSTODY OF CITY SEAL:**

The Clerk shall be the custodian of the City Seal<sup>1</sup>. (1963 Code § 1-13-5)

Notes

<sup>1</sup> 2. West's Ann.Cal.Stats.Gov. C. § 40811.

**1-7B-6: ADDITIONAL DUTIES:**

The Clerk shall perform such additional duties as may be prescribed by the Council and the provisions of this Code<sup>1</sup>. (1963 Code § 1-13-6)

Notes

<sup>1</sup> 3. West's Ann.Cal.Stats.Gov. C. § 40812.

**1-7B-7: CERTIFICATION OF OATHS; AFFIDAVIT:**

The Clerk may administer oaths or affirmations and take and certify affidavits and depositions pertaining to City affairs and business which may be used in any court or proceedings in the State<sup>1</sup>. (1963 Code § 1-13-7)

Notes

<sup>1</sup> 4. West's Ann.Cal.Stats.Gov. C. § 40814.



## ARTICLE C. CITY FINANCE DIRECTOR<sup>1</sup>

SECTION:

**1-7C-1: Office Created; Appointment**

**1-7C-2: Bond**

**1-7C-3: Duties**

**1-7C-4: Additional Duties**

**1-7C-5: Financial And Accounting Duties Of City Clerk Transferred**

Notes

<sup>1</sup> 1. See also Section 1-7D-2 of this Chapter.

**1-7C-1: OFFICE CREATED; APPOINTMENT:**

There is established in the government of the City the office of Finance Director. The Finance Director shall be appointed by the City Manager and serves at the pleasure of the City Manager. (Ord. 511, 4-18-1994)

**1-7C-2: BOND<sup>1</sup>:**

When the Finance Director enters upon his/her duties, the Finance Director shall execute a bond to the City as required by sections 37209 and 36518 of the Government Code relating to bonds for public officers. The premium for such bond shall be paid by the City. (Ord. 511, 4-18-1994)

Notes

<sup>1</sup> 2. See also Section 1-7-2 of this Chapter.

**1-7C-3: DUTIES:**

The Finance Director has the following duties and responsibilities:

A. General Accounting System: Maintain and operate the general accounting system of the City and of each of the respective divisions and services of the City;

B. Modern Accounting Methods: Perform such accounting functions and duties in accordance with the latest and most modern accounting methods as the science of accounting progresses;

C. Inventory Records: Maintain, or prescribe and require the maintaining of inventory records of Municipal properties necessary in accordance with modern Municipal accounting practices;

- D. Taxes And Fees: Perform the functions and duties relating to the administration and collection of taxes, licenses and permit fees levied by the City;
- E. Claims And Demands; Payrolls: Perform the duties relating to preparing, auditing, presenting and disbursing claims and demands against the City, including payrolls;
- F. Purchase Supplies: Assist in the purchase of supplies, goods, wares, merchandise, equipment and materials required by the City;
- G. Budget Preparation: Assist in the preparation of the annual budget and in the administration of the budget;
- H. Signature: Authorized to sign any and all instruments of payment for the City;
- I. City Treasurer Duties: Perform the duties of City Treasurer;
- J. Cooperate With Officials: Cooperate with other officials of the City in establishing and maintaining sufficient controls over Municipal revenues and expenditures in all departments, divisions and services of the City in accordance with modern Municipal accounting practice; and,
- K. Reports: Prepare and present the following reports to the City Council in sufficient detail to show the exact financial condition of the City:
  1. A quarterly or more frequent, as requested, statement of all receipts, disbursements and cash balances of the City;
  2. An annual statement of the financial condition of the City; and,
  3. Such other financial reports as the City Council or City Manager directs. (Ord. 511, 4-18-1994; 1996 Code)

**1-7C-4: ADDITIONAL DUTIES:**  
 The Finance Director shall perform other additional duties and functions which the City Council or the City Manager prescribes. (Ord. 511, 4-18-1994)

**1-7C-5: FINANCIAL AND ACCOUNTING DUTIES OF CITY CLERK TRANSFERRED:**  
 In accordance with sections 40805.5 and 37209 of the Government Code, the duties imposed upon the City Clerk by Government Code sections 37201 through 37209 and the financial and accounting duties imposed upon the City Clerk by sections 40802 through 40805 of the Government Code are transferred to the Finance Director. (Ord. 511, 4-18-1994)

ARTICLE D. CITY TREASURER

SECTION:

**1-7D-1: Duties**

**1-7D-2: Finance Director Serve As Treasurer**

**1-7D-1: DUTIES:**

- A. Keeping Of Money: The Treasurer shall receive and safely keep all monies coming into his/her hands as Treasurer.
- B. Deposit And Security Of Funds: The Treasurer shall comply with all laws governing the deposit and securing of public funds and the handling of trust funds in his/her possession.
- C. Disbursements: The Treasurer shall pay out money only on warrants signed by legally designated persons.
- D. Monthly Reports: Regularly, at least once each month, the Treasurer shall submit to the Clerk a written report and accounting of all receipts, disbursements and fund balances. The Treasurer shall file a copy thereof with the Council. (1963 Code § 1-19-1)

Notes

<sup>1</sup> 1. West's Ann.Cal.Stats.Gov. C. § 41001 et seq.

**1-7D-2: FINANCE DIRECTOR SERVE AS TREASURER:**  
 The City's Finance Director may serve as Treasurer. (Ord. 511, 4-18-1994)

Notes

<sup>1</sup> 2. See Article C of this Chapter.

ARTICLE E. CITY ATTORNEY

SECTION:

**1-7E-1: Appointment**

**1-7E-2: Duties**

**1-7E-1: APPOINTMENT:**

The City Attorney shall be appointed by the City Council. (1996 Code)

**1-7E-2: DUTIES:**

- A. Advise City Officials: The Attorney shall advise the City officials in all legal matters pertaining to City business.
- B. Ordinances; Legal Services: The Attorney shall frame all ordinances and resolutions required by the Council, and shall perform other legal services required from time to time by the Council. (1963 Code § 1-20-1)

Notes

## ARTICLE F. PUBLIC WORKS DIRECTOR

### SECTION:

#### 1-7F-1: Office Created

#### 1-7F-2: Appointment; Removal

#### 1-7F-3: Supervision; Control

#### 1-7F-4: Powers And Duties

##### 1-7F-1: OFFICE CREATED:

There is hereby created a Public Works Department in the City which shall consist of a Public Works Director and as many employees as the City Council may designate from time to time. (1996 Code)

##### 1-7F-2: APPOINTMENT; REMOVAL:

The Public Works Director shall be appointed by the City Manager from a list of eligible candidates obtained through the City's normal recruitment procedures. The Public Works Director shall serve at the pleasure of the City Manager and may be removed by the City Manager at any time thereafter, in accordance with the Personnel Manual of the City, particularly section 102 thereof. (1996 Code)

##### 1-7F-3: SUPERVISION; CONTROL:

The City Manager shall be the immediate supervisor of the Public Works Director and all policies, directives and orders from the City government to the Public Works Director shall be made by or transmitted through the City Manager as executive head of the City government. The Public Works Director shall report directly to the City Manager and not to the City Council or individual members thereof or to any other committee or commission. (1996 Code)

##### 1-7F-4: POWERS AND DUTIES:

A. Administrative Powers: The Public Works Director shall direct the administration and operations of the Public Works Department and, in addition to policies transmitted to him/her by the City Manager, shall establish other policies, directives, rules and regulations for the administration and operations of the Department as he/she sees fit. The Public Works Director shall serve as the employing authority for the appointment of any position within the Department, other than his/her own, and shall have the power to suspend or dismiss any employee consistent with the provisions of the City Personnel Manual. (1996 Code)

B. Operational Responsibilities: It shall be the duty of the Public Works Director to take charge and oversee all aspects of the Public Works Department. Responsibilities include the production of potable water, treatment of wastewater and storm water, City streets and parks. It shall be the duty of the Public Works Director to locate the lines and grades of all streets, sidewalks, alleys or other public ways and to determine the position, size and construction of all sewers, waterworks, irrigation or drainage canals, reservoirs, culverts, aqueducts, bridges, viaducts, or other public works or appurtenances. The Public Works Director shall have general charge, supervision and inspection of all public improvements and public work undertaken by or on behalf of the City by contract or otherwise and shall see that the same are performed in a workmanshiplike manner, and in accordance with the authorized plans and with the terms and specifications of the contracts. (1996 Code)

## ARTICLE G. CITY ENGINEER

### SECTION:

#### 1-7G-1: Duties

##### 1-7G-1: DUTIES:

It shall be the duty of the Engineer to prepare plans, maps or profiles of all streets, sidewalks, alleys, or other public ways; sewers, waterworks, irrigation or drainage canals, reservoirs, culverts, aqueducts, bridges, viaducts; or other public works or appurtenances and to make estimates and furnish specifications for any work whenever required to do so by the Council. All such plans, maps, profiles, estimates and specifications shall constantly be kept up to date and shall be and remain the property of the City and shall be promptly turned over by the Engineer to his/her successor in office. (1996 Code)

## CHAPTER 8

### CITY FINANCES

### SECTION:

#### 1-8-1: Claims And Demands

##### 1-8-1: CLAIMS AND DEMANDS:

Pursuant to the authority contained in section 935 of the Government Code of the State, the following claims procedures are established for those claims against the City for money or damages not now governed by State or local laws. Notwithstanding the exemptions set forth in section 905 of the Government Code of the State, all claims against the City for damages or money, when a procedure for processing such claims is not otherwise provided by State or local laws, shall be presented within the time limitations and in the manner prescribed by sections 910 through 915.2 of the Government Code of the State. Such claims shall further be subject to the provisions of sections 945 through 946 of the Government Code of the State relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the Council. (Ord. 509 N.S., 2-22-1994)

## CHAPTER 9

### PURCHASING POLICY

### SECTION:

## **1-9-1: Adoption Of Purchasing System**

## **1-9-2: Purchase Orders**

## **1-9-3: Proposals**

## **1-9-4: Bidding Procedure**

## **1-9-5: Surplus Supplies And Equipment**

## **1-9-6: Preference; Local Vendors**

## **1-9-7: Emergency Purchases**

## **1-9-8: Environmentally Preferable And Recycled Products Purchasing Policy**

### **1-9-1: ADOPTION OF PURCHASING SYSTEM:**

In order to establish efficient procedures for the purchase of supplies, services and equipment; to secure for the city supplies, services and equipment at the lowest possible cost commensurate with quality needed; to exercise positive financial control over purchases; to clearly define authority for the purchasing function; and to assure the quality of purchases, a purchasing policy is hereby adopted. (Ord. 498, 9-8-1992)

### **1-9-2: PURCHASE ORDERS:**

A. Budgeted Supplies, Services And Equipment: Purchases of budgeted supplies, services and equipment in an amount of one hundred dollars (\$100.00) to one thousand dollars (\$1,000.00) shall be made only by purchase order signed by the department head.

B. Supplies, Services And Equipment Not Budgeted: Purchase of supplies, services and equipment not contained in the annual budget in an amount of one hundred dollars (\$100.00) to one thousand dollars (\$1,000.00) shall be made only by purchase order signed by the department head and the city manager or finance director. (Ord. 498, 9-8-1992)

### **1-9-3: PROPOSALS:**

A. Budgeted Supplies, Services And Equipment: Purchases of budgeted supplies, services and equipment between one thousand dollars (\$1,000.00) and five thousand dollars (\$5,000.00) shall be preceded by obtaining no less than two (2) written quotations from separate vendors for compatible items. Such purchases shall be made by purchase order with the approval of the city manager.

B. Supplies, Services And Equipment Not Budgeted: Purchases of supplies, services and equipment not contained in the annual budget between one thousand dollars (\$1,000.00) and five thousand dollars (\$5,000.00) shall be with the approval of the city council after presenting no less than two (2) written quotations from separate vendors on comparable items. (Ord. 498, 9-8-1992)

### **1-9-4: BIDDING PROCEDURE:**

Except as otherwise provided herein, purchases and contracts for supplies, services and equipment of an estimated value greater than five thousand dollars (\$5,000.00) shall be by written contract with the lowest responsible bidder pursuant to the procedure described herein:

#### **A. Notice Inviting Bids:**

1. Notices inviting bids shall include a general description of the article(s) to be purchased and shall state where bid blanks and specifications may be secured and the time and place for opening bids.

2. Notice inviting bids shall be published at least ten (10) days before the date of opening of the bids. Notice shall be published at least twice, not less than five (5) days apart, in a newspaper of general circulation, printed and published in the city, or if there is none, it shall be posted in at least three (3) public places in the city that have been designated by ordinance as the places for posting public notices.

B. Bidder's Security: When deemed necessary, bidder's security may be prescribed in the public notices inviting bids. Bidders shall not be entitled to return of bid security upon refusal or failure to exercise the contract within ten (10) days after the notice of award of contract has been mailed, unless the city is responsible for the delay. The city council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the city council awards the contract to the next lowest responsible 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.

C. Bid Opening Procedure: Sealed bids shall be submitted and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening.

D. Rejection Of Bids: At its discretion, the city council may reject any and all bids presented. The city council may then readvertise for bids.

E. Award Of Contracts: Contracts shall be awarded by the city council to the lowest responsible bidder except as otherwise provided herein. The council shall have the right to waive any informality or minor irregularity in a bid.

F. Tie Bids: If two (2) or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the city council may accept the one it chooses or accept the lowest bid made by negotiation with the tie bidders at the time of the bid opening.

G. Performance Bonds: The city council shall have authority to require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interests of the city. If the city council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids. (Ord. 498, 9-8-1992)

### **1-9-5: SURPLUS SUPPLIES AND EQUIPMENT:**

All departments shall submit to the finance director, at such time and in such form as he/she shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The finance director shall have authority to sell all supplies and equipment which cannot be used by any agency or which have become unsuitable for city use, or to exchange same for, or trade in the same on, new supplies and equipment. Sales of supplies and equipment with an estimated value of five hundred dollars (\$500.00) or more shall be authorized by the city council. (Ord. 498, 9-8-1992)

### **1-9-6: PREFERENCE; LOCAL VENDORS:**

If two (2) or more quotations or bids received are for the same total amount or unit price, quality or service being equal, bids from firms located within the city shall be preferred over bids from firms located outside the city. In determining net costs to the city of a bid made by a local firm, consideration shall be given to the ultimate receipt of local sales tax by the city. An award may be made to a local firm even though the bid is not low if other cost considerations, such as ease of selection, pickup and delivery speed or service and maintenance, are sufficiently advantageous to justify buying from such local firm. (Ord. 498, 9-8-1992)

### **1-9-7: EMERGENCY PURCHASES:**

An emergency exists when a need arises that could not be anticipated and that jeopardizes the health, safety or welfare of the public. Department

heads are authorized to make needed purchases in these situations, within their budget authorization; needs in excess of that authorization must be approved by the city manager or his designee. (Ord. 498, 9-8-1992)

**1-9-8: ENVIRONMENTALLY PREFERABLE AND RECYCLED PRODUCTS PURCHASING POLICY:**

The purpose of this policy is to support the purchase of products that will minimize any negative environmental impacts of city work. The city of Corcoran recognizes that the purchasing decisions of city employees can make a difference in favor of environmental quality. The city prefers the purchase of environmentally preferable and recycled products whenever they perform satisfactorily and are available at a reasonable price.

**A. Definitions:**

**ENVIRONMENTALLY PREFERABLE PRODUCTS:** Products that have a lesser impact on human health and the environment when compared with competing products. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance or disposal of the product.

**PRACTICABLE:** Sufficient in performance and available at a reasonable cost.

**RECYCLED PRODUCTS:** Products manufactured with waste material that has been recovered or diverted from solid waste.

**B. Policies:**

1. All personnel will purchase recycled and environmentally preferable products whenever practicable.
2. All imprinted letterhead paper, envelopes and business cards used by all departments shall be recycled paper and shall bear an imprint identifying the paper as recycled.
3. All departments shall ensure that the title page of each report printed or copied on recycled paper bears an imprint identifying the recycled content of the paper whenever practicable.
4. Departments shall use both sides of paper sheets whenever practicable.
5. The city of Corcoran shall promote the use of recycled and other environmentally preferable products by publicizing its procurement program.

**C. Selected Environmental Products:** All departments shall evaluate the following preferable products and purchase them whenever the evaluation is favorable:

1. Recycled paper and paper products;
2. Remanufactured laser printer toner cartridges;
3. Rerefined antifreeze;
4. Rerefined lubricating and hydraulic oils;
5. Recycled plastic outdoor wood substitutes;
6. Recrushed cement concrete aggregate and asphalt;
7. Cement and asphalt concrete containing glass cullet, recycled fiber, plastic, tire rubber or fly ash;
8. Remanufactured tires and products made from recycled tire rubber;
9. Compost;
10. Remanufactured paint;
11. Cleaning products with lowered toxicity;
12. Energy-saving products;
13. Waste-reduced products;
14. Water-saving products; and
15. Other products designated by each department.

**D. Responsibilities Of All Departments:** Each department shall:

1. Purchase recycled paper products whenever practicable;
2. Evaluate each designated product to determine the extent to which it may be practicably used by the department;
3. Develop and maintain information about environmentally preferable products and recycled products in addition to products listed in subsection C of this section;
4. Meet periodically with other city departments to report the progress of policy implementation including:
  - a. The results of product evaluations;
  - b. Information about additional environmentally preferable and recycled products procurement opportunities;
  - c. The status of efforts to maximize environmental purchasing; and
  - d. Total purchases of environmentally preferable products.
5. Ensure that contracts issued by the department require environmental purchasing whenever practicable.

**E. Exemption:** Nothing in this policy shall be construed as requiring the purchase of products that do not perform adequately or are not available at a reasonable price. (Ord. 546, 2-1-2000)

## CHAPTER 10

### PUBLIC PROJECT BIDDING PROCEDURES

SECTION:

**1-10-1: Intent**

**1-10-2: Definitions**

**1-10-3: Force Account; Negotiated Contract; Purchase Price**

**1-10-4: Informal Bidding Requirements**

**1-10-5: Administrative Authority**

**1-10-6: Limitations**

**1-10-1: INTENT:**

A. It is the intent of this chapter to direct and authorize the establishment and maintenance of informal bidding procedures for the city of Corcoran in accordance with section 22034 of the Public Contract Code to govern the selection of contractors to perform public projects under the uniform public construction cost accounting act (the "act").

B. This chapter shall be in effect throughout the city of Corcoran and shall apply to the performance of all public projects undertaken by, or to be undertaken by, the city of Corcoran, and it shall be liberally construed for the accomplishment of its purposes. (Ord. 569, 6-16-2003)

**1-10-2: DEFINITIONS:**

For the purpose of this chapter, the terms, phrases, and words used in this chapter shall have the same meaning given to them in the Public Contract Code of the state of California. When not inconsistent with the context, words used in the present tense include the future, words used in the plural include the singular, and words used in the singular include the plural. The words "include", "including" or other similar words of inclusion shall mean without limitation or restriction. (Ord. 569, 6-16-2003)

**1-10-3: FORCE ACCOUNT; NEGOTIATED CONTRACT; PURCHASE PRICE:**

Any public project to be undertaken by the city of Corcoran, the estimated cost of which is less than twenty five thousand dollars (\$25,000.00), may be performed by the city of Corcoran. (Ord. 569, 6-16-2003)

**1-10-4: INFORMAL BIDDING REQUIREMENTS:**

A. Any public project to be undertaken by the city, the estimated cost of which is less than seventy five thousand dollars (\$75,000.00) may be let to contract by the informal procedures established in this section.

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

C. Where a public project is to be performed which is subject to the provisions of this section, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list of contractors described in subsection B of this section, or 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 or construction trade journals may be notified at the discretion of the city of Corcoran, provided, however:

1. If there is no list of qualified contractors maintained by the city of Corcoran 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 California uniform construction cost accounting commission.

2. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors. (Ord. 569, 6-16-2003)

**1-10-5: ADMINISTRATIVE AUTHORITY:**

The public works director, with the written concurrence of the city manager, is hereby authorized to award contracts pursuant to the informal procedures established in this chapter, subject to the requirement that the current adopted city of Corcoran budget provides for the work. (Ord. 569, 6-16-2003)

**1-10-6: LIMITATIONS:**

Nothing in this chapter shall prohibit, or be construed to prohibit, the city council of the city of Corcoran, the public works director, or the city manager from utilizing the alternative procedures set forth in: a) article 25 (commencing with section 20390) of chapter 1 of part 3 of division 2 of the Public Contract Code, or b) in article 7 (commencing with section 25500) of chapter 5 of part 2 of division 2 of title 3 of the Government Code. (Ord. 569, 6-16-2003)

## CHAPTER 11

### CIVIL CITATIONS

SECTION:

**1-11-1: Findings And Purpose**

**1-11-2: Authority**

**1-11-3: Definitions**

**1-11-4: Civil Citation; General**

**1-11-5: Civil Citation; Building Violations**

**1-11-6: Civil Citation; Contents**

**1-11-7: Civil Citation; Service**

**1-11-8: Civil Fines; Amount And Penalties**

**1-11-9: Civil Fines; Due**

**1-11-10: Civil Fines; Payment**

**1-11-11: Civil Fines; Collection**

**1-11-12: Preliminary Civil Citation Review**



**1-11-13: Waiver Of Civil Fine Deposit**

**1-11-14: Administrative Hearing; Request**

**1-11-15: Administrative Hearing; Procedure**

**1-11-16: Administrative Hearing; Decision**

**1-11-17: Right To Judicial Review**

**1-11-18: Severability**

**1-11-1: FINDINGS AND PURPOSE:**

The city council finds and declares as follows:

A. There is a need for an alternative method of enforcement for minor violations of this code and applicable state codes. The city council further finds that an appropriate method of enforcement for minor violations is through a civil citation and administrative hearing program.

B. This chapter makes any violation of the provisions of this code and applicable state codes subject to civil citation and civil fines.

C. This chapter establishes the administrative procedures for the imposition, enforcement, collection, review, and appeal of civil citations and civil fines pursuant to Government Code section 53069.4 and the city's general police power.

D. The issuance of a civil citation under this chapter is solely at the city's discretion and is one option the city has to address violations of this code and applicable state codes. By adopting this chapter, the city does not intend to limit its discretion to utilize any other remedy, civil or criminal, for such violations that the city may select in a particular case. The procedures established in this chapter shall be in addition to criminal, civil or any other legal remedies established by law that may be pursued to address violations of this code and applicable state codes.

E. Because of the serious blighting conditions that can occur affecting health and safety, this chapter is intended to impose strict civil liability for all building, housing, fire, health, land use, abandoned vehicle, and zoning violations that occur upon the subject premises.

F. The city adopts this civil citation and administrative hearing program in order to achieve the following goals:

1. To protect the public health, safety and welfare of the citizens of the city of Corcoran;
2. To gain compliance with this code and applicable state codes, as well as other ordinances and regulations in a timely and efficient manner;
3. To encourage voluntary and complete compliance with the provisions of this code and applicable state codes and to eliminate nuisances for the protection and benefit of the entire community;
4. To provide for an administrative hearing process to appeal the imposition of civil citations and civil fines;
5. To provide a method to hold persons responsible when they fail or refuse to comply with the provisions of this code or applicable provisions of state codes, other ordinances or regulations, or terms and conditions imposed on licenses, permits, or entitlements issued or approved by the city of Corcoran; and
6. To minimize the expense and delay where the sole remedy is to pursue responsible parties in the civil or criminal justice system. (Ord. 586, 7-12-2006)

**1-11-2: AUTHORITY:**

A. Any person violating any provision of this code or applicable state codes may be issued a civil citation by an enforcement officer as provided in this chapter. A violation of this code includes, but is not limited to, all violations of this code and the uniform codes adopted by the city council, or failing to comply with any condition imposed on any license, permit, or entitlement issued or approved under the provisions of this code.

B. An enforcement officer may issue a citation for a violation not committed in his or her presence if it is determined through investigation that the responsible person cited did commit the violation. (Ord. 586, 7-12-2006)

**1-11-3: DEFINITIONS:**

The following definitions apply to the use of these terms for the purposes of this chapter:

**ADMINISTRATIVE HEARING:** An oral proceeding before a hearing officer regarding the civil citation(s).

**BUILDING VIOLATION:** Any violation of this code pertaining to building, housing, plumbing, electrical, mechanical or other similar structural or zoning regulations, including regulations set forth in titles 8 and 9 of this code, that does not create an immediate danger to health or safety.

**CITY:** The city of Corcoran.

**CIVIL CITATION:** Any citation issued pursuant to this chapter stating there has been a violation of this code. "Civil citation" also means any notice of violation or notice of failure to correct.

**CIVIL FINE:** The amount to be paid in response to any civil citation issued pursuant to this chapter.

**CODE:** The city of Corcoran city code or any law, rule, regulation, or code that is adopted by reference.

**CORRECTION PERIOD:** The period of time allowed for a responsible person cited to correct a violation shown on a civil citation.

**DIRECTOR:** The city manager, or his or her designee. The "director" may refer to an outside agency employed by the city, and designated by resolution, for purposes of overseeing and directing its civil citation system.

**ENFORCEMENT OFFICER:** Any person duly authorized to enforce the provisions of this code.

**HEARING OFFICER:** Any person appointed by the city manager to serve as the hearing officer for the administrative hearing of civil citations. Prior to conducting any hearings the hearing officer must first be approved by the city attorney as qualified to provide a fair and impartial hearing based on appropriate education, training and experience.

**ISSUE OR ISSUED:** Service of a citation to the responsible person.

**PERSON:** Any natural person, firm, association, business, trust, organization, corporation, partnership, company, or any other entity that is recognized by law as the subject of rights or duties.

**REINSPECTION FEE:** A fee charged pursuant to this chapter against a responsible person who has become the subject of city enforcement of state or local law, and for which there is a need to recover the city's actual cost of a second or any subsequent inspection of the property caused by the responsible party's failure to comply with a lawful order from an enforcement officer. The amount of this fee shall be set by resolution of the city council and shall become collectible in the same manner as civil fines.

RESPONSIBLE PERSON: Any of the following:

- A. A person who causes a code violation to occur or continue.
- B. A person who maintains or allows a code violation to occur or continue by his or her action or failure to act.
- C. A person whose agent, employee, or independent contractor causes a code violation to occur or continue by his or her action or failure to act.
- D. A person who is the owner, lessee, sublessee, or current possessor of real property where a property related code violation occurs or continues.
- E. A person who is the on site manager of a business where a code violation occurs or continues.
- F. A person who is the beneficiary under a deed of trust for the property where a property related violation occurs or continues and that person has not corrected the violation within thirty (30) calendar days after being notified by the director in writing of the violation and the fact that the trustee under the deed of trust is no longer living on the property and his or her whereabouts is unknown.
- G. The parent or legal guardian of a minor who causes a code violation to occur or continue. (Ord. 586, 7-12-2006)

**1-11-4: CIVIL CITATION; GENERAL:**

- A. Each and every day a violation exists shall be a separate and distinct violation and is subject to a separate and distinct civil fine.
- B. A civil citation may charge a violation for one or more days on which a violation exists, and for violation of one or more code sections.
- C. Every person who applies for and receives a license or permit, or any type of land use approval (e.g., subdivision maps, conditional use permits, variances, etc.) or other entitlement, shall comply with all conditions imposed upon the issuance of the license or permit, or any type of land use approval or other entitlement. If a person violates any condition of such license or permit, or land use approval or other entitlement he or she may be issued a civil citation and be liable for civil fines under the provisions of this chapter.
- D. The city may take into consideration the fact that a person has been issued civil citations when the city is determining whether to grant, modify, suspend, revoke, or deny any license or permit, or any type of land use approval or other entitlement regarding that person or property, and such civil citations are evidence that the person has committed acts that are not compatible with the health, safety and general welfare of other persons or businesses in the vicinity. (Ord. 586, 7-12-2006)

**1-11-5: CIVIL CITATION; BUILDING VIOLATIONS:**

- A. When a civil citation is issued for a building violation, a thirty (30) calendar day correction period shall be allowed for the correction of the violation and the responsible person shall correct the violation within that period. Notwithstanding the provisions of section 1-11-4 of this chapter, no responsible person for a building violation shall be liable for a civil fine unless the violation continues after the thirty (30) calendar days allowed for its correction, plus any extension, and a second civil citation is issued containing a notice of failure to correct.
- B. The responsible person cited for a building violation may request an extension of the correction period provided that a request is filed with the director before the thirty (30) calendar day correction period ends. The director may, in his or her discretion, grant a reasonable extension of the time period to correct the violation if the responsible person has supplied substantial evidence showing that the correction cannot reasonably be made within the thirty (30) calendar day period. The filing for such an extension does not, unless granted, extend the thirty (30) calendar day correction period or any other time periods set by this chapter.
- C. If a building violation has not been corrected by the end of the correction period, the enforcement officer has authority to issue to the responsible person a second civil citation containing a notice of failure to correct. The responsible person to whom the notice of failure to correct is issued shall be liable for and shall pay to the city the civil fine or fines described in the civil citation, which civil fine or fines shall be due on the date of issuance of the second civil citation. Additional civil citations may be issued and additional civil fines imposed for every day the violation continues uncorrected from the date of issuance of the second civil citation. (Ord. 586, 7-12-2006)

**1-11-6: CIVIL CITATION; CONTENTS:**

- A. Each civil citation issued shall contain the following information:
  - 1. Name of the responsible person cited for the violation of this code;
  - 2. The date and approximate time when the violation(s) occurred;
  - 3. The address or definite description of the location where the violation(s) occurred;
  - 4. The address and phone number of the responsible person cited for the violation of this code;
  - 5. The date on which the citation was issued;
  - 6. The code section(s) or condition(s) violated and a description of the violation(s);
  - 7. The amount of the civil fine for each violation cited;
  - 8. A description of the civil fine payment process including a statement advising that the civil fine shall be received by the city within thirty (30) calendar days from the date of issuance of the civil citation, the procedure for payment of the civil fine, and the consequences for failing to timely pay the civil fine;
  - 9. If a building violation, the civil citation shall also contain the date the thirty (30) calendar day correction period expires and an explanation of how to request an extension of that thirty (30) calendar day correction period. If the civil citation issued is the second civil citation containing a notice of failure to correct, it may also state the amount of the civil fine(s) and a description of the civil fine payment process;
  - 10. A notice that each day thereafter that a violation(s) remains uncorrected shall be a separate violation(s) subject to separate civil fine(s) until corrected;
  - 11. An order prohibiting the continuation or repeated occurrence of each violation described in the civil citation;
  - 12. A description of the procedure for requesting a waiver of the civil fine deposit;
  - 13. A notice that the code violation is deemed to be a public nuisance;
  - 14. A notice of the process for the collection of unpaid civil fines and/or nuisance abatement costs as provided for in this chapter;
  - 15. The name and signature of the enforcement officer issuing the civil citation; and
  - 16. Any other information deemed necessary by the director for enforcement or collection purposes.
- B. Each civil citation issued may, but is not required to, include a self-addressed envelope in which the responsible person can send the civil fine

or request for administrative hearing or civil fine deposit waiver to the city and/or its designated agent.

C. Failure of the civil citation to contain all of the information required in subsection A of this section shall not be a defense to the civil citation, nor shall it constitute grounds for dismissal of the civil citation. (Ord. 586, 7-12-2006)

**1-11-7: CIVIL CITATION; SERVICE:**

A civil citation may be served by any one of the following methods:

A. Personal Service: An enforcement officer shall attempt to locate and personally serve the responsible person and obtain the signature of the responsible person on the civil citation. If the responsible person served refuses or fails to sign the civil citation, the failure or refusal to sign shall not affect the validity of the civil citation or of the subsequent proceedings.

B. Service By Mail: If the enforcement officer is unable to locate or personally serve the responsible person, the civil citation shall be served by first class mail, postage prepaid, with a declaration under penalty of perjury of service by mail executed by the person mailing the civil citation. The civil citation shall be addressed to the responsible person at the address shown on the last equalized property tax assessment rolls for Kings County for a building or property related violation, or to any address known for the responsible person for all other violations. Service by mail shall be deemed to be effective service on the date it is mailed and shall not affect the validity of the civil citation or of the subsequent proceedings.

C. Service By Posting: If the enforcement officer is unsuccessful in either personal service or service by mail, the civil citation shall be posted in a conspicuous place on the real property where the violation occurs for a building or property related violation. Such posting shall be deemed to be effective service on the date of posting and shall not affect the validity of the civil citation or of the subsequent proceedings. Where the violation occurs for a parking related violation, posting in a conspicuous place on the subject vehicle shall be deemed to be effective service on the date of posting and shall not affect the validity of the civil citation or the subsequent proceedings. (Ord. 586, 7-12-2006)

**1-11-8: CIVIL FINES; AMOUNT AND PENALTIES:**

A. The amount of the civil fines for violating particular provisions of this code shall be set forth in a schedule of civil fines adopted by resolution of the city council. The schedule may include escalating civil fine amounts for repeat code violations occurring within specified periods of time.

B. Where no civil fine amount is specified by resolution of the city council, civil fines shall be in accordance with those specified in the applicable section from which the violation arises, or, where none have been specified, as follows:

1. Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

2. Any person convicted of an infraction under the provisions of this code shall be punishable for a first conviction by a fine of not more than one hundred dollars (\$100.00), for a second conviction within a period of one year by a fine of not more than two hundred dollars (\$200.00), and for a third or any subsequent conviction within a period of one year by a fine of not more than five hundred dollars (\$500.00).

C. A late payment penalty shall be imposed for civil fines not paid within thirty (30) calendar days of their due date. The amount of the late payment penalty shall be fifty percent (50%) of the total amount of the civil fine owed, if the fine is not paid within thirty (30) calendar days of the due date. The amount of the late payment penalty shall increase to one hundred percent (100%) of the total amount of the civil fine owed for all fines not paid within sixty (60) calendar days of the due date.

D. In addition to any civil fine and/or late payment penalty, a hearing officer shall also assess administrative costs against the responsible person when it finds that a violation has occurred or that compliance has not been achieved within the time specified in the civil citation and any granted extensions thereof. Administrative costs may include any and all costs incurred by the city in connection with the matter including, but not limited to, costs of investigation, staffing costs incurred in preparation for an administrative hearing and for the administrative hearing itself, and costs for all reinspections of the property related to the violation(s). The amount of any administrative costs shall be determined and set by resolution of the city council.

E. Unless otherwise prohibited by law or regulation, all civil fines and administrative costs imposed pursuant to the provisions of this chapter shall accrue interest at the rate of eight percent (8%) until the civil fine or administrative costs, including interest thereon, is paid in full. Interest shall begin to accrue thirty (30) calendar days after the due date for the civil fine or administrative costs and continue until the civil fine or administrative costs, including interest thereon, is paid in full. (Ord. 586, 7-12-2006)

**1-11-9: CIVIL FINES; DUE:**

A. Civil fines are due on the date the civil citation is issued, except civil fines for building violations shall be due on the date the second civil citation is issued containing the notice of failure to correct.

B. A civil fine shall be late if not received by the city within thirty (30) calendar days of the date the civil citation was issued.

C. If a responsible person requests an administrative hearing and has received a waiver of civil fine deposit and the hearing officer upholds the civil citation, the civil fine shall be due on the date the notice of decision is personally delivered or mailed to the responsible person. (Ord. 586, 7-12-2006)

**1-11-10: CIVIL FINES; PAYMENT:**

A. A civil fine shall be received by the city within thirty (30) calendar days of its due date.

B. Payment of a civil fine shall not excuse the responsible person from correcting the code violation(s). The issuance of a civil citation and/or payment of a civil fine does not bar the city from taking any other enforcement action regarding a code violation that is not corrected, including issuing additional civil citations, and/or filing civil or criminal complaints. (Ord. 586, 7-12-2006)

**1-11-11: CIVIL FINES; COLLECTION:**

A. Civil fines, interest, penalties, reinspection fees, and/or administrative costs shall become a debt owing to the city and a personal obligation of the responsible person cited.

B. The city, at its discretion, may pursue any and all legal and equitable remedies for the collection of unpaid civil fines, administrative charges, interest and penalties. Pursuit of one remedy does not preclude the pursuit of any other remedies until the total amount of the civil fines, interest and penalties owed by a person under this chapter has been collected.

C. The city may refuse to issue, extend, or renew any city permit, license, or other city approval to any person who has unpaid delinquent civil fines, interest, penalties, liens or assessments due under this chapter related to the permit, license, or approval.

D. The city may suspend any permit, license, or land use approval issued to a person who has unpaid civil fines related to the permit, license, or approval totaling five hundred dollars (\$500.00) or more that have been delinquent for over thirty (30) calendar days. The suspension shall become effective twenty (20) calendar days after notice of the suspension is placed by the director in the U.S. mail, postage prepaid, addressed to the person and shall continue until the delinquency is paid in full. The person may request an administrative hearing pursuant to the provisions of this chapter on the issue of civil fine delinquency only, if the request is filed with the director before the twenty (20) calendar day period ends. Continuing to operate under a suspended permit, license or land use approval shall be grounds for revocation of the permit, license or land use approval.

Revocation may be made by the same city upon the same notice and hearing requirements for the initial issue or grant, or upon such other procedures and notice requirements if controlled by another provision of this code. In no event shall revocation occur upon less than ten (10) calendar days' written notice.

E. It shall be unlawful for a responsible person to fail to pay any civil fine, interest, penalty, reinspection fee, or administrative charges imposed pursuant to this chapter. The city attorney, at his or her discretion, may issue a criminal citation or complaint for an infraction to any responsible person who fails to make such a payment. The criminal fine for this violation shall be a mandatory minimum of one hundred dollars (\$100.00).

F. Any violation of this code shall constitute a nuisance. To compel compliance, the city may seek to abate the nuisance and collect the costs incurred by means of a nuisance abatement lien and/or special assessment against the property where a property related violation occurred. Any unpaid delinquent civil fines, interest, penalties, reinspection fees, or administrative charges may be recovered as part of any such lien or special assessment against the property of the responsible person who is the owner of the property where the violation occurred pursuant to Government Code sections 38773.1 and 38773.5.

G. To recover any delinquent civil fines, interest, penalties, reinspection fees, or administrative charges as a nuisance abatement lien and/or special assessment against the property where a property related violation occurred, the city's director of finance and/or designated agent, may at his or her discretion take the following steps:

1. Submit to and receive from the city council a resolution certifying the amounts of the liens and special assessments sought to be collected from each property owner;
2. Request the Kings County recorder to record a notice of any liens, or special assessments, and send the recorder the resolution certifying the amounts;
3. Request the Kings County tax collector to collect any special assessments certified by the city council; and
4. Take any and all other necessary action to enforce collection of any liens or special assessments provided for in this chapter.

H. The director may pursue the lien and special assessment remedies whether or not the city is pursuing any other action to terminate an ongoing code violation that was the basis for the civil fine.

I. All civil citations shall contain a notice that unpaid civil fines, interest, penalties, reinspection fees, and administrative charges are subject to the assessment and lien collection procedures of this section. The lien or assessment shall be imposed on the date the civil citation for the code violation is issued to the responsible person and becomes effective upon the recording of a notice of lien or assessment by the Kings County recorder. This notice shall satisfy the notice requirements of Government Code sections 38773.1 and 38773.5, when a civil citation is personally served on the responsible person. In addition, the city finance director shall send notice by first class mail stating the date, time and location of the meeting to each property owner listed in the proposed resolution at least ten (10) calendar days before the city council considers the resolution and certifies the amounts of the liens and special assessments.

J. A responsible person may contest the amount and/or validity of any lien or assessment for a civil fine at the public hearing to certify the amount of the lien or assessment by the city council pursuant to the provisions of this chapter. Such contests shall be limited to the issue of the amount and/or validity of the lien or assessment and may not consider whether the underlying code violation occurred. Pursuit of such a contest by a responsible person is necessary to exhaust the administrative remedies concerning a legal challenge to the validity of any such lien or assessment.

K. The parent or legal guardian of a responsible person who is a minor shall be liable for any civil fines imposed upon the minor pursuant to the provisions of this chapter. Any such civil fines may be collected from the minor, parent or guardian. (Ord. 586, 7-12-2006)

#### **1-11-12: PRELIMINARY CIVIL CITATION REVIEW:**

A. The city will not conduct a preliminary review of any civil citation issued under this chapter. Any responsible person to whom a citation has been issued, wishing to contest a citation, may request an administrative hearing in accordance with the provisions set forth in section 1-11-14 of this chapter. (Ord. 586, 7-12-2006)

#### **1-11-13: WAIVER OF CIVIL FINE DEPOSIT:**

A. A responsible person requesting an administrative hearing may also request at the same time a hardship waiver of the civil fine deposit. To seek such a waiver and obtain a separate administrative hearing on the request, the responsible person shall complete and sign a written request form contained on the reverse side of the civil citation, check the box indicating this request, and attach a statement of the grounds for the request.

B. The person requesting the waiver bears the burden of establishing by substantial evidence that he or she does not have the financial ability to pay the deposit of the civil fine. The responsible person shall personally appear at the administrative hearing on the request and a nonappearance shall constitute an abandonment of the request.

C. The request shall be decided by the hearing officer at the administrative hearing date, time and place set by the director and/or its agents. The request shall be heard at a separate administrative hearing prior to the administrative hearing on the contest of the civil citation. The hearing officer shall have up to fifteen (15) days following the administrative hearing date, to issue a notice of decision that the fine deposit is or is not waived. The hearing officer shall cause to be inserted on the notice of decision form the new date set for the administrative hearing on the contest of the civil citation that shall be within forty five (45) calendar days. A copy of the notice of decision shall be delivered to the responsible person within fifteen (15) days from the date of the hearing via first class mail.

D. If the waiver request is denied, the hearing officer shall include information with the notice of decision which explains the address and procedures for making the civil fine deposit. The responsible person shall mail the deposit so that it is received by the director at least five (5) business days before the date designated on the notice of decision for the administrative hearing on the contest of the civil citation. The director is authorized to designate the address to which the deposit is to be mailed. Failure to make the deposit by the time required shall be deemed an abandonment of the request for an administrative hearing on the contest of the civil citation.

E. The filing of a request for hardship waiver of the civil fine deposit does not extend the time within which to request an administrative hearing on the contest of the civil citation or any other time set forth in this chapter, except as provided in subsection D of this section. A hearing officer decision on the waiver request is final and not subject to appeal. (Ord. 586, 7-12-2006)

#### **1-11-14: ADMINISTRATIVE HEARING; REQUEST:**

A. A responsible person may contest a civil citation by filing a request for an administrative hearing, except that an administrative hearing of a building violation may not be requested unless and until a second civil citation is issued containing a notice of failure to correct. To obtain an administrative hearing, the responsible person shall file a signed written request form contained on the reverse side of the civil citation and indicate the grounds for contesting the civil citation and/or civil fine. A responsible person may contest the civil citation by denying that a violation occurred, by denying that it was not corrected within the correction period, if applicable, or by denying that the responsible person cited is a responsible person for the violation.

B. To be effective and complete, the city must actually receive the request within thirty (30) calendar days of the date the citation was issued

accompanied by a deposit of the full amount of the civil fine. The request for administrative hearing shall not be accepted for filing if not accompanied by the civil fine deposit unless the responsible person also requests a waiver of the civil fine deposit pursuant to this chapter. The request and civil fine deposit shall be deemed filed on the date actually received by the director. All requests shall be date stamped upon receipt by the director and/or its designated agent.

C. The responsible person shall appear at the administrative hearing on the date and at the time and place specifically assigned for his administrative hearing. Failure to personally attend the administrative hearing shall be considered a nonappearance. Nonappearance by the responsible person shall constitute an abandonment of the request unless the administrative hearing was continued pursuant to the provisions of this chapter. (Ord. 586, 7-12-2006)

**1-11-15: ADMINISTRATIVE HEARING; PROCEDURE:**

A. A hearing officer shall conduct no administrative hearing unless the civil fine has been deposited or waived in accordance with the provisions of this chapter.

B. Hearings shall be conducted, upon at least ten (10) calendar days' written notice thereon, by a hearing officer either:

1. On the date designated on the notice of decision when there was a request to waive the civil fine deposit which was heard on the date indicated on the citation;

2. On the date designated as a continued hearing date as specified hereinbelow; or

3. On a date set by the director at least ten (10) calendar days, but not more than ninety (90) calendar days, after the responsible person requests an administrative hearing.

C. The director shall ensure that the pertinent civil citation records are delivered to the hearing officer including information showing all civil fine deposits or waivers granted.

D. At the administrative hearing the director shall make available to the responsible person copies of any additional reports concerning the civil citation that are provided to the hearing officer.

E. The responsible person shall be given the opportunity to testify and to present evidence relevant to financial hardship, the code violation specified in the citation, or the fact that all fines have been paid. A parent or legal guardian of a responsible person who is a juvenile under eighteen (18) years of age shall accompany the responsible person at the administrative hearing or the contest of the civil citation or request for waiver of the civil fine deposit shall be deemed abandoned.

F. The civil citation, and any other reports prepared by the enforcement officer, or prepared at his or her request concerning the code violation, any attempted correction of the code violation, or civil fine payments that are provided to the hearing officer shall be accepted by the hearing officer as prima facie evidence of the code violation and the facts stated in such documents.

G. Neither the enforcement officer, nor any other representative of the city shall be required to attend the administrative hearing. The hearing officer shall not require that there be submitted any evidence, other than the civil citation, that may exist among the public records of the city on the code violation. However, any such appearance and/or submission may be made at the discretion of the enforcement officer or any city employee or agent.

H. The hearing officer, director, or city attorney may continue an administrative hearing if a request is made by the responsible person, or the responsible person's representative, or the representative of the city, upon a showing of good cause. All continuance requests shall either be made in person at the administrative hearing or by written request received by the director at least twenty four (24) hours before the administrative hearing date. If the continuance is granted, a new administrative hearing date shall be set not more than ninety (90) calendar days from the continued date. The new administrative hearing date shall be noted on the notice of decision and/or otherwise provided to the responsible person. If the continuance is denied, the administrative hearing shall proceed as scheduled, and, if the responsible person is not present, the contest of the civil citation or request for civil fine deposit waiver shall be deemed abandoned in accordance with the provisions of this chapter. The decision on the continuance request is final and the notice of decision shall either be delivered personally to the responsible person or the representative if present, or be mailed to the responsible person by the department.

I. The administrative hearing shall be conducted informally and the legal rules of evidence need not be followed. The hearing officer does not have the authority to issue a subpoena.

J. The failure of the responsible person to appear at the administrative hearing, unless continued in accordance with the provisions of this chapter, shall constitute an abandonment of the request for waiver of the civil fine deposit and/or contest of the civil citation, and a failure to exhaust administrative remedies concerning the code violation(s) as set forth in the civil citation. The city shall credit the civil fine deposit against the civil fine due for the code violation(s). The responsible person's failure to appear shall be noted on the notice of decision by the hearing officer and delivered to the responsible person either in person or by mail. (Ord. 586, 7-12-2006)

**1-11-16: ADMINISTRATIVE HEARING; DECISION:**

A. After consideration of all the evidence and testimony submitted at the administrative hearing, the hearing officer shall issue a written decision to either waive the civil fine deposit, not waive the civil fine deposit, uphold the civil citation, or cancel the civil citation. The hearing officer has no discretion or authority to reduce or modify a civil fine. The decision will be made on a notice of decision form and designate the reasons and evidence considered for the decision. The decision of the hearing officer shall be made and personally delivered to the responsible person at the conclusion of the hearing, if appropriate, or, when the hearing officer takes the matter under submission, mailed to the responsible person by the director within thirty (30) days after the hearing. The decision of the hearing officer is final.

B. If the decision of the hearing officer is to waive the civil fine deposit, then the responsible person is not required to deposit the civil fine prior to the date of the administrative hearing on the contest of the civil citation.

C. If the decision of the hearing officer is to uphold the civil citation, then the city shall keep the civil fine deposited. If the civil citation is upheld and the civil fine deposit has been waived, the civil fine shall be due on the date the notice of decision is given to the responsible person at the end of the administrative hearing by the hearing officer, or the date the notice of decision is mailed to the responsible person by the department.

D. If the decision of the hearing officer is to cancel the civil citation, then the city shall refund the civil fine deposit to the responsible person within thirty (30) calendar days of the date of the notice of decision.

E. The hearing officer's continued employment, performance evaluation, compensation, and benefits shall not directly or indirectly be linked to the number of civil citations upheld or canceled by the hearing officer. (Ord. 586, 7-12-2006)

**1-11-17: RIGHT TO JUDICIAL REVIEW:**

A. Any person aggrieved by an administrative decision of a hearing officer may seek judicial review of the administrative hearing decision by filing an appeal with the superior court of Kings County in accordance with the deadlines and provisions set forth in California Government Code section 53069.4. The aggrieved person filing the appeal shall be responsible for paying the statutory filing fee to the superior court when the appeal is filed.

B. No appeal is permitted from an administrative decision regarding:

1. A request for preliminary civil citation review;
2. An extension of the thirty (30) calendar day correction period for building violations;
3. A request for waiver of the civil fine deposit; or
4. A decision that the responsible person is deemed to have abandoned the contest of the civil citation or civil fine due to her or his failure to appear at the administrative hearing or failure to deposit the civil fine.

C. The city attorney shall forward to the superior court within fifteen (15) calendar days of its request, the pertinent civil citation documents for any case appealed to that court. If the superior court cancels any civil citation, the city shall refund any civil fine deposit made and the appeal filing fee within thirty (30) calendar days of its receipt of the court's decision. (Ord. 586, 7-12-2006)

**1-11-18: SEVERABILITY:**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this chapter, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the determination of any court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this chapter or its application to other persons. The city council hereby declares that it would have adopted this chapter and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. (Ord. 586, 7-12-2006)

## TITLE 2

### BOARDS AND COMMISSIONS

#### CHAPTER 1

##### PLANNING COMMISSION

**SECTION:**

**2-1-1: Commission Created**

**2-1-2: Members; Terms**

**2-1-3: Quorum**

**2-1-1: COMMISSION CREATED:**

The planning commission of the city as it now exists is hereby ratified and confirmed. (Ord. 342, 4-3-1978)

**2-1-2: MEMBERS; TERMS:**

The planning commission has consisted of and shall consist of seven (7) members who are appointed by and serve at the pleasure of the city council. The term of office has been and shall be four (4) years or until a successor can be appointed and qualified. Terms of office have been and shall be overlapping and staggered so that a majority of the terms of office do not terminate simultaneously at the end of any given calendar year. Number of successive terms served shall be at the pleasure of the city council and without set limit. All members of the planning commission have been and shall continue to serve without compensation. (Ord. 523, 11-18-1996)

If a commissioner/member is absent from regular meetings for ninety (90) consecutive days, the commissioner/member's position shall become vacant and shall be filled by city council appointment, or reinstatement by city council.

The city council may appoint one or more alternates whose term shall be a four (4) year term from the date of appointment. The alternate shall sit whenever a vacancy (whether temporary or permanent) exists at any regular and/or special meeting of the planning commission. (Ord. 603, 4-21-2008)

**2-1-3: QUORUM:**

A majority of the members currently in office shall constitute a quorum of the planning commission. (Ord. 547, 2-1-2000)

#### CHAPTER 2

##### PARKS AND RECREATION COMMISSION

**SECTION:**

**2-2-1: Commission Created**

**2-2-2: Members; Terms**

**2-2-3: Meetings And Officers**

**2-2-4: Vacancy Created By Absence From Meetings**

**2-2-5: Duties And Responsibilities**

**2-2-1: COMMISSION CREATED:**

A Parks and Recreation Commission of the City is hereby established. The intent of this Commission is to represent all citizens of the City without regard to age, sex, culture, religion or income level. (Ord. 505, 1-19-1993)

**2-2-2: MEMBERS; TERMS:**

A. Membership: The Parks and Recreation Commission shall consist of eight (8) regular voting members and one ex officio nonvoting member.

1. The ex officio nonvoting member shall be one youth representative appointed by the City Council from grades nine (9) through twelve (12). Said youth representative shall be recommended by the Corcoran High School Principal and shall serve until completion of his/her educational



program.

2. Up to five (5) regular members shall be appointed by the City Council to include at least one representative of the senior citizen community, one representative of an ethnic minority, and one sitting member of the City Council.
  3. One regular member shall be appointed by the City Council upon recommendation of the Corcoran Unified School District.
  4. One regular member shall be appointed by the City Council upon recommendation by the Board of Directors of the Corcoran Family YMCA.
  5. One regular member shall be appointed by the City Council upon recommendation of the Board of Directors of the Corcoran Community Foundation.
- B. Compensation: All of the members of the Parks and Recreation Commission shall serve without compensation. (Ord. 505, 1-19-1993)
- C. Terms: The term of office for the other regular members, except as hereinafter otherwise provided, shall be four (4) years or until their successors are appointed and qualified. Terms of office have been and shall be overlapping and staggered so that a majority of the terms of office do not terminate simultaneously at the end of any given calendar year. Number of successive terms served shall be at the pleasure of the City Council and without set limit. (Ord. 524, 11-18-1996)
- D. Vacancy: Should a vacancy on the Commission occur, the City Council may appoint a successor member to fill the unexpired term of the vacated member. (Ord. 505, 1-19-1993)

#### **2-2-3: MEETINGS AND OFFICERS:**

- A. Chairperson And Vice Chairperson Elected: Within twenty (20) days after the effective date of this Chapter, the members of the Commission shall meet in regular session and elect from their members a chairperson and vice chairperson. Officers shall hold office for one calendar year or until their successors are elected. (Ord. 505, 1-19-1993)
- B. Regular Meetings: The Commission shall meet in regular session at least twice per calendar year at a time and day selected by majority vote of its members. It shall be the duty of the chairperson to preside over all meetings of the Commission; in his/her absence the vice chairperson shall preside. All meetings of the Commission shall be open to the public; except for executive meetings called pursuant to provisions of the California Brown Act. (Ord. 520, 10-7-1996)
- C. Special Meetings: Special meetings of the Commission may be called by the chairperson or by any four (4) members. Written notice of each special meeting must be given not less than seventy two (72) hours before such meeting to all members not joining in the call who can be found in the City.
- D. Quorum: Four (4) regular members shall constitute a quorum, but a lesser number may adjourn from time to time to a day certain. Except as otherwise provided herein, majority vote of the quorum shall constitute action of the Commission.
- E. Appoint Secretary: The Commission may appoint a secretary to serve at the pleasure of the Commission. (Ord. 505, 1-19-1993)

#### **2-2-4: VACANCY CREATED BY ABSENCE FROM MEETINGS:**

Failure to attend three (3) consecutive, regular meetings of the Commission without formal consent of the Commission shall be deemed to constitute a retirement of such member. (Ord. 520, 10-7-1996)

#### **2-2-5: DUTIES AND RESPONSIBILITIES:**

The Commission shall:

- A. Act in an advisory capacity to the City Council in all matters pertaining to public parks and recreation.
- B. Cooperate with other governmental agencies and civic groups in the advancement of sound recreation programming and park planning. Such cooperation may include agreements for services and funding arrangements.
- C. Recommend policies on park and recreation services.
- D. Advise on acquisitions and development of park and recreation areas, facilities and programs.
- E. Formulate policies and plans for the planting, care and removal of trees, shrubs and flowers in public parks and other public places within the City.
- F. Receive input from contracting recreation service providers and counsel with the Public Works Director in connection with the preparation of the annual parks and recreation budget and make recommendations with respect thereto to the City Manager and the City Council.
- G. Render annually a full report of its work to the City Council together with such interim reports as shall be deemed appropriate or responsive to Council direction.
- H. Conduct studies. (Ord. 505, 1-19-1993)

## **CHAPTER 3**

### **REDEVELOPMENT AGENCY**

#### **SECTION:**

#### **2-3-1: Need For Redevelopment Agency**

#### **2-3-2: Agency To Consist Of Councilpersons**

#### **2-3-1: NEED FOR REDEVELOPMENT AGENCY:**

The City Council finds and declares pursuant to the California Health and Safety Code, section 33101 of the Community Redevelopment Law that there is a need for a Redevelopment Agency to function in the City and said Agency is hereby authorized to transact business and exercise its powers under the Community Redevelopment Law. (Ord. 286, 2-5-1973, eff. 3-7-1973)

#### **2-3-2: AGENCY TO CONSIST OF COUNCILPERSONS:**

Pursuant to the California Health and Safety Code, sections 33110 and 33200 of the Community Redevelopment Law, the Agency shall consist of the legislative body of the City, namely the City Council, and all rights, powers, duties, privileges and immunities invested in that Agency pursuant to California Health and Safety Code, sections 33100 et seq., shall be vested in the legislative body of the City. (Ord. 286, 2-5-1973, eff. 3-7-1973)

## CHAPTER 4

### EMERGENCY SERVICES DISASTER COUNCIL

#### SECTION:

##### 2-4-1: Purposes

##### 2-4-2: Definitions; Application Of Terms

##### 2-4-3: Disaster Council Membership

##### 2-4-4: Disaster Council Officers, Rules And Meetings

##### 2-4-5: Disaster Council Powers And Duties

##### 2-4-6: Director And Assistant Director Of Emergency Services

##### 2-4-7: Powers And Duties Of The Director And Assistant Director Of Emergency Services

##### 2-4-8: Emergency Organization

##### 2-4-9: Emergency Plan

##### 2-4-10: Expenditures

##### 2-4-11: Punishment Of Violations

#### 2-4-1: PURPOSES:

The declared purposes of this Chapter are to provide for the preparation and carrying out of plans for the protection of the 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. 392 N.S., 11-15-1982)

#### 2-4-2: DEFINITIONS; APPLICATION OF TERMS:

A. As used in this Chapter, "emergency" shall mean 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 a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to combat.

B. As used in this Chapter, "Kings Area" includes the City of Avenal, the City of Corcoran, the City of Hanford, the City of Lemoore and the unincorporated areas of the County of Kings. (Ord. 392 N.S., 11-15-1982)

#### 2-4-3: DISASTER COUNCIL MEMBERSHIP:

The Council hereby adopts section 6-3 of chapter 6 of the Code of Ordinances, County of Kings, providing for Disaster Council membership, which reads as follows:

Section 6.3. Disaster Council Membership: The Kings Area Disaster Council is hereby created and shall consist of the following:

- A. One member of the Board of Supervisors of the County, to be appointed by and to serve at the pleasure of the Board of Supervisors.
- B. The Assistant Director of Emergency Services (Emergency Service Coordinator) of the County of Kings.
- C. One member of the City Council of the City of Avenal to be appointed by and to serve at the pleasure of said Council.
- D. One member of the City Council of the City of Corcoran to be appointed by and to serve at the pleasure of said City Council.
- E. One member of the City Council of the City of Hanford to be appointed by and to serve at the pleasure of said City Council.
- F. One member of the City Council of the City of Lemoore to be appointed by and to serve at the pleasure of said City Council.
- G. The County Administrative Officer.
- H. The Director of Emergency Services of the City of Avenal; or if no director has been appointed, the City Manager of the City of Avenal in lieu thereof. (Ord. 392 N.S., 11-15-1982)
- I. The Director of Emergency Services of the City of Corcoran; or, if no director has been appointed, the Chief of Police of the City of Corcoran in lieu thereof. (Ord. 392 N.S., 11-15-1982; 1996 Code)
- J. The Director of Emergency Services of the City of Hanford, or, if no director has been appointed, the City Manager of the City of Hanford in lieu thereof.
- K. The Director of Emergency Services of the City of Lemoore; or if no director has been appointed, the City Administrator of the City of Lemoore in lieu thereof.
- L. One member at large to be appointed by the other members of the Kings Area Disaster Council. (Ord. 392 N.S., 11-15-1982)

#### 2-4-4: DISASTER COUNCIL OFFICERS, RULES AND MEETINGS:

The Council hereby adopts section 6-4 of chapter 6 of the Code of Ordinances, County of Kings, providing for disaster council officers, rules and meetings, which reads as follows:

Section 6-4. Disaster Council Officers, Rules and Meetings:

The member of the Board of Supervisors selected to serve on the Kings Area Disaster Council shall serve as chairperson, and the members shall elect a vice chairperson and such other officers as they deem necessary. They shall prescribe their own rules of procedure. The Disaster Council shall meet upon call of the chairperson or in his/her absence from the County or inability to call such a meeting, upon call of the vice chairperson or a majority of the membership. (Ord. 392 N.S., 11-15-1982)

#### 2-4-5: DISASTER COUNCIL POWERS AND DUTIES:

The Council hereby adopts section 6-5 of chapter 6 of the Code of Ordinances, County of Kings, providing for Disaster Council powers and duties, which reads as follows:

Section 6-5. Disaster Council Powers and Duties:

It shall be the duty of the Kings Area Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the Board of Supervisors of the County of Kings and the City Councils of the Cities of Avenal, Corcoran, Hanford and Lemoore, 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. (Ord. 392 N.S., 11-15-1982)

**2-4-6: DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES:**

A. Director Of Emergency Services: There is hereby created the office of Director of Emergency Services. The Chief of Police shall be the Director of Emergency Services.

B. Assistant Director Of Emergency Services: There is hereby created the office of Assistant Director of Emergency Services, who shall be appointed by the Director. (Ord. 392 N.S., 11-15-1982; 1996 Code)

**2-4-7: POWERS AND DUTIES OF THE DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES:**

A. Powers: The Director is hereby empowered to:

1. Request the City Council to proclaim the existence or threatened existence of a local emergency if the City Council is in session, or to issue such proclamation 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 (7) 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 accomplishment of the purposes of this Chapter.

4. Direct cooperation between the 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 this City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

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 hereby 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/she deems necessary in the execution of his/her 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 or material of any City department or agency; and

e. To execute all of his/her ordinary power as Chief of Police, all of the special powers conferred upon him/her by this Chapter or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him/her by any statute, by any agreement approved by the City Council and by any other lawful authority.

B. Director To Designate Order Of Succession: 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/her duties during an emergency. Such order of succession shall be approved by the City Council.

C. Emergency Plans And Programs: 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. 392 N.S., 11-15-1982)

**2-4-8: EMERGENCY ORGANIZATION:**

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 2-4-7A6c of this Chapter, be charged with duties incident to the protection of life and property of this City during such emergency, shall constitute the emergency organization of the City. (Ord. 392 N.S., 11-15-1982)

**2-4-9: EMERGENCY PLAN:**

The Kings Area 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 condition constituting a local emergency, state of emergency or 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. 392 N.S., 11-15-1982)

**2-4-10: 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. 392 N.S., 11-15-1982)

**2-4-11: PUNISHMENT OF VIOLATIONS:**

It shall be a misdemeanor, punishable pursuant to the provisions of Section 1-4-1 of this Code, for any person, during an emergency to: (Ord. 392 N.S., 11-15-1982; 1996 Code)

A. Wilfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or the regulation issued pursuant to this Chapter, or in the performance of any duty imposed upon such member 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. 392 N.S., 11-15-1982)

# BUSINESS AND LICENSE REGULATIONS

## CHAPTER 1

### GENERAL LICENSING REGULATIONS

#### SECTION:

##### 3-1-1: Definitions

##### 3-1-2: Revenue Measure

##### 3-1-3: Effect On Other Ordinances

##### 3-1-4: License And Tax Payment Required

##### 3-1-5: Branch Establishments

##### 3-1-6: Constitutional Apportionment

##### 3-1-7: Exemptions

##### 3-1-8: Application; First License

##### 3-1-9: Renewal License

##### 3-1-10: Information Confidential

##### 3-1-11: License Nontransferable; Changed Location And Ownership

##### 3-1-12: Duplicate License

##### 3-1-13: Posting And Keeping Licenses

##### 3-1-14: Payment Of License Tax

##### 3-1-15: Delinquent Taxes; Penalties; Installment Payment

##### 3-1-16: Refunds Of Overpayments

##### 3-1-17: Outside Business

##### 3-1-18: Enforcement

##### 3-1-19: Penalty

##### 3-1-1: DEFINITIONS:

For the purpose of this Chapter the following terms shall have the meaning set forth in this Section unless the context otherwise indicates:

**BUSINESS:** Includes professions, trades, and occupations and all and every kind of calling carried on for profit or livelihood.

**CITY:** The City of Corcoran, a Municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or re-incorporated form.

**COLLECTOR:** The Finance Director or other City officer charged with the administration of this Chapter.

**GROSS RECEIPTS:** Shall include 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" shall be 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" shall be 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. Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business shall not be excluded;
- G. As to a retail gasoline dealer, a portion of his/her 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 (commencing with section 7301) of the Revenue and Taxation Code of the State of California;
- H. 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/her from the consumer or purchaser.

**PERMANENT PLACE OF BUSINESS:** A permanent store, office or place where business is regularly transacted from month to month in such a manner as a business of that nature is generally conducted, and where the circumstances show an intention to be an established, fixed and continuous part of the regular and legitimate business life of the City.

**PERSON:** Includes all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, or common law trusts, societies, and individuals transacting and carrying on any business in the City, other than as an employee.

**SALE:** Shall include 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 shall likewise be deemed a sale. 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. (1996 Code)

### **3-1-2: REVENUE MEASURE:**

This Chapter is enacted solely to raise revenue for Municipal purposes, and is not intended for regulation. (1996 Code)

### **3-1-3: EFFECT ON OTHER ORDINANCES:**

Persons required to pay a license tax for transacting and carrying on any business under this Chapter shall not be relieved from the payment of any license tax for the privilege of doing such business required under any other ordinance of the City, and shall remain subject to the regulatory provisions of other ordinances. (1996 Code)

### **3-1-4: LICENSE AND TAX PAYMENT REQUIRED:**

A. License Required; Payment Of Tax: There are hereby imposed upon the businesses, trades, professions, callings and occupations doing business within the City license taxes in the amounts established by resolution of the City Council. It shall be unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the City without first having procured a license from said City so to do and paying the tax as established by City Council resolution or without complying with any and all applicable provisions of this Chapter.

B. Peddlers And Solicitors; Invitation Required: The practice of going in and upon a private residence in the City by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise and any type of services not having been requested or invited to do so by the owner or occupant of said private residence for the purpose of soliciting orders for the sale of goods, wares, merchandise and any type of service and/or for the sale of goods, wares, merchandise and any type of service and/or for the purpose of disposing of or peddling or hawking of same, is hereby prohibited, declared to be a nuisance and punishable as a misdemeanor.

C. Exception To License Requirements: 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 of California. Persons not so required to obtain a license prior to doing business within the City nevertheless shall be liable for payment of the tax imposed by this Chapter. (1996 Code)

### **3-1-5: 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 or branch establishment licensed under the provisions of this Chapter shall not be deemed to be separate places of business or branch establishments; and provided further that any person conducting two (2) or more types of businesses at the same location and under the same management, or at different locations, but which businesses use a single set or integrated set of books and records, may, at his/her option, pay only one tax calculated on all gross receipts of the businesses. (1996 Code)

### **3-1-6: CONSTITUTIONAL APPORTIONMENT:**

A. Undue Burden Prohibited: None of the license taxes provided for by this Chapter shall be so applied 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 State and the State of California.

B. Tax Adjustment Procedure: 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/she may apply to the Collector for an adjustment of the tax. Such application may be made before, at, or within six (6) 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 City may deem necessary in order to determine the extent, if any, of such undue burden or violation. The City 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 City shall have the power to base the license tax upon a percentage of gross receipts or any other measure which will assure 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 this Chapter. Should the City determine the gross receipts measure of license tax to be the proper basis, the applicant may be required to submit, either at the time of termination of applicant's business in the City, or at the end of each three (3) month period, a sworn statement of the gross receipts and pay the amount of license tax therefor; provided, that no additional license tax during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license tax as prescribed in this Chapter. (1996 Code)

### **3-1-7: EXEMPTIONS:**

A. Tax Payment Exemptions: Nothing in this Chapter 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 of California from the payment of such taxes as are herein prescribed.

B. File Sworn Statement: Any person claiming an exemption pursuant to this Section shall file a sworn statement with the City 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 this Chapter.

C. Waiving Tax Payment: The City 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 this Chapter.

D. License Revocation: The City, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this Section upon information that the licensee is not entitled to the exemption as provided herein. (1996 Code)

### **3-1-8: APPLICATION; FIRST LICENSE:**

A. Required Information: Upon a person making application for the first license to be issued hereunder or for a newly established business, such person shall furnish to the City a sworn statement, upon a form provided by the City, setting forth the following information:

1. The exact nature or kind of business for which a license is requested;
2. The place where such business is to be carried on, and if the same is not to be carried on at any permanent place of business, the places of residences of the owners of same;
3. In the event that application is made for the issuance of a license to a person doing business under a fictitious name, the application shall set forth the names and places of residences of those owning said business;
4. In the event that the application is made for the issuance of a license to a corporation or a partnership, the application shall set forth the names and places of residences of the officers or partners thereof;
5. In all cases where the amount of license tax to be paid is measured by gross receipts, the application shall set forth such information as

may be therein required and as may be necessary to determine the amount of the license tax to be paid by the applicant;

6. Any further information which the City may require to be able to issue the type of license applied for.

B. Gross Receipts Estimate: If the amount of the license tax to be paid by the applicant is measured by gross receipts, he/she 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. (1996 Code)

### **3-1-9: RENEWAL LICENSE:**

In all cases, the applicant for the renewal of a license shall submit to the Collector for his/her guidance in ascertaining the amount of the license tax to be paid by the applicant, a sworn statement, upon a form to be provided by the Collector, setting forth such information concerning the applicant's business during the preceding year as may be required by the Collector to enable him/her to ascertain the amount of the license tax to be paid by said applicant pursuant to the provisions of this Chapter. (1996 Code)

### **3-1-10: INFORMATION CONFIDENTIAL:**

It shall be unlawful for any person having an administrative duty under the provisions of this Chapter 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 to permit 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 this Chapter, or collecting taxes imposed hereunder;

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/herself, or to his/her successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, or 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; further provided, however, that the City Attorney approves each such disclosure and that the City may refuse to make any disclosure referred to in this subsection when in his/her 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/her by the City for license taxes, or when acting upon any other matter;

G. The disclosure of general statistics regarding taxes collected or business done in the City. (1996 Code)

### **3-1-11: LICENSE NONTRANSFERABLE; CHANGED LOCATION AND OWNERSHIP:**

No license issued pursuant to this Chapter 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 therefor and paying the current fee have the license amended to authorize the transacting and carrying on of such business under said 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 herein defined to be a person are regarded as having the real or ultimate ownership of such corporation or other entity. (1996 Code)

### **3-1-12: DUPLICATE LICENSE:**

A duplicate license may be issued by the City to replace any license previously issued hereunder which has been lost or destroyed upon the licensee filing a statement of such fact, and at the time of filing such statement paying to the City the duplicate license fee. (1996 Code)

### **3-1-13: POSTING AND KEEPING LICENSES:**

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 a business but not operating at a fixed place of business in the City shall keep the license upon his/her person at all times while transacting and carrying on the business for which it is issued. (1996 Code)

### **3-1-14: PAYMENT OF LICENSE TAX:**

Unless otherwise specifically provided, all annual license taxes, under the provisions of this Chapter, shall be due and payable in advance on January 1 of each year; provided, that license taxes covering new operations, commenced after January 1 may be prorated for the balance of the license period. Except as otherwise herein provided, license taxes, other than annual, required hereunder shall be due and payable quarterly, on January 1, April 1, July 1 and October 1 of each year. (1996 Code)

### **3-1-15: DELINQUENT TAXES; PENALTIES; INSTALLMENT PAYMENT:**

A. Penalty Added: For failure to pay a license tax when due, the City shall add a penalty of five percent (5%) of said license tax on the last day of each month after the due date thereof, providing that the amount of such penalty to be added shall in no event exceed twenty five percent (25%) of the amount of the license tax due.

B. Delinquent Taxes; Payment Agreement: No license shall be issued, nor one which has been suspended or revoked shall be reinstated or reissued to any person, who at the time of applying therefor, is indebted to the City for any delinquent license taxes, unless such person, with the consent of the Collector, enters into a written agreement with the City, through the Collector, to pay such delinquent taxes, plus interest upon the unpaid balance, in monthly installments, or more often, extending over a period of not to exceed one year.

C. Failure To Pay: 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/her current license shall be revocable by the City upon thirty (30) days' notice. In the event legal action is brought by the City to enforce collection of any amount included in the agreement, such person shall pay all costs of suit incurred by the City or its assignee, including a reasonable attorney's fee. The execution of such an agreement shall not prevent the prior accrual of penalties on unpaid balances at the rate provided hereinabove, but no penalties shall accrue on account of taxes included in the agreement, after this 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. (1996 Code)



**3-1-16: REFUNDS OF OVERPAYMENTS:**

No refund of an overpayment of taxes imposed by this Chapter shall be allowed in whole or in part unless a claim for refund is filed with the Collector within a period of one year 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/her and in the manner prescribed by him/her. Upon the filing of such a claim and when he/she determines that an overpayment has been made, the Collector may refund the amount overpaid. (1996 Code)

**3-1-17: OUTSIDE BUSINESS:**

- A. Amount Of Tax: Every person not having a fixed place of business within the City who engages in business within the City shall pay a license tax at the same rate prescribed herein for persons engaged in the same type of business from and having a fixed place of business within the City.
- B. Use Of Vehicles; No Fixed Place Of Business: Every person not having a fixed place of business within the City, who delivers goods, wares or merchandise by vehicle, or who provides any service by the use of vehicles in the City, shall pay an annual license tax based on the number of vehicles used. A trailer shall be deemed to be a separate vehicle for the purpose of this Section, except that a combination of truck-tractor and semi-trailer shall be considered as one vehicle, provided any person licensed under this Section may pay a tax as prescribed by gross receipts at his/her option.
- C. Rules And Regulations: The Collector may make rules and regulations not inconsistent with the provisions of this Chapter as may be necessary or desirable to aid in the enforcement of the provisions of this Chapter. (1996 Code)

**3-1-18: ENFORCEMENT:**

- A. Enforcement Officials: It shall be the duty of the Collector and he/she is hereby directed to enforce each and all of the provisions of this Chapter and the Chief of Police shall render such assistance in the enforcement hereof as may from time to time be required by the Collector or the City Council.
- B. Examine Businesses: The Collector in the exercise of the duties imposed upon him/her hereunder, and acting through his/her deputies or duly authorized assistants, may examine or cause to be examined all places of business in the City to ascertain whether the provisions of this Chapter have been complied with.
- C. Right Of Entry: The Collector and each and all of his/her assistants and any police officer shall have the power and authority (upon obtaining an inspection warrant therefor) to enter, free of charge, and at any reasonable time, any place of business required to be licensed herein, and demand an exhibition of its license. Any person having such license theretofore issued, in his/her possession or under his/her control, who wilfully fails to exhibit the same on demand, shall be guilty of a misdemeanor and subject to the penalties provided for by the provisions of this Chapter. It shall be the duty of the Collector and each of his/her assistants to cause a complaint to be filed against any and all persons found to be violating any of said provisions. (1996 Code)

**3-1-19: PENALTY:**

Every violation determined to be an infraction is punishable as provided in subsection1-4-1 B of this Code. A person shall be deemed guilty of a separate offense for each day during any portion of which a violation of this Chapter is committed, continued, or permitted by the person, and shall be punishable as herein provided. (1996 Code)

CHAPTER 2

TAXES

ARTICLE A. UNIFORM LOCAL SALES AND USE TAX

SECTION:

- 3-2A-1: Short Title
- 3-2A-2: Rate
- 3-2A-3: Operative Date
- 3-2A-4: Purposes
- 3-2A-5: Contract With State
- 3-2A-6: Sales Tax
- 3-2A-7: Place Of Sale
- 3-2A-8: Use Tax
- 3-2A-9: Adoption Of Provisions Of State Law
- 3-2A-10: Limitations On Adoption Of State Law
- 3-2A-11: Permit Not Required
- 3-2A-12: Exclusions And Exemptions
- 3-2A-13: Amendments
- 3-2A-14: Enjoining Collection Forbidden
- 3-2A-15: Penalty

**3-2A-1: SHORT TITLE:**  
This Chapter shall be known as the *UNIFORM LOCAL SALES AND USE TAX ORDINANCE*. (Ord. 297)

**3-2A-2: RATE:**  
The rate of sales tax and use tax imposed by this Chapter shall be .98 percent. (Ord. 297)

**3-2A-3: OPERATIVE DATE:**  
This Chapter shall be operative on January 1, 1974. (Ord. 297)

#### **3-2A-4: PURPOSES:**

The City Council hereby declares that this Chapter is adopted to achieve the following, among others, purposes and directs that the provisions hereof 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 (commencing with section 7200);
- 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 therefor 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 record keeping upon persons subject to taxation under the provisions of this Chapter. (Ord. 297)

#### **3-2A-5: CONTRACT WITH STATE:**

Prior to the operative date, this City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this sales and use tax 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 this Chapter. (Ord. 297)

#### **3-2A-6: SALES TAX:**

For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers in the City at the rate stated in Section 3-2A-2 of this Chapter of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this City on and after the operative date. (Ord. 297)

#### **3-2A-7: 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/her 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. 297)

#### **3-2A-8: USE TAX:**

An excise tax is hereby imposed on the storage, use or other consumption in this City of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in this City at the rate stated in Section 3-2A-2 of this Chapter 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. 297)

#### **3-2A-9: ADOPTION OF PROVISIONS OF STATE LAW:**

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 1 of division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Chapter as though fully set forth herein. (Ord. 297)

#### **3-2A-10: LIMITATIONS ON ADOPTION OF STATE LAW:**

In adopting the provisions of part 1 of division 2 of the Revenue and Taxation Code (commencing with section 6001), wherever the State is named or referred to as the taxing agency, the name of this City shall be substituted therefor. 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 of California, 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 said 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. 297)

#### **3-2A-11: 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. 297)

#### **3-2A-12: EXCLUSIONS AND EXEMPTIONS:**

There shall be excluded from the measure of tax, and the amount subject to tax shall not include such items, conditions and activities as provided for in the California Revenue and Taxation Code. (1996 Code)

#### **3-2A-13: 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. 297)

#### **3-2A-14: ENJOINING COLLECTION FORBIDDEN:**

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. 297)

#### **3-2A-15: PENALTY:**

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 297; 1996 Code)

## ARTICLE B. TRANSIENT OCCUPANCY TAX

### SECTION:

#### 3-2B-1: Definitions

#### 3-2B-2: Tax Imposed

#### 3-2B-3: Exemptions

#### 3-2B-4: Operator's Duties

#### 3-2B-5: Registration

#### 3-2B-6: Reporting And Remitting

#### 3-2B-7: Remittance By Mail

#### 3-2B-8: Penalties And Interest

#### 3-2B-9: Failure To Collect And Report Tax; Determination Of Tax By Director Of Finance

#### 3-2B-10: Deficiency Determinations

#### 3-2B-11: Appeals

#### 3-2B-12: Records

#### 3-2B-13: Refunds

#### 3-2B-14: Actions To Collect

#### 3-2B-15: Deposit Of Collections

#### 3-2B-16: Violations Of Provisions

#### 3-2B-1: DEFINITIONS:

Except where the context otherwise requires, the definitions given in this Section shall govern the construction of this Chapter.

**HOTEL:** Any structure, or any portion of any structure, which is occupied, or intended or designed for occupancy, by transients for dwelling, lodging, or sleeping purposes and shall include any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure, or portion thereof.

**OCCUPANCY:** The use or possession, or the right to the use or possession, of any room, or portion thereof, in any hotel for dwelling, lodging, or sleeping purposes.

**OPERATOR:** The person who is the proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his/her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this Chapter and shall have the same duties and liabilities as his/her principal. Compliance with the provisions of this Chapter by either the principal or the managing agent, however, shall be considered to be compliance by both.

**PERSON:** Any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

**RENT:** The consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property, and services of any kind or nature, without any deduction therefrom whatsoever.

**TRANSIENT:** Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the provisions of this Chapter may be considered. (Ord. 456 N.S., 7-5-1988)

#### 3-2B-2: TAX IMPOSED:

For the privilege of occupancy in any hotel, each transient shall be subject to and shall pay a tax in the amount of eight percent (8%) of the rent charged by the operator. Such tax shall constitute a debt owed by the transient to the City, which debt shall be extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Director of Finance may require that such tax be paid directly to the Director of Finance. (Ord. 456 N.S., 7-5-1988)

#### 3-2B-3: EXEMPTIONS:

No tax shall be imposed upon:

- A. Any person as to whom, or any occupancy as to which, it is beyond the power of the City to impose the tax provided for in this Chapter;
- B. Any Federal or State officer or employee when on official business;
- C. Any officer or employee of a foreign government, which officer or employee is exempt by reason of express provisions of Federal law or international treaty; or
- D. Any occupant whose rent is of a value of less than two dollars (\$2.00) per day.

No exemption shall be granted pursuant to subsections A, B, and C of this Section except upon a claim therefor made at the time the rent is collected and under penalty of perjury upon a form prescribed by the Director of Finance. (Ord. 456 N.S., 7-5-1988)

#### 3-2B-4: OPERATOR'S DUTIES:

Each operator shall collect the tax imposed by the provisions of this Chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax, or any part

thereof, will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner provided in this Chapter. (Ord. 456 N.S., 7-5-1988)

### **3-2B-5: REGISTRATION:**

Within thirty (30) days after commencing business, each operator of any hotel renting an occupancy to transients shall register such hotel with the Director of Finance and obtain a "transient occupancy registration certificate" which shall at all times be posted in a conspicuous place on the premises. Such certificate shall, among other things, set forth the following information:

- A. The name of the operator;
- B. The address of the hotel;
- C. The date upon which the certificate was issued;

D. A statement as follows: "This transient occupancy registration certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Law by registering with the Director of Finance for the purpose of collecting from transients the transient occupancy tax and remitting such tax to the Director of Finance. This certificate shall not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including, but not limited to, those requiring a permit from any board, commission, department, or office of this City. This certificate shall not constitute a permit"; and

- E. Such additional information as may be required by the Director of Finance. (Ord. 456 N.S., 7-5-1988)

### **3-2B-6: REPORTING AND REMITTING:**

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the Director of Finance, make a return to the Director of Finance, on forms provided, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the Director of Finance. The Director of Finance may establish shorter reporting periods for any certificate holder if deemed necessary in order to insure collection of the tax, and may require further information in the return. Returns and payments shall be due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to the provisions of this Chapter shall be held in trust for the account of the City until payment thereof is made to the Director of Finance. (Ord. 456 N.S., 7-5-1988)

### **3-2B-7: REMITTANCE BY MAIL:**

If a remittance to cover a payment required by the provisions of this Chapter to be made to the Director of Finance on or before a specified date is sent through the United States mail, properly addressed, with postage prepaid, it shall be deemed to have been received by the Director of Finance on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the Director of Finance establishes that the mailing occurred on an earlier date. Nothing in this Section shall be construed as constituting payment of any remittance required unless such remittance is actually received by the Director of Finance. (Ord. 456 N.S., 7-5-1988)

### **3-2B-8: PENALTIES AND INTEREST:**

A. Original Delinquency: Any operator who shall fail to remit any tax imposed by the provisions of this Chapter within the time required shall pay a penalty in the amount of ten percent (10%) of the tax in addition to the amount of the tax.

B. Continued Delinquency: Any operator who shall fail to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty in the amount of ten percent (10%) of the tax in addition to the amount of the tax and the ten percent (10%) penalty first imposed.

C. Fraud: If the Director of Finance shall determine that the nonpayment of any remittance due pursuant to the provisions of this Chapter is due to fraud, a penalty in the amount of twenty five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties set forth in subsections A and B of this Section.

D. Interest: In addition to the penalties imposed, any operator who shall fail to remit any tax imposed by the provisions of this Chapter shall pay interest at the rate of one-half of one percent (.5%) per month, or fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties And Interest Merged With Tax: Every penalty imposed, and such interest as accrues, pursuant to the provisions of this Section, shall become a part of the tax required to be paid by the provisions of this Chapter. (Ord. 456 N.S., 7-5-1988)

### **3-2B-9: FAILURE TO COLLECT AND REPORT TAX; DETERMINATION OF TAX BY DIRECTOR OF FINANCE:**

If any operator shall fail or refuse to collect such tax and to make, within the time provided in this Chapter, any report and remittance of such tax, or any portion thereof, required by the provisions of this Chapter, the Director of Finance shall proceed in such manner as may be deemed best to obtain the facts and information on which to base the estimate of the tax due. As soon as the Director of Finance shall procure such facts and information as is able to be obtained upon which to base the assessment of any such tax imposed by the provisions of this Chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, the Director of Finance shall proceed to determine and assess against such operator the tax, interest, and penalties provided for by the provisions of this Chapter. In the event such determination is made, the Director of Finance shall give notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his/her last known place of address. Such operator may, within ten (10) days after the service or mailing of such notice, make an application in writing to the Director of Finance for a hearing on the amount assessed. If an application by the operator for a hearing is not made within the time prescribed, the tax, interest, and penalties, if any, determined by the Director of Finance shall become final and conclusive and immediately due and payable. If such an application is made, the Director of Finance shall give not less than five (5) days' written notice in the manner prescribed in this Section to the operator to show cause at a time and place fixed in such notice why the amount specified therein should not be fixed for such tax, interest, and penalties. At such hearing the operator may appear and offer evidence why such specified tax, interest, and penalties shall not be so fixed. After such hearing the Director of Finance shall determine the proper tax to be remitted and shall thereafter give written notice to the operator in the manner prescribed in this Section of such determination and the amount of such tax, interest, and penalties. The amount determined to be due shall be payable fifteen (15) days after the service or mailing of such notice unless an appeal is filed as provided in Section 3-2B-11 of this Chapter. (Ord. 456 N.S., 7-5-1988)

### **3-2B-10: DEFICIENCY DETERMINATIONS:**

If the Director of Finance is not satisfied with a return filed by an operator or the amount of the tax required to be paid to the City pursuant to a return, he/she may compute and determine the amount required to be paid upon the basis of the facts contained in the return or upon the basis of any information within his/her possession, or that may come into his/her possession. One or more deficiency determinations may be made of the amount due for any period. The Director of Finance shall give to the operator written notice of the determination in the same manner as provided in Section 3-2B-9 of this Chapter. The operator shall be entitled to apply for a hearing on the amount assessed to him/her pursuant to the procedure set forth in Section 3-2B-9 of this Chapter and shall thereafter be entitled to appeal to the Council in accordance with the provisions of Section 3-2B-11 of this Chapter. The penalties and interest provided in Section 3-2B-8 of this Chapter shall be applicable to the amount of deficiency established pursuant to the provisions of this Section. (Ord. 456 N.S., 7-5-1988)

### 3-2B-11: APPEALS:

Any operator aggrieved by any decision of the Director of Finance with respect to the amount of such tax, interest, and penalties, if any, may appeal to the Council by filing a notice of appeal with the City Clerk within fifteen (15) days after the service or mailing of the determination of the tax due. The Council shall fix a time and place for hearing such appeal, and the City Clerk shall give notice in writing to such operator at his/her last known place of address. The decision of the Council shall be final and conclusive and shall be served upon the appellant in the manner prescribed in this Chapter for the service of a notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice. (Ord. 456 N.S., 7-5-1988)

### 3-2B-12: RECORDS:

It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by the provisions of this Chapter to keep and preserve, for a period of three (3) years and six (6) months, all records as may be necessary to determine the amount of such tax as he/she may have been liable for the collection of and payment to the City, which records the Director of Finance shall have the right to inspect at all reasonable times. (Ord. 456 N.S., 7-5-1988)

### 3-2B-13: REFUNDS:

A. Whenever the amount of any tax, interest, or penalty has been overpaid, or paid more than once, or erroneously or illegally collected or received by the City pursuant to the provisions of this Chapter, such amount may be refunded as provided in subsections B and C of this Section, provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Director of Finance within three (3) years after the date of payment. The claim shall be on forms furnished by the Director of Finance.

B. Any operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the Director of Finance that the person from whom the tax has been collected was not a transient; provided, however, neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

C. A transient may obtain a refund of taxes overpaid, paid more than once, or erroneously or illegally collected or received by the City by filing a claim in the manner provided in subsection A of this Section but only when the tax was paid by the transient directly to the Director of Finance, or when the transient, having paid the tax to the operator, establishes to the satisfaction of the Director of Finance that the transient has been unable to obtain a refund from the operator who collected the tax.

D. No refund shall be paid pursuant to the provisions of this Section unless the claimant establishes his/her right thereto by written records showing entitlement thereto. (Ord. 456 N.S., 7-5-1988)

### 3-2B-14: ACTIONS TO COLLECT:

Any tax required to be paid by any transient pursuant to the provisions of this Chapter shall be deemed a debt owed by the transient to the City. Any such tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City pursuant to the provisions of this Chapter shall be liable to an action brought in the name of the City of the recovery of such amount. (Ord. 456 N.S., 7-5-1988)

### 3-2B-15: DEPOSIT OF COLLECTIONS:

All funds collected pursuant to the provisions of this Chapter, including interest and penalties collected for delinquencies, shall be deposited in the General Fund and shall be used for the purposes for which such Fund may be used. Any refund paid pursuant to the provisions of this Chapter shall be paid out of such Fund. (Ord. 456 N.S., 7-5-1988)

### 3-2B-16: VIOLATIONS OF PROVISIONS:

Any operator or other person who fails or refuses to register as required, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the Director of Finance, or who renders a false or fraudulent return or claim shall be guilty of an infraction. Any person required to make, render, sign or verify any report or claim and who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by the provisions of this Chapter to be made shall be guilty of an infraction. (Ord. 456, N.S., 7-5-1988)

## ARTICLE C. RESIDENTIAL DEVELOPMENT TAX

### SECTION:

#### 3-2C-1: Title

#### 3-2C-2: Purpose

#### 3-2C-3: Definitions; Application Of Terms

#### 3-2C-4: Fees

#### 3-2C-5: Fees; When Payable

#### 3-2C-6: Capital Outlay Recreation Fund

#### 3-2C-7: Tax, Need For

#### 3-2C-1: TITLE:

This tax shall be known as the *RESIDENTIAL DEVELOPMENT TAX*. (Ord. 319, 9-20-1976)

#### 3-2C-2: PURPOSE:

This Chapter is enacted pursuant to authority granted by sections 11510 and 11546 of the Business and Professions Code of the State of California. The parks and recreational facilities for which dedication of land and/or payment of fees is required by this Chapter are in accordance with the recreational element of the General Plan of the City adopted by the City on March 19, 1973. (Ord. 319, 9-20-1976)

#### 3-2C-3: DEFINITIONS; APPLICATION OF TERMS:

A. As used herein the term "person" includes every person, firm, or corporation constructing a dwelling unit itself, or through the services of any employee, agent, or independent contractors. (Ord. 319, 9-20-1976)

B. As used herein the term "dwelling unit" includes each single-family dwelling, each unit of an apartment, duplex or multiple-dwelling structure designed as a separate habitation for one or more persons and each space in a mobile home park. (Ord. 447 N.S., 12-7-1987)

#### 3-2C-4: FEES:

Every person constructing any dwelling unit in the City shall pay the City the following fees: the sum of forty dollars (\$40.00) for each dwelling unit containing not more than one bedroom and the sum of ten dollars (\$10.00) for each additional bedroom contained therein; provided, however, that

in no event shall the total fees for any dwelling unit exceed the sum of seventy dollars (\$70.00). Mobile home parks shall pay a fee of fifty dollars (\$50.00) per space. (Ord. 447 N.S., 12-7-1987; 1996 Code)

**3-2C-5: FEES; WHEN PAYABLE:**

Such fees shall be due and payable upon application to the City for a building permit for the construction of any such dwelling unit; provided, however, that there shall be a refund of such fees in the event the building permit is not approved, or is not used, for such construction. (Ord. 319, 9-20-1976)

**3-2C-6: CAPITAL OUTLAY RECREATION FUND:**

There is hereby established a Capital Outlay Recreation Fund. All sums collected pursuant to this Chapter shall be deposited in said Capital Outlay Recreation Fund and shall be used solely for acquisition, improvement, and expansion of public park, playground, and/or recreation facilities. (Ord. 319, 9-20-1976)

**3-2C-7: TAX, NEED FOR:**

The City Council hereby declares that the fees required to be paid hereby are assessed pursuant to the taxing power of the City and solely for the purpose of producing revenue. The continued increase of the public using public parks in the City has created an urgent need for the planning, acquisition, improvement and expansion of public parks, playgrounds, and recreation facilities to serve the increasing population of the City and the means of providing additional revenues with which to finance such public facilities. (Ord. 319, 9-20-1976)

## CHAPTER 3

### BINGO GAMES

**SECTION:**

**3-3-1: Bingo Games For Charitable Purposes**

**3-3-2: Conduct Of Bingo Games**

**3-3-3: Violations; Penalty**

**3-3-1: BINGO GAMES FOR CHARITABLE PURPOSES:**

A. Games For Charitable Purposes Permitted: Bingo games for charitable purposes are hereby authorized, pursuant to section 19, article IV, of the California Constitution, and section 326.5 of the Penal Code, and in accordance with the provisions of this Chapter.

B. Organizations Eligible For License To Conduct Bingo Games: Corporations, community chests or trusts, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or education purposes or for the prevention of cruelty to children or animals, exempted from payment of the bank and corporation tax by section 23701(a), (b), (d), (e), (f), (g) and (l) of the Revenue and Taxation Code and a contribution or gift to which would be a charitable contribution under section 170(c)(2) of the Internal Revenue Code of 1954, are eligible to apply to the City for a permit to conduct bingo games in the City under the provisions of section 326.5 of the Penal Code and the provisions of this Chapter.

C. License Required: No organization shall engage in, carry on, maintain, conduct, or cause to be engaged in, carried on, maintained or conducted a bingo game in the City without first having secured a permit in accordance with the requirements of this Chapter, nor without complying with the regulations contained herein, pertaining to the operation of bingo games. (Ord. 329 N.S., 9-6-1977)

D. Definitions: As used in this Chapter:

BINGO: A game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card that conforms to numbers or symbols selected at random. (Ord. 329 N.S., 9-6-1977; 1996 Code)

NONPROFIT CHARITABLE ORGANIZATION: Any organization exempted from the payment of the bank and corporation tax by section 23701(a), (b), (d), (e), (f), (g), and (l) of the Revenue and Taxation Code, and a contribution or gift to which would be a charitable contribution under section 170(c)(2) of the Internal Revenue Code of 1954.

E. Procedures: The application procedure provided for in this Chapter shall be followed with regard to permits sought pursuant hereto.

F. Filing Of Application: Every person desiring a license pursuant to this Chapter shall file an application with the City Clerk upon a form to be provided by the City Clerk, and at such time pay the required fee and penalty, if any. The application shall be filed at least sixty (60) days prior to the conduct of any bingo game(s) and shall specify:

1. The name, address and telephone number of the local applicant organization and a statement that applicant is an eligible organization under section 326.5 of the Penal Code of the State of California.
2. The name and signature of at least two (2) officers, including the presiding officer, of the corporation or community chest, and the trustee of any trust.
3. A list of the names of members of the applicant organization who will operate and staff bingo games.
4. A detailed schedule of the date(s), hours, location and occupancy capacity of such location of each bingo game to be held.
5. A detailed description of the record system to account for the receipts, prizes, expenses and profits of each bingo game.
6. A statement that the applicant agrees to conduct bingo games in strict accordance with the provisions of section 326.5 of the Penal Code or this Section, as they may be amended from time to time, and agrees that the license to conduct bingo games may be summarily suspended by the City upon violation of any of such provisions, notwithstanding anything to the contrary.
7. The applicant shall also submit, with its application, a letter or other evidence from the State Franchise Tax Board showing that the applicant is exempted from the payment of the bank and corporation tax by section 23701(a), (b), (d), (e), (f), (g) and (l) of the Revenue and Taxation Code.
8. The application shall be verified as provided in the Code of Civil Procedures for the verification of pleadings.
9. The address to which notice, when required, is to be sent or mailed, and the names of any individual or individuals, in addition to those set forth elsewhere in the application, who are authorized to accept service of process on behalf of the licensee.
10. Whether the application is for a new license or a renewal of an existing license.
11. Certification by the applicant that the organization or group applying currently operates and is based in the City limits of the City. Otherwise, a permit will be denied.



G. Action On Receipt Of Permit Fee: Upon receipt of a permit fee, the City Clerk shall:

1. Issue a date receipt showing the location for which an application has been made.
2. Transmit copies of the application to the Chief of Police (for background investigation) and the Fire Chief to determine if the appropriate zoning ordinances and regulations, building code ordinances and fire regulations have been or will be complied with.

H. Report On Application: Every officer and department to which an application is referred shall, in writing, advise the City Clerk of all material facts necessary to determine whether the license should be granted, granted subject to conditions, or denied, and their approval or disapproval of the application.

I. Notification Of Denial By Department: If any officers or department to which an application is referred advises the City Clerk that the license should be denied, he/she shall so notify the applicant.

J. Information: Every officer and department to which an application for a license is referred may require such additional information and the filing of such additional forms as he/she deems necessary.

K. Revocation Of Permit: Any permit or license issued to any person or firm may be revoked by the Council at any time of the license when the holder thereof has violated any of the provisions of this Chapter or is conducting a bingo game in such a manner that the same is detrimental to the good order of the City.

L. Contents Of Permit: In addition to any other requirement of this Chapter, any permit issued for bingo games for charitable purposes shall contain the following information:

1. The name and nature of the organization to whom the license is issued.
2. The address where bingo games are authorized to be conducted.
3. The occupancy capacity of the room in which bingo games are to be conducted.
4. The date of the expiration of such permit.
5. Such other information as may be necessary or desirable for the enforcement of the provisions of this subsection.

M. License Fee: Pursuant to the provisions of Section 3-1-4 of this Title, a tax free business license shall be issued to each permittee, if such permittee is qualified hereunder. Each permittee shall be required to pay with its application a permit fee specified by the City Clerk.

N. Posting Of Permit: Said permit shall be posted in a prominent place during the conduct of any bingo game. The permittee shall produce and exhibit the same, when applying for renewal thereof, and whenever requested to do so by any law enforcement officer, or other officer authorized to issue, inspect or collect licenses and permits.

O. Posting Of Costs, Prizes And Rules: The permittee shall post the costs, prizes and rules of each game to be played. Such signs shall be posted during the conduct of the bingo game in a conspicuous place on the outside and inside of the premises to be used for the conducting of a bingo game.

P. Record Of Prizes: A record shall be kept, on forms approved by the City Clerk, by the permittee showing the name and written signature, the address, the telephone number of the winner, and the consecutive serial number on the receipt for the prize.

Q. Inspection: No person shall interfere with, prevent or refuse to permit a member of the law enforcement agency, any peace officer, the City Clerk or his/her authorized deputy, to make an examination or inspection of any premises, without notice, licensed for bingo games for charitable purposes, or of any records kept by the permittee organization, or any agent or employee thereof, for the purpose of determining whether the permittee organization and/or manager are complying with all of the provisions of this Section and applicable statutes. (Ord. 329 N.S., 9-6-1977)

### **3-3-2: CONDUCT OF BINGO GAMES:**

A. Bingo Games Open To Public: All bingo games shall be open to the public, not just to members of the permittee organization.

B. Attendance Limited To Occupancy Capacity: Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the Fire Department in accordance with applicable laws and regulations. Permittee shall not reserve seats or space for any person.

C. Maximum Amount Of Prize: The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars (\$250.00) total in cash or kind, or both, for each separate game which is held. Total prizes being offered at various stages during an ongoing series of numbers or symbols being called towards a larger game shall not exceed two hundred fifty dollars (\$250.00).

D. Profits To Be Kept In Separate Fund Or Account: 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. The permittee shall keep full and accurate record of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by this Chapter. This City, by and through its authorized officers, shall have the right to examine and audit such record at any reasonable time, without prior notice, and permittee shall fully cooperate with the City by making such record available.

E. Financial Interest In Permittee Only: No individual, corporation, partnership or other legal entity, except the permittee organization, shall hold a financial interest in the conduct of such bingo game.

F. Exclusive Operation By Permittee: A bingo game shall be operated and staffed only by members and the manager of the permittee organization. Such members or manager shall not receive a profit, wage or salary or any other direct or indirect consideration from any bingo game, nor shall they receive payments from the organization for such purpose. Only the permittee shall operate such game, or participate in the promotion, supervision or any other phase of such game.

G. Bingo Games Conducted Only On Permittee Property: A permittee shall conduct a bingo game only on property owned, leased or rented 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. The permit issued under this Chapter shall authorize the holder thereof to conduct bingo games only on such property, the address of which is stated in the application. In the event the described property ceases to be used as an office and as a place for performance of the purposes for which the permittee is organized, the permit shall have no further force or effect. A new permit may be obtained by an eligible organization, upon application, when it again owns or leases property used by it for an office or for performance of the purposes for which the organization is organized.

H. Minors Not To Participate: No person under the age of eighteen (18) years shall be allowed to participate in any bingo game.

I. Intoxicated Persons Not To Participate: No person who is intoxicated shall be allowed to participate in a bingo game.

J. Hours Of Operation: No bingo game shall be conducted between the hours of twelve o'clock (12:00) midnight and ten o'clock (10:00) A.M. except where authorized by the permit.

K. Participant Must Be Present: 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.

L. Use Of Credit Prohibited: No permittee shall issue chips, checks, tokens, markers or money to a patron on credit or loan (including but not limited to IOUs and check to be held), or allow any patron to play on credit.

M. No Admission Charged: No fee, donation, dues or other charge shall be imposed as a requirement for admission or entry onto any licensed bingo premises.

N. Receipt Of Profit Prohibited: It is a misdemeanor under section 326.5(b) of the Penal Code of the State for any person to receive a profit, wage or salary from any bingo game authorized pursuant to this Code, and all persons are hereby prohibited from violating the same. A violation of section 326.5(b) is punishable by a fine not to exceed ten thousand dollars (\$10,000.00) which fine shall be deposited in the General Fund of the City. (Ord. 329 N.S., 9-6-1977)

**3-3-3: VIOLATIONS; PENALTY:**

Any person violating any provision of this Chapter shall be guilty of an infraction as provided for in section 36900 of the Government Code. Every violation determined to be an infraction is punishable as provided in Section 1-4-1 of this Code. A person shall be deemed guilty of a separate offense for each day during any portion of which a violation of this Chapter is committed, continued or permitted. (Ord. 329 N.S., 9-6-1977; 1996 Code)

## CHAPTER 4

### FOR-HIRE VEHICLES

**SECTION:**

**3-4-1: Definition**

**3-4-2: License Required**

**3-4-3: Application For License; Fee**

**3-4-4: Insurance Required**

**3-4-5: Certificate Of Public Convenience Necessary**

**3-4-6: Rules And Regulations**

**3-4-7: Vehicle Inspection**

**3-4-8: Issuance Of License**

**3-4-9: License Fee**

**3-4-10: Driver's Permit**

**3-4-11: Name Of Car**

**3-4-12: Substitution Of Vehicles**

**3-4-13: Fares**

**3-4-14: Nonpayment Of Fare**

**3-4-1: DEFINITION:**

The term "vehicles" as used in this Chapter shall mean every motor propelled vehicle used solely or mainly for the transportation of passengers for hire on the streets of the City and irrespective of whether the operations extend beyond the corporation limits of the City. (Ord. 272, 1970)

**3-4-2: LICENSE REQUIRED:**

It shall be unlawful for any person to operate or cause to be operated any vehicle for hire or taxicab upon any public street in the City without first having obtained a license to do so in accordance with provisions of this Chapter and without complying with or having complied with all provisions in a manner hereinafter provided. (Ord. 272, 1970)

**3-4-3: APPLICATION FOR LICENSE; FEE:**

Application for such license shall be made in writing and filed with the City Council along with an application fee of fifty dollars (\$50.00) made payable to the City. The application shall state:

A. The name and address of the applicant and if same shall be a corporation, the name of its principal officers or if the same shall be a partnership, association or fictitious company, the name of the partners or persons comprising the association or company with the address of each.

B. A description of every motor vehicle which the applicant proposes to use including:

1. The trade name;
2. The serial number;
3. The State license number;
4. The seating capacity;
5. The body style.

C. The street number and exact location of the place where the applicant proposes to stand each such vehicle.

D. A proposed schedule of rates or fares to be charged for carrying passengers in such vehicles.

E. The distinctive color scheme, name, monogram or insignia which shall be used on each such vehicle.

F. That the applicant will operate said vehicle at least six (6) hours a day and not less than five (5) days a week.

G. If any proposed stand is in the public street, the application shall be accompanied by written consent thereto of all occupants on the ground floor of any building in front of which such vehicle is to be located and for twenty five feet (25') each way therefrom or, if there is no such occupant,

by written consent thereto of the owner or lessee of such building or lot. (Ord. 272, 1970)

#### **3-4-4: INSURANCE REQUIRED:**

Before a license shall be issued by the City Clerk, the applicant to whom a permit shall have been awarded by the City Council shall deliver to the City a certificate of insurance executed by a company duly authorized under the laws of the State to do business. The insurance policy shall contain an endorsement that the insurance company issuing such policy will not allow the same to be cancelled for any purposes without serving notice of cancellation upon the City. In the event of failure of licensee to carry such policy or policies in force or to properly renew such policies, the City Clerk shall immediately cancel the license therefor. (Ord. 272, 1970; 1996 Code)

#### **3-4-5: CERTIFICATE OF PUBLIC CONVENIENCE NECESSARY:**

No license to operate a vehicle for hire shall be issued unless and until the City Council shall by resolution declare that public convenience requires the licensing of such vehicle for which application is made and issued a certificate of public convenience therefor.

A. Authority To Issue Certificate: The Council shall have the power and it shall be their duty to issue such certificate of convenience, or to refuse to issue the same, according as their judgment the public convenience of the City and its inhabitants may require. Upon receipt of an application and in determining whether such convenience requires the licensing of a vehicle, said Council shall take into consideration:

1. Whether the demands of public convenience require such proposed or additional transportation service.
2. The financial responsibility of the applicant and likelihood of the proposed service being permanent, responsible and satisfactory.
3. The number, kind, type and condition of equipment.
4. The number of vehicles for hire now operating in the City and the increased traffic condition and demand for increased parking spaces upon the streets in the City by the public both vehicular and pedestrian will be preserved.
5. Any such further investigation or relevant factors as the City deem advisable and necessary.

B. Decision Of Council Final: The findings and decisions of the City Council upon all questions of public convenience shall be final and conclusive. No license shall be issued to operate less than five (5) days a week, nor less than six (6) hours daily. The City Council may at any time after hearing and for good cause suspend, alter, amend or revoke any such license. (Ord. 272, 1970)

#### **3-4-6: RULES AND REGULATIONS:**

The following rules and regulations shall be observed by all persons operating taxicabs or automobiles for hire, and it shall be unlawful to operate such taxicabs or vehicles for hire in violation of any of the following rules:

A. Identification: Any person operating a taxicab must have in plain view within the vehicle, picture identification including his/her name, permit number, description, etc.

B. Stop At Railroad Crossings: All taxicabs and vehicles for hire shall, while carrying passengers, come to a full stop within thirty feet (30') of the nearest rail before crossing any railroad tracks where no gates are maintained.

C. Vehicles Left Standing: No vehicle for hire or taxicab shall remain standing upon any portion of any public street except for loading and unloading passengers, and then not for a period of more than five (5) minutes, except at such stand as may be described in the application for license and designated by the City Council. The provisions of the subsection shall not apply to any vehicle for hire or taxicab while the same is engaged by or being paid for by a passenger or while a licensed operator is seated at the vehicle's seat in the taxicab or vehicle for hire awaiting engagement by a passenger.

D. Exclusive Right To Full Use: No operator or owner of any vehicle for hire or taxicab shall solicit, take or carry any passengers after such vehicle shall have been engaged or while in use for another passenger, without the consent of the passenger first engaging the same having been first obtained. A passenger engaging such vehicle shall have the exclusive right to full and free use of the passenger compartment and the whole thereof if he/she desires the same. The operator of any taxicab, shall carry any passenger engaging the same safely and expeditiously to his/her destination by the most direct and accessible route.

E. Inspection Required: All vehicles affected by this Chapter shall be maintained in good working order and must be inspected by the Chief of Police or his/her deputy each month. (Ord. 272, 1970)

F. Age Requirement: No taxicab or vehicle for hire shall be operated by any person under the age of twenty one (21) years or by any person who does not have a valid driver's license as prescribed by the California State Motor Vehicle Code or by any person under the influence of intoxicating liquor or drugs or by any person who is for any reason whatsoever unable or incompetent to safely handle such vehicle. (Ord. 272, 1970; 1996 Code)

G. Unfair Competition Or Fraud: No owner or operator of any vehicle for hire or taxicab shall indulge in unfair competition with competitors or shall commit any fraud upon the public or upon persons engaged in the same business, and the City Council shall be the sole judge as to what constitutes fraud or unfair competition pursuant to the provisions of this subsection. Any complaint or violation of the provisions of this subsection shall be heard upon written complaint specifying the act complained of and sworn to by the complainant before a notary public or other officer authorized to administer oaths.

H. Schedule Of Rates: A taxicab shall have posted in the passenger's compartment a schedule of rates for the hire of such vehicle.

I. Charge In Excess Of Rates: No charge shall be made by any operator or owner of a taxicab or vehicle for hire in excess of the rates posted in the passenger compartment of such vehicle and approved by the City Council.

J. Condition Of Vehicle: No vehicle for hire shall be operated unless the passenger compartment shall be kept clean and in a sanitary condition. (Ord. 272, 1970)

K. Vehicle And Driver Requirements:

1. Every automobile for hire, dial-a-ride vehicle, jitney or taxicab shall be maintained in a safe, neat, clean and sanitary condition.
2. Every automobile for hire, dial-a-ride vehicle, jitney or taxicab shall be equipped with an air conditioning unit. These air conditioning units are to be in good working condition at all times.
3. The driver of all such vehicles shall be courteous and clean of body and wearing apparel.
4. Smoking by drivers or passengers in any such vehicle while same is available for, or actually hired for use, shall be prohibited.
5. All vehicle for hire operations shall have handicapped accessible vehicles as required by Federal law as it now exists or may hereafter be amended. (1996 Code)

#### **3-4-7: VEHICLE INSPECTION:**

All vehicles affected by this Chapter shall be maintained in good working order and must be inspected by the Chief of Police or his/her deputy once each month. (Ord. 272, 1970)

**3-4-8: ISSUANCE OF LICENSE:**

The City Clerk upon receipt and filing of said application approved by the City Council shall issue to applicant a license to operate such vehicle for the purpose of carrying passengers for hire. (Ord. 272, 1970)

**3-4-9: LICENSE FEE:**

The City Clerk shall collect for each vehicle an annual fee which shall be established by resolution of the City Council. (Ord. 272, 1970)

**3-4-10: DRIVER'S PERMIT:**

It shall be unlawful for any person to drive any taxicab or vehicle for hire without first obtaining a permit in writing from the Police Chief. Such permit shall entitle the driver to work only for the owner whose name appears on the permit. A new permit shall be required for each subsequent employment.

A. Application: The applicants for such permit shall file an application therefor with the Police Chief upon blanks to be furnished by the City.

B. Issuance; Refusal: Permits shall be in the form of a card which shall bear the signature, photograph and fingerprints of the applicant. Such card shall be issued in duplicate and one copy shall be filed with the Police Department and the other card shall be conspicuously displayed in the vehicle operated by the driver. No permit shall be issued to anyone for the following reasons:

1. Any person under the age of twenty one (21) years;
2. Any person not a citizen of the United States or who has not declared his/her intentions to become such;
3. Any person who has been convicted of a felony or a crime involving moral turpitude;
4. Any person who has been convicted of reckless driving or driving while under the influence of intoxicating liquor or narcotics; or
5. Any person not possessing a valid driver's license as required by the Motor Vehicle Code of the State.

C. Examination: Each applicant shall be examined by a person designated by the Police Chief as to the applicant's knowledge of the provisions of this Chapter, the Vehicle Code of the State and the geography of the City, and if the result of the examination is not satisfactory, he/she shall be denied a permit.

D. Verification: The Police Chief may revoke a permit issued or may refuse to renew a permit if the driver or applicant has since the granting of a permit:

1. Been convicted of a felony or a crime involving moral turpitude;
2. Been convicted of reckless driving or driving while under the influence of intoxicating liquor or narcotics;
3. Had his/her State operator's license revoked or suspended;
4. Had two (2) or more convictions of speeding within any twelve (12) month period; or
5. Violated any provisions of this Chapter. (Ord. 272, 1970)

**3-4-11: NAME OF CAR:**

Every vehicle for hire for the operation for which a permit has been issued shall have the name under which the owner operates plainly in letters at least two inches (2") in height in the center of the main panel of their rear doors. (Ord. 272, 1970)

**3-4-12: SUBSTITUTION OF VEHICLES:**

The holder of any license may substitute one car for another but if such substitution continues for more than three (3) days a description of such car so substituted shall be filed with the Chief of Police. (Ord. 272, 1970)

**3-4-13: FARES:**

The fares to be charged by any taxicab licensed under the provisions of this Chapter shall be fixed by resolution of the City Council. (Ord. 272, 1970)

**3-4-14: NONPAYMENT OF FARE:**

It shall be unlawful for any person to refuse to pay the legal fare for the hire for any vehicle for hire or taxicab with the intent to defraud the person from whom it is hired. (Ord. 272, 1970)

## CHAPTER 5

### WRECKED CAR DEALERS

**SECTION:**

**3-5-1: Definitions**

**3-5-2: Regulation**

**3-5-3: Finding Of Necessity**

**3-5-1: DEFINITIONS:**

For the purpose of this Chapter the following terms shall have the meaning set forth in this Section unless the context otherwise indicates:

CITY: The City of Corcoran.

PERSON: Any and all domestic and foreign corporations, associations, syndicates, joint stock companies, partnerships of every kind, business or common law trusts and individuals.

SCREENING DEVICE OR DEVICES: Shall include landscaping.

WRECKED CAR DEALER: Any person who, in the City, carries on, conducts, maintains or engages in the business, trade or calling of acquiring, storing or dismantling of wrecked or dilapidated motor driven or animal drawn vehicles of any description whatsoever or the buying, selling, trading or bartering of used parts from said vehicles or deals in said vehicles or parts therefrom. (Ord. 238, 2-7-1966)

**3-5-2: REGULATION:**

All premises on which any person conducts the business of a wrecked car dealer shall be enclosed or screened by a fence, enclosed building or

other type screening device or devices, acceptable, which substantially eliminates the view of the wrecked or dilapidated cars or vehicles, for a distance of five hundred feet (500'), from any street, alley or public way which fronts or borders thereon. Said type screening device shall be approved by the Planning Commission of said City. Said premises shall be kept at all times in a neat and slightly condition. All wrecked or dilapidated cars or vehicles or portions thereof owned by or in which an interest is held by a wrecked car dealer shall be kept behind said fence, enclosed buildings or other type screening device and shall not be removed except on sale of the wrecked or dilapidated car or vehicle or parts therefrom. (Ord. 238, 2-7-1966)

**3-5-3: FINDING OF NECESSITY:**

The Council hereby finds that the practice of acquiring wrecked cars, or the storing or dismantling thereof, or dealing therein or the parts thereof has produced unsightly conditions in the City, has adversely affected the growth patterns and is detrimental to the safety, health and welfare of the City and should be regulated. (Ord. 238, 2-7-1966)

## CHAPTER 6

### BILLBOARDS

SECTION:

**3-6-1: Erection Of Billboards**

**3-6-1: ERECTION OF BILLBOARDS:**

See subsection 11-16-6H of this code. (Ord. 549, 8-20-2002)

## CHAPTER 7

### CARD ROOMS

SECTION:

**3-7-1: Definitions**

**3-7-2: Hours Of Operation**

**3-7-3: Card Tables**

**3-7-4: Minors**

**3-7-1: DEFINITIONS:**

For the purpose of this Chapter the following terms shall have the meaning set forth in this Section unless the context otherwise indicates:

CARD ROOM: Shall mean and include any room in which there are card tables used, kept or intended for use in the playing of any kind of legal card game where the same is conducted as a business or in connection with a business.

PERSON: Includes any person, firm, association or organization, partnership, corporation or company. (Ord. 224 N.S., 3-16-1964)

**3-7-2: HOURS OF OPERATION:**

It shall be unlawful to operate any card room or card game between the hours of two o'clock (2:00) A.M. and eight o'clock (8:00) A.M. on any day of the week. (Ord. 493 N.S., 5-4-1992)

**3-7-3: CARD TABLES:**

A. Permit Required: Any person desiring to maintain or operate a card table shall first apply to the Council for a permit so to do, specifying the location where the card table is to be kept. No such permit shall be issued by the Council unless, in the opinion of the Council, the issuance of such permit shall not be contrary to public interest and the Council shall by resolution, determine the total number of such permits that shall be issued.

B. License Fee: Every person that has received a permit to operate a card table shall pay a license fee of ten dollars (\$10.00) per calendar quarter or fraction thereof, for each such card table, to the Clerk for a license to operate each such card table. Any license issued under this Section shall be paid in addition to any other license required by another section of this Title.

C. Revocation Of Permit: The permit to operate such card table may be revoked by the Council at any time without notice. (Ord. 209, 5-6-1963)

**3-7-4: MINORS:**

It shall be unlawful for any person to suffer or permit any person under the age of twenty one (21) years to visit, remain in or loiter about the interior, doorways or entrances of any public card room. (Ord. 224 N.S., 3-16-1964)

## CHAPTER 8

### BILLIARD ROOMS AND BOWLING ALLEYS

SECTION:

**3-8-1: Definitions**

**3-8-2: Illegal Acts**

**3-8-3: Minors**

**3-8-4: Hours**

**3-8-5: Revocation Of License**

**3-8-1: DEFINITIONS:**

For the purpose of this Chapter the following terms shall have the meaning set forth in this Section unless the context otherwise indicates:

BILLIARD ROOM: A place or building where one or more billiard tables are kept to be used by the public upon the payment of money or other

consideration while playing games by driving small balls into any of the four (4) corners of the table with a cue, commonly referred to as a pool hall.

**BOWLING ALLEY:** A place or building where one or more bowling alleys are maintained and operated to be used by the public upon the payment of money or other consideration while playing a game by rolling a ball down a lane at an object or group of objects, commonly referred to as pins. (1996 Code)

**3-8-2: ILLEGAL ACTS:**

It shall be unlawful for any person, or corporation owning, conducting or managing a billiard room or bowling alley to permit the following:

- A. Gambling of any kind;
- B. Any loud or profane language;
- C. Any disorderly conduct or any disturbance of the peace by any person;
- D. Any person under the age of twenty one (21) years to enter any billiard room where alcoholic beverages are being sold under an "On Sale Beer and Wine Public Premises License" or an "On Sale General Premises License";
- E. Or to allow persons to loiter in or around that place or building without conducting business with that establishment. (1996 Code)

**3-8-3: MINORS:**

It shall be unlawful for any person under the age of twenty one (21) years to enter, visit or loiter about any billiard room where any alcoholic beverages are being sold under an "On Sale Beer and Wine Public Premises License" or an "On Sale General Premises License". (1996 Code)

**3-8-4: HOURS:**

It shall be unlawful for any owner or keeper of a billiard room to permit any billiard playing between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. if that billiard room is operating under an "On-Sale Beer and Wine Public Premises License" or an "On-Sale General Premises License". (1996 Code)

**3-8-5: REVOCATION OF LICENSE:**

Any permit or license issued to any person may be revoked by the Council at any time during the term of the license whenever the holder thereof has violated any of the provisions of this Chapter or is conducting a billiard room or bowling alley in such a manner that the same is detrimental to the good order of the City. (1996 Code)

## CHAPTER 9

### MURALS

**SECTION:**

**3-9-1: Intent**

**3-9-2: Definitions**

**3-9-3: Location**

**3-9-4: Criteria For Design**

**3-9-5: Design Review**

**3-9-6: Fees For Permit**

**3-9-7: City Council Approval**

**3-9-8: Penalty**

**3-9-1: INTENT:**

It is the intent of the City Council, for the purposes of promoting the local economy and beautifying the City, to adopt this Chapter regarding murals, their location and design. (Ord. 533, 12-15-1997)

**3-9-2: DEFINITIONS:**

As used in this Chapter, the following definitions shall apply:

**DOWNTOWN CORCORAN:** The area from the west side of Otis Avenue to the east side of Van Dorsten Avenue between the south side of Hanna Avenue and the north side of Jepsen Avenue.

**MURAL:** A permanent picture painted directly on an exterior wall or on panels to exterior walls.

**MURAL PROJECT PERMIT:** A permit issued by the City of Corcoran to a private party authorizing the painting of a mural within the City of Corcoran. (Ord. 533, 12-15-1997)

**3-9-3: LOCATION:**

A. Areas Established: Murals shall be located in two (2) "areas" of Corcoran. Area One shall be located within the downtown area only; Area Two shall be located within the remaining area of the City. The intent of the City Council regarding establishment of the two (2) areas is to encourage concentration of murals in the downtown area of Corcoran; however, this intent should not be used as the sole rationale to deny murals in Area Two.

B. Mural Design Approval Required - Permit Issuance: Prior to painting, installation and execution of a mural, an application must be submitted for review and approval by the Community Development Director and the City Council.

C. Mural Design Amendment - Approval Required: Prior to amending a mural design (whether painted or not yet painted) that has been approved by the City Council, an application for an amendment of the permit shall first be approved by the Community Development Director and the City Council. Upon approval, the permit for the mural shall be amended.

D. Location Of Murals: It is the intent of the City Council that murals be located on the side of buildings in both Area One and Area Two that have been approved by the City Council. (Ord. 533, 12-15-1997)

**3-9-4: CRITERIA FOR DESIGN:**

The following criteria shall apply to the design of murals submitted for approval:

- A. The subject matter shall be of historical significance of the growth and development of the City and its surrounding environs.

B. The paint to be used and applied shall be appropriate for use in an outdoor locale and for an artistic rendition and shall be of a permanent, long lasting variety.

C. The mural shall be designed and painted by qualified mural artists with sufficient knowledge in the design of such projects and the application of paints for such projects.

D. The Council may, from time to time, by resolution, adopt additional criteria and guidelines for the design of murals. (Ord. 533, 12-15-1997)

**3-9-5: DESIGN REVIEW:**

All applications for mural permits shall be referred to Corcoran Planning Commission for review and comment. Said Commission may offer suggestions and recommendations to the applicant and/or City Council to assist in the decision- making process. (Ord. 533, 12-15-1997)

**3-9-6: FEES FOR PERMIT:**

In the event the City Council determines it appropriate, it may set, by resolution, a fee for the application and/or permit issuance. (Ord. 533, 12-15-1997)

**3-9-7: CITY COUNCIL APPROVAL:**

City Council approval of a mural design shall occur only after public notice and an opportunity being provided to any interested party to present any appropriate comments, considerations and/or concerns, either in writing or orally, to the City Council. (Ord. 533, 12-15-1997)

**3-9-8: PENALTY:**

Violations of this Chapter constitute a misdemeanor punishable pursuant to the provisions of Section1-4-1 of this Code. (Ord. 533, 12-15-1997)

## CHAPTER 10

### FRANCHISES

SECTION:

**3-10-1: Regulation**

**3-10-2: Required**

**3-10-3: Matters Subject To Franchise**

**3-10-4: Authority Of City Council**

**3-10-5: Terms**

**3-10-6: Consideration**

**3-10-7: Application**

**3-10-8: Application Fee**

**3-10-9: Call For Bids Discretionary**

**3-10-10: Notice Of Hearing**

**3-10-11: Reserved**

**3-10-12: Hearing**

**3-10-13: Bond**

**3-10-14: Transportation Franchise**

**3-10-15: Acceptance**

**3-10-16: Grant In Lieu Of All Other Franchises**

**3-10-17: Obligation Of Grantee**

**3-10-18: Payments**

**3-10-19: Property Subject To Franchise**

**3-10-20: City Property**

**3-10-21: Right To Abandon Property**

**3-10-22: Purchase By City**

**3-10-23: Remedies Of The City**

**3-10-24: Penalty For Exercising Rights Without Franchise**

**3-10-25: Assignment**

**3-10-26: Reservation Of Rights**

**3-10-27: Relocation Of Facilities**

**3-10-28: Failure To Relocate**

**3-10-29: Special Permits**

**3-10-30: Application For Special Permit**

**3-10-31: Granting Special Permits**

**3-10-32: Special Permits; Bond**

**3-10-33: Severability**

**3-10-1: REGULATION:**



Every franchise hereafter granted by the city of Corcoran for the use of the city streets for any purpose, except as otherwise provided in the ordinance granting such franchise, shall be granted upon and be subject to the following rules, regulations, restrictions, terms and conditions, which are hereby deemed incorporated into each such ordinance, in addition to the rules, regulations, restrictions, terms and conditions set forth in the ordinance granting each such franchise. (Ord. 579, 2-9-2005)

**3-10-2: REQUIRED:**

No person, firm or corporation shall exercise any franchise, permit or privilege mentioned herein, except insofar as he, she or it may be entitled to do so by direct authority of the constitution of the state of California or the constitution or laws of the United States, in, upon, over, under or along any public place in the city of Corcoran, or within the city limits of the city of Corcoran, unless he, she or it shall have obtained a grant therefor in accordance with the provisions hereof and any applicable provisions of this code. Nothing herein contained shall be construed to invalidate any lawful franchise heretofore granted, nor to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid, unexpired franchise. (Ord. 579, 2-9-2005)

**3-10-3: MATTERS SUBJECT TO FRANCHISE:**

Except insofar as he, she or it may be entitled to do so by direct authority of the constitution of California or the constitution or laws of the United States, no person, firm or corporation shall exercise any privilege enumerated in this section unless he, she or it shall have been granted an appropriate franchise therefor by the city of Corcoran, namely:

A. Collect, transport or dispose of solid waste or recyclables on, upon, over, in, across or along any public place in the city of Corcoran, or within the city limits of the city of Corcoran. This includes any collection, transport or disposal of solid waste or recyclables by any individual and/or entity under contract with the state of California, department of corrections including, but not limited to, Corcoran State Prison;

B. Construct, maintain or operate a street, interurban, underground or elevated steam or commercial railroad, or other system for transporting or conveying passengers or freight (including any appurtenances which are a part of the system), over a fixed route, along, upon, over, in, under or across any public place in the city of Corcoran, or within the city limits of the city of Corcoran;

C. Construct, maintain or operate pipes, tubes or conduits along, upon, over, in, under or across any public place in the city of Corcoran, or within the city limits of the city of Corcoran, for the purpose of transmitting or distributing water, gas, steam, oil, air or other substance or utility;

D. Erect, construct, lay, maintain or operate poles, pipes, conduits, wires, cables or appurtenances upon, over, under, in, across or along any public place in the city of Corcoran, or within the city limits of the city of Corcoran, for the purpose of transmitting or distributing power, heat, electricity or electric energy, or for a communication by telephone, telegraph or other system; or

E. Construct, maintain or operate any other plants or systems necessary or convenient for furnishing the city and its inhabitants with solid waste disposal, recycling, transportation, communication, water, light, power or other public utility services.

For purposes of this section, the term "public place" shall include any street, lane, alley, court or other public place in the city of Corcoran.

The term "city limits" as used herein means the incorporated area of the city of Corcoran, as it now or may hereafter exist.

Nothing contained in this section shall be construed as applying to spur or side tracks, nor to require motor, contract or other carriers of freight or passengers not operating over a fixed route to obtain franchises for use of any public place in the city. (Ord. 579, 2-9-2005)

**3-10-4: AUTHORITY OF CITY COUNCIL:**

Pursuant to its constitutional and statutory authority, the city council may grant franchises and privileges for all of the purposes enumerated herein to persons, firms and corporations, whether operating under any existing franchise or not, upon such terms and conditions as are in the applicable provisions of this code, and any ordinance adopted pursuant thereto, and may in such franchise impose such other and additional terms and conditions not in conflict with this code, whether governmental or contractual in character, as in the judgment of the city council are in the public interest. (Ord. 579, 2-9-2005)

**3-10-5: TERMS:**

Franchises may be granted for either a fixed or indeterminate period. An indeterminate franchise shall provide that it shall endure in full force and effect until the same, with the consent of the appropriate state or federal agency, shall be voluntarily surrendered or abandoned by its possessor, or until the state of California, or some municipal or public corporation, duly authorized by law, shall purchase by voluntary agreement or shall condemn and take, under the power of eminent domain, the property actually used and useful in the exercise of such franchise and situate within the city limits of the city of Corcoran or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof, or until it is terminated by any other manner that may be specified in the franchise grant. (Ord. 579, 2-9-2005)

**3-10-6: CONSIDERATION:**

A. Obligation And Amount: No franchise shall be granted without reserving to the city adequate consideration for the privilege conferred. The amount of consideration to be paid by a grantee shall be prescribed by resolution of the city council and in accordance with the terms of this chapter.

B. Time: Franchisees must pay franchise fees monthly, due and payable on the first day of the month immediately following the month in which services under a franchise agreement were rendered.

C. Payee: Franchisees must pay their franchise fees to the order of the city of Corcoran.

D. Documentation: Together with payment of their franchise fees, the person submitting the payment and the chief financial officer of the franchisee or other person acceptable to the city manager, must submit the following:

1. Documentation in the form and detail satisfactory to the city manager showing the basis for calculating the franchise fee, together with additional information that the city manager may determine to be necessary to calculate or verify the franchise fee; and

2. A representation warranty as follows:

*I represent and warrant, under penalty of perjury of the laws of the State of California, that I am familiar with the financial transactions of [INSERT NAME OF FRANCHISEE] and am responsible for keeping and maintaining its financial records, including gross receipts thereof, and I have reviewed the [INSERT DATE AND DESCRIPTION OF ACCOMPANYING FRANCHISE PAYMENT ACCOUNTING STATEMENT]. To the best of my knowledge and belief, the statement is true, correct and complete.*

Documentation and representations and warranties filed by franchisees will not be deemed conclusive as to the information presented or statements made therein. Franchisees' submission of documentation and representations and warranties does not preclude the city from taking additional measures and actions to collect franchise fees actually due and payable. (Ord. 579, 2-9-2005)

**3-10-7: APPLICATION:**

An applicant for any franchise above mentioned shall file with the city council a verified application which shall state:

A. The name of the applicant;

B. The purpose and term, whether definite or indeterminate, for which the franchise is desired;

- C. The amounts and/or percentages, if any, applicant, if granted the franchise, proposes to pay to the city during the life of such franchise;
- D. Any limitations as to time, place or type of services proposed by applicant; and
- E. Any other terms or conditions that applicant may desire, including surrender of existing franchises, or parts thereof, or claims to such franchises, or proposals to settle any litigation or controversies between applicant and the city.

Unless a franchise is to cover all of the incorporated territory of the city, the application shall be accompanied by six (6) copies of a map, drawn to scale, showing the location boundaries of the area to be described in the franchise. Franchise applications shall set forth such other information as the city council may require. (Ord. 579, 2-9-2005)

**3-10-8: APPLICATION FEE:**

Every application for a franchise, permit or privilege shall be accompanied by a cash deposit of not less than five hundred dollars (\$500.00), or by a certified check for such amount, payable to the city of Corcoran, as a fund out of which to pay all expenses connected with such application, including, but not limited to, all advertising and publishing costs. The deposit of the applicant shall be retained until the acceptance of the franchise and the filing of any bond or other security required, or until the city council determines not to grant the franchise. Thereupon, the remainder, if any, of the five hundred dollars (\$500.00) after the payment therefrom of all such expenses incurred by the city, shall be returned to the applicant. (Ord. 579, 2-9-2005)

**3-10-9: CALL FOR BIDS DISCRETIONARY:**

Every application made to the city council for a franchise, privilege or permit mentioned herein shall, before any action is taken thereon, be referred by the city council to the city manager and city attorney for their respective recommendations.

Before making his or her recommendation to the city council, the city manager shall obtain the recommendations of the public works director and city engineer. (Ord. 579, 2-9-2005)

**3-10-10: NOTICE OF HEARING:**

Upon receipt of the city manager's recommendation, the city council may pass a resolution declaring its intention to consider the franchise application, stating the character of the same, setting forth a notice of the day, hour and place when and where any and all persons having any objection to the granting thereof may appear before the city council and be heard thereon, and directing the city clerk to publish said notice at least once within fifteen (15) days after the passage of said resolution. The time fixed for such hearing shall be not less than twenty (20) days, nor more than sixty (60) days, after the date of the passage of said resolution.

Such notice shall state: a) the name of the applicant; b) the character of the franchise; c) its terms, whether definite or indeterminate; d) the amounts and/or percentages, if any, grantee shall pay to the city during the life of such franchise; e) any limitations as to time, place or type of services proposed; f) the amount and character of any bond or other security required; and g) an outline of any other major provisions of the proposed franchise. (Ord. 579, 2-9-2005)

**3-10-11: RESERVED:**

(Ord. 579, 2-9-2005)

**3-10-12: HEARING:**

At any time not later than the hour set for the hearing of objections, any person interested may file a written protest stating objections against the granting of such franchise. Such protest must be signed by the protestant and be delivered to the city clerk. At the time set for hearing objections, the city council shall proceed to hear and pass upon all protests so made, and its decision shall be final and conclusive. The city council may adjourn said hearing from time to time.

If no protest in writing shall have been delivered to the clerk up to the hour set for hearing, or such protests as shall have been filed shall have been heard or determined by the city council to be insufficient, or shall have been overruled or denied, the city council may grant such franchise. Such franchise shall be granted by ordinance adopted in the manner prescribed by law. (Ord. 579, 2-9-2005)

**3-10-13: BOND:**

The city council may require the grantee of any franchise to provide such bond or other security as it deems the public interests requires. (Ord. 579, 2-9-2005)

**3-10-14: TRANSPORTATION FRANCHISE:**

Every franchise granted to a transportation company shall specify the area in which the grantee shall operate, the public places or routes to be followed by the tracks or vehicles of the grantee; which area, public places and routes shall be subject to the lawful orders of the public utilities commission of the state of California. (Ord. 579, 2-9-2005)

**3-10-15: ACCEPTANCE:**

The grantee of any franchise granted hereunder shall, within ten (10) days after the franchise is granted, file with the city clerk a written acceptance of the terms and conditions thereof and any bond or other security required by the city council. By its acceptance of any franchise, the grantee shall covenant and agree to perform and be bound by all terms and conditions imposed by this code, this chapter and the franchise.

In regards to any franchise granted for purposes of collection, transport or disposal of solid waste or recyclables upon, over, under, in, across or along any public place in the city of Corcoran, or within the limits of the city of Corcoran, the grantee of any franchise shall covenant and agree to transport solid waste and recyclables to current county operated and future authority operated disposal facilities, as is consistent with, and directed by, the joint powers agreement between the county of Kings, and the cities of Corcoran, Hanford and Lemoore, executed on September 12, 1989, and any amendments thereto. (Ord. 579, 2-9-2005)

**3-10-16: GRANT IN LIEU OF ALL OTHER FRANCHISES:**

Any franchise granted by the city with respect to a particular utility service shall be in lieu of all other franchises, rights, or privileges owned by the grantee for the furnishing of that particular utility or service within the city limits, and by acceptance of any franchise hereunder, the grantee shall be deemed to have waived and abandoned all other franchises, rights and privileges then owned by the grantee for the furnishing of that particular utility or service within the city limits. The provisions of this section shall not apply to any franchise, right or privilege obtained by direct authority of the constitution of the state of California or of the United States. (Ord. 579, 2-9-2005)

**3-10-17: OBLIGATION OF GRANTEE:**

The grantee of any franchise granted pursuant to this chapter shall:

A. Construct, install and maintain all tracks, pipes, tubes, conduits, poles, wires, instrumentalities and appurtenances in accordance and conformity with all of the lawful ordinances, rules and regulations therefor or thereafter adopted by the city of Corcoran in the exercise of its police powers and, as to state highways, subject to the provisions of the general laws relating to the location and maintenance of such facilities therein, and with as little hindrance as practicable to the use of the streets for purpose of travel;

B. Upon completion of the construction, installation or maintenance of such tracks, pipes, tubes, conduits, poles, wires, instrumentalities and appurtenances, restore all portions of the streets which have been excavated or otherwise injured thereby in as good condition as before the work of

construction, installation or maintenance to satisfaction of the public works director;

C. Pay to the city on demand the cost of all repairs to public property made necessary by any operations of the grantee under such franchise;

D. Indemnify and hold harmless the city and its officers, agents, employees and volunteers from any and all liability for damages proximately resulting from any operations under such franchise;

E. Make such reports as the city or the franchise may specify;

F. At all reasonable times, permit any duly authorized representative of the city to examine and reproduce any and all books, accounts, papers, maps and other records kept or maintained by the grantee or under its control as the city deems material to the determination of the performance of franchise obligations and as the franchise may require; and

G. At all reasonable times, permit any duly authorized representative of the city to examine any and all property of the grantee erected, constructed, laid, operated or maintained pursuant to the franchise, together with any appurtenant property of the grantee. (Ord. 579, 2-9-2005)

### **3-10-18: PAYMENTS:**

Franchise payments shall be due and payable monthly within ten (10) days following the first day of each month after the granting of the franchise. In the event a franchise payment is not made within ten (10) days following the first day of each month, the grantee shall further pay interest on the amount due at the rate of one percent (1%) per month. (Ord. 579, 2-9-2005)

### **3-10-19: PROPERTY SUBJECT TO FRANCHISE:**

All facilities erected, constructed, laid, operated or maintained by the grantee in highways, including services connected with the grantee's facilities, whether installed by the grantee or not, in the area described in and by virtue of the authority provided by the ordinance granting the franchise, prior to the effective date of such ordinance, except those maintained under prior right other than franchise, shall become subject to all the terms and conditions of such ordinance upon such effective date. (Ord. 579, 2-9-2005)

### **3-10-20: CITY PROPERTY:**

A franchise does not give the grantee the right to attach any pipe, conduit or other facility to any bridge or other city structure. Such attachments shall be made only in accordance with the provisions of the ordinances and regulations of the city, as they now exist or are hereafter amended or superseded. (Ord. 579, 2-9-2005)

### **3-10-21: RIGHT TO ABANDON PROPERTY:**

The public works director, upon such terms as he or she may see fit to impose, may give the grantee of the franchise permission to abandon, without removing, any facility laid, erected, constructed, operated or maintained under the franchise. The length of any such facility abandoned with such permission shall not be considered in calculating payments due under the franchise except for the time prior to the effective date of such permission. Nothing contained in the franchise shall be construed to permit the grantee any right to omit from its annual reports, if such reports are required, and from the calculation of franchise payments the length of any abandoned facility of grantee except in the manner aforesaid. Unless such permission is granted, the grantee shall remove all abandoned facilities within ninety (90) days after such abandonment and shall restore the street to its former state at the time such facilities were removed, as near as may be, so as not to impair its usefulness. (Ord. 579, 2-9-2005)

### **3-10-22: PURCHASE BY CITY:**

Every franchise shall reserve to the city the right to purchase the property of grantee either at an agreed price or a price to be determined in a manner to be prescribed in the grant, to the extent that such purchase may be authorized or permitted by law. (Ord. 579, 2-9-2005)

### **3-10-23: REMEDIES OF THE CITY:**

If any person, firm or corporation shall exercise a right or privilege for which he, she or it is required by this code to obtain a franchise without having first obtained such franchise from the city, the city may establish by ordinance the reasonable amount or percentage that such person, firm or corporation shall pay to the city for the exercise of such right or privilege within the city for which a franchise is required, and if such person, firm or corporation shall thereafter fail to pay to the city on demand such amount or percentage which has been so established by ordinance, the city shall have the right to enforce the payment thereof from such person, firm or corporation. If the grantee of any franchise shall fail or refuse to comply with any of the provisions or conditions set out in any franchise ordinance enacted by the city council, the city may declare a forfeiture, and/or may sue such person, firm or corporation for damages for such noncompliance and/or may exercise any other rights or remedies provided by law.

In addition to the franchise payment and interest due from the grantee, city shall be entitled to recovery of all fees and costs incurred by it in pursuit of any collection efforts undertaken, including those fees and costs incurred in the filing and pursuit of any collection case and/or claim with the court. (Ord. 579, 2-9-2005)

### **3-10-24: PENALTY FOR EXERCISING RIGHTS WITHOUT FRANCHISE:**

In addition to any other remedies that the city may have, any person, firm or corporation exercising any right or privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person, firm or corporation shall be deemed guilty of a separate offense for each day during any portion of which said person, firm or corporation exercises any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, and shall be punishable therefor as provided for in this chapter. (Ord. 579, 2-9-2005)

### **3-10-25: ASSIGNMENT:**

No franchise, permit or privilege granted by the city of Corcoran shall be, in whole or in part, leased, assigned, transferred or otherwise disposed of without the express written consent of the city, provided that nothing herein shall be construed to prevent the grantee of such franchise, permit or privilege from including it in a mortgage or trust deed without such express consent of the city. (Ord. 579, 2-9-2005)

### **3-10-26: RESERVATION OF RIGHTS:**

A. The city reserves the right to change the grade, to change the width or to alter or change the location of any street over which the franchise is granted.

B. The city reserves the right for itself and public entities which are now or may later be established to lay, construct, repair, alter, relocate and maintain subsurface or other facilities or improvements of any type or description within the city streets over which the franchise is granted. If the city or other public entity finds that the location or relocation of such facilities or improvements conflicts with the facilities laid, constructed or maintained under the franchise, whether such facilities were laid before or after the facilities of the city or such public entity were laid, the grantee of such franchise shall, at no expense to the city or public entity, on or before a date specific in a written request from the public works director, which date shall not be less than thirty (30) days after the receipt of such notice and request to do so, commence work to change the location either permanently or temporarily of all facilities so conflicting with such improvements to a permanent or temporary location in said highways to be approved by the public works director. Grantee shall thereafter diligently prosecute such work to completion. If such street be subsequently designated a state highway, while it remains a state highway the rights of the state of California shall be as provided in Streets and Highways Code section 680, as it presently exists or may be amended or superseded.

C. The city reserves the right for itself, for all cities and public entities which are now or may be later established, to improve the surface of any city street over which the franchise is granted, upon written notice that the grantor intends to improve any such city street within the territory covered

by the franchise, and requests that the grantee erect, install, lay or construct beneath the surface of the city street the facilities which at that time are known or believed by the grantor to be necessary or convenient to serve its needs and those of the public in the foreseeable future. The grantee shall commence such work on or before the date specific in such written notice and request, which date shall be not less than thirty (30) days from receipt of such written notice and request, and diligently prosecute such work to completion. After the completion of said highway improvements by the grantor, the right of the grantee to lay or construct facilities in, under or through the improved surface of said city street or portion of the city street, under the franchise, shall be subject to such additional terms and conditions as the public works director may impose to minimize any damage to such improved surface.

D. The city expressly reserves the right and privilege, at no cost to the city, of installing and maintaining four (4) communication circuits upon any poles or in any communication conduit erected or placed by virtue of the franchise. The city may use the circuits for maintaining a communication, control and fire alarm service in the dispatch of city business; and all such poles erected or conduits laid under the authority of the franchise shall be erected and laid in such a manner as to leave sufficient space for the proper accommodation of the four (4) circuits to be installed and maintained by the city. (Ord. 579, 2-9-2005)

### **3-10-27: RELOCATION OF FACILITIES:**

If any of the facilities heretofore or hereafter erected, constructed, installed or maintained by the grantee pursuant to the franchise on, along, upon, over, in, under or across any highway are located in a manner which prevents or interferes with the change of grade, traffic needs, operation, maintenance, improvement, repair, construction, reconstruction, widening, alteration or relocation of the highway, the grantee shall relocate permanently or temporarily any such facility at no expense to the city or public entity upon receipt of a written request from the public works director to do so, and shall commence such work on or before the date specified in such written request, which date shall be not less than thirty (30) days from receipt of such written request, and thereafter diligently prosecute such work to completion; provided, however, if such city streets be subsequently constituted a state highway, thereafter and so long as such highway remains a state highway, no such change of location shall be required for a temporary purpose. (Ord. 579, 2-9-2005)

### **3-10-28: FAILURE TO RELOCATE:**

If the grantee after reasonable notice fails or refuses to relocate permanently or temporarily its facilities located in, on, upon, along, under, over, across or above any highway or to pave, surface, grade, repave, resurface, or regrade as required pursuant to any provision of the franchise, the city or public entity may cause the work to be done and shall keep an itemized account of the entire cost thereof, and the grantee shall hold harmless the city, its officers and employees from any liability which may arise, or be claimed to arise from the moving, cutting or alteration of any of grantee's facilities, or the turning on or off of water, oil or other liquid, gas or electricity.

The grantee agrees to and shall reimburse the city or public entity for such cost within thirty (30) days after presentation to the grantee of an itemized account of such cost. (Ord. 579, 2-9-2005)

### **3-10-29: SPECIAL PERMITS:**

When the city council shall find that an emergency exists and that public convenience and necessity require it, a special permit may be granted to any applicant for a franchise to permit such applicant to proceed with the relocation, extension, alteration or other change in existing facilities, except repairs or maintenance changes, which relocation, extension, alteration or other change in existing facilities by reason of such emergency should be made before the securing of a franchise is possible. Such permit shall only be granted to an applicant for a franchise and shall only be granted after the filing of the application for a franchise as provided herein. (Ord. 579, 2-9-2005)

### **3-10-30: APPLICATION FOR SPECIAL PERMIT:**

An application for a special permit shall be filed in writing with the city council setting forth such information as will permit action thereon. Reference in the application may be made to the application for a franchise for a description of the proposed extension, alteration or other change in existing facilities. Applications for special permits shall be referred to the city attorney and the city manager in the manner provided for applications for franchises. (Ord. 579, 2-9-2005)

### **3-10-31: GRANTING SPECIAL PERMITS:**

All such special permits shall be granted under the express condition that if a franchise under this chapter is not granted and accepted, all work done under special permit shall be removed immediately at applicant's expense and the streets or alleys or other public places affected by such work shall be placed in as good condition as before such work was done, all to the satisfaction of the director of public works. (Ord. 579, 2-9-2005)

### **3-10-32: SPECIAL PERMITS; BOND:**

The city council may require, as a condition to the granting of such special permits, that a bond of a kind and in an amount determined by the city council shall be furnished by applicant conditioned upon the faithful performance of the terms and conditions of the permit and further conditioned that applicant shall prosecute diligently to completion all work thereunder, including removal work as hereinbefore provided. (Ord. 579, 2-9-2005)

### **3-10-33: SEVERABILITY:**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this chapter, or its application to any other person or circumstance. The city council of the city of Corcoran hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable. (Ord. 579, 2-9-2005)

## **TITLE 4**

## **PUBLIC HEALTH AND SAFETY**

### **CHAPTER 1**

### **PUBLIC NUISANCE; MAINTENANCE OF PROPERTY**

#### **SECTION:**

#### **4-1-1: Nuisance; Maintenance Of Property**

#### **4-1-2: Declaration Of Nuisance And Notice To Abate**

#### **4-1-3: Service Of Abatement Order**

#### **4-1-4: Abatement By City**

#### **4-1-5: Charges For Abatement**

#### **4-1-6: Charges; Hearing, Interest**

#### **4-1-7: Delinquent Charges**

#### **4-1-8: Alternative Remedies**

#### **4-1-9: Violation; Infraction**

#### **4-1-10: Penalty**

#### **4-1-1: NUISANCE; MAINTENANCE OF PROPERTY:**

It is 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 or an alleyway or other public right of way fronting said premises in such manner that any of the following conditions are found to exist thereon:

- A. Unsafe Buildings: Buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment.
- B. Exits: Any structures where any door, aisle, passageway, stairway or other required means of exit is not of sufficient width or size or is blocked and does not provide safe and adequate means of exit in case of fire or panic.
- C. Damaged Buildings: Whenever any portion of a structure has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural integrity of the building has been compromised as to be considered unsafe.
- D. Fire Hazard: Premises maintained so as to constitute a fire hazard by reason of weeds, rank overgrowth or accumulation of debris.
- E. Abandoned Buildings: Buildings which are abandoned, boarded up, partially destroyed, or left unreasonably in a state of partial construction.
- F. Termite Infestation: Any building on which the condition of the paint causes dry rot, warping or termite infestation.
- G. Broken Windows: Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief.
- H. Vermin Harborage: Overgrown vegetation, cultivated or uncultivated, which is likely to harbor rats, vermin or other nuisances, or which causes detriment to neighboring properties or property values.
- I. Hazardous Trees, Weeds: Dead, decayed, diseased or hazardous trees, weeds and debris constituting unsightly appearance, dangerous to public safety and welfare, or detrimental to neighboring properties or property values.
- J. Vehicles, Equipment: Any materials, equipment, vehicles not currently registered or other chattels stored continuously in excess of seventy two (72) hours within a yard area between a street and buildings used for residential purposes, including accessory buildings thereto.
- K. Attractive Nuisances: Any attractive nuisance dangerous to children in the form of abandoned or broken equipment, hazardous pools, ponds, excavations or neglected machinery.
- L. Discarded Furniture: Broken or discarded furniture and household equipment remaining in front yard areas for unreasonable periods and causing damage or detriment to neighboring property.
- M. Clothes Lines: Clothes lines in front yard areas.
- N. Garbage Cans: Garbage cans both permanently stored in front yards and visible from public streets.
- O. Debris In Yards: Packing boxes and other debris stored in yards and visible from public streets for unreasonable periods and causing detriment to neighboring property.
- P. Neglect Of Premises: Any neglect of premises to spite neighbors, influence a zone change or other zoning relief or to cause detrimental effect upon nearby property or property values.
- Q. Premises In Detrimental Condition: Maintenance of premises in such condition as to be detrimental to public health, safety or general welfare or in such manner as to constitute a "public nuisance" as defined by Civil Code section 3480.
- R. Property Value Depreciation: Property maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes substantial depreciation of the property values of the surrounding properties or is materially detrimental to properties and improvements.
- S. Hazardous Fences: Any wall, fence or hedge in such condition as to constitute a hazard to persons or property or to cause depreciation in the value of any adjacent or nearby property. (Ord. 355, 9-4-1979)
- T. Storage Or Parking Of Vehicles: Including, but not limited to, automobiles, trucks, boats, recreational vehicles, on any unimproved surface of a front or side yard except for the purpose of washing such vehicle. (Unimproved surface includes any surface which is not paved or asphalted.) Properties having driveways composed of dirt, gravel or sand are exempt from surfacing requirement. For this purpose, a driveway is not what would normally be a landscaped area of the property.

A warning notice will be given for the first violation. Additional violations of this subsection will result in the issuance of a parking citation. The fines imposed are as follows:

First citation: \$25.00 Due and payable within 30 days of date issued.

Second citation: \$50.00 Due and payable within 30 days of date issued.

Third citation: \$100.00 Due and payable within 30 days of date issued.

The citation may be issued by the city building official, the city code enforcement officer, or an authorized representative of the city building official. (Ord. 572, 12-1-2003)

U. Maintenance Of Parking Lots: The definition of "parking lot" as it pertains to this subsection shall be: An off street area, generally surfaced and improved for the temporary storage of five (5) or more vehicles. All parking lots, commercial and multi-family residential, shall be properly maintained so that they are free from holes, cracks, or other disfigurements that the city deems to constitute a maintenance hazard, danger or risk. The surfaces shall be as required by city rules, guidelines and/or regulations. All parking spaces shall be properly marked at all times. Parking lots shall be kept free of trash and other debris, including, but not limited to, weeds and overgrowth of vegetation. (Ord. 574, 6-9-2004)

#### **4-1-2: DECLARATION OF NUISANCE AND NOTICE TO ABATE:**

Whenever the building official, county health officer or such other city official as may be designated by the city manager, determines that any building or premises within the city is being maintained in violation of the provisions of this chapter, he/she shall give written notice thereof to the owner of record as shown on the last equalized assessment roll. Such notice may be served by mail, certified, return receipt requested, addressed to said owner at the last known address of said owner as shown on the last equalized assessment roll. In the case that the public nuisance is an unsafe building, the subject building shall be posted, in addition to the required mailed written notice. Said notice shall specify the condition or conditions to be corrected or remedied and shall specify a reasonable period within which this must be accomplished. The service of this notice is complete at the time such notice is deposited in a receptacle maintained by the United States postal service, with postage thereon fully prepaid. (Ord. 532, 11-17-1997)

#### **4-1-3: SERVICE OF ABATEMENT ORDER:**

A copy of the abatement order of said nuisance shall be served upon the owners of said property in accordance with the provisions of section 4-1-2 of this chapter. Any property owner shall have the right to have any such premises rehabilitated or to have such buildings or structures demolished or repaired in accordance with said abatement order at his/her own expense, provided the same is done prior to the expiration of the abatement period set forth in the abatement order. Upon such abatement in full by the owner, then proceedings hereunder shall terminate. (Ord. 355, 9-4-1979; amd. 1996 Code)

#### **4-1-4: ABATEMENT BY CITY:**

If such nuisance is not completely abated by the owner as directed within the designated abatement period, then the city manager, or such other city official as may be designated by him/her, is authorized and directed to cause the same to be abated by city forces or private contract, and the city manager or his/her designated agent, is expressly authorized to enter upon said premises for such purpose. All expenses so incurred by the city in connection therewith shall be charged to and become an indebtedness of the owner of such structure or premises, as well as a lien upon the affected property, as elsewhere herein provided. (Ord. 355, 9-4-1979)

#### **4-1-5: CHARGES FOR ABATEMENT:**

When any nuisance is abated by the city pursuant to this chapter, the finance director shall prepare a statement showing the cost, including incidental expenses thereof, and shall certify to the correctness of the amount thereof. Such statement shall then be placed on file in the office of the finance director. The finance director shall thereupon give notice of the filing of such statement and of the amount of such charges in the same manner as provided in section 4-1-2 of this chapter. "Incidental expenses" includes, but is not limited to, the actual expenses and costs of the city in the preparation of notices, specifications and contracts, and inspecting the work, and costs of printing and mailing required hereunder. (Ord. 355, 9-4-1979; amd. 1996 Code)

#### **4-1-6: CHARGES; HEARING, INTEREST:**

A. Hearing On Charges: Within thirty (30) days from the date of service of such notice of charges for abatement the property owner, or any interested person, may demand a hearing as to the reasonableness of such charges. Such demand shall be in writing and filed with the city clerk. It shall describe the property involved, state the reasons for objecting, and include the address of the applicant for service of notices in connection with such hearing. Such demand shall be presented by the clerk to the city council at its next regular meeting. The City Council shall thereupon set a date for hearing such protest which shall be not less than ten (10) nor more than thirty (30) days thereafter. The City Clerk shall give written notice of such hearing to the address furnished in the demand for hearing. At the time set for such hearing, the City Council shall hear all evidence pertinent to the reasonableness of such charges and shall then either confirm or modify the charges. The decision of the City Council thereon shall be final and the City Clerk shall then file with the City Manager a certificate showing the conclusions of the Council and, at the same time shall notify the applicant by serving upon him/her a copy of such certificate. (Ord. 355, 9-4-1979)

B. Interest On Charges: If the amount of such charges as determined by the City Council shall not have been paid within sixty (60) days after filing of such certificate by the City Clerk, the payment thereof shall thereupon become delinquent and such amount so determined shall thereafter bear interest at the rate of seven percent (7%) until paid or until filed with the County Tax Collector as hereinafter provided. If no hearing is demanded as to the reasonableness of such charges the payment thereafter shall become delinquent at the expiration of the time for filing of a demand for a hearing thereon. (Ord. 355, 9-4-1979; 1996 Code)

#### **4-1-7: DELINQUENT CHARGES:**

A. Transfer Of Collection To County Tax Collector: On July 1 of each year, or within thirty (30) days thereafter, the City Manager shall certify a list of all delinquent charges for nuisance abatement to the County Tax Collector. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the County Tax Collector, and the amount of such charges, including such interest as shall have accrued after the delinquent date to July 1 of such year, shall be set forth opposite such description.

B. Method Of Collection: Upon receipt of such list, the County Tax Collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect said charges in the same manner as Municipal and ad valorem taxes and penalties and interest for nonpayment thereafter shall attach as though such amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes appearing upon said tax roll as against a parcel shall be issued unless all such charges for nuisance abatement, and penalties thereon, entered upon that tax roll against said lot shall first be paid in full.

C. Tax-Sold Property: Upon the sale of any lot to the City for nonpayment of taxes, all charges for nuisance abatement for said parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.

D. Tax-Sold Property; Redemptions: No certificate of redemption from sale for delinquent taxes shall be issued until all charges for nuisance abatement, and penalties entered on the delinquent tax records against the property involved, shall first have been paid in full.

##### **E. Correction Of Errors; Cancellation Of Assessment:**

1. The City Manager may, prior to certifying any such unpaid charges to the County Tax Collector, correct any errors with respect to such taxes appearing upon his/her records.

2. After such taxes have been certified to the County Tax Collector, the Council, by order entered on its minutes, may cancel any charges for nuisance abatement, or penalty, or any portion of either thereof, appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment shall have not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged against property acquired subsequent to the lien date by the United States, by the State, or any city, or any school district or other political subdivision, and because of this public ownership, not subject to sale for delinquent assessments.

F. Refunds: Any charge for nuisance abatement or penalty, or portion of either thereof, which is paid as the result of any erroneous assessment upon the wrong property, or which is paid more than once, or which is based upon clerical error appearing in the tax records, may be refunded by the Council to the person entitled thereto; provided, however, that such refunds shall only be made upon the written application of the person entitled thereto, which must be filed with the City Clerk no later than one year after the date the erroneous payment was made. (Ord. 355, 9-4-1979; 1996 Code)

#### **4-1-8: ALTERNATIVE REMEDIES:**

It is the intent of the City Council that the provisions and procedures set forth in this Chapter shall not expressly or by implication repeal or supersede any other provisions or procedures of the City Code or any other applicable law on the same or related subject matters. This Chapter

shall supplement existing procedures and will provide an alternative, nonexclusive procedure for the abatement of a nuisance. Nothing in this Chapter shall preclude or prohibit the City from resorting to any appropriate legal remedy, whether civil or criminal, in the abatement of any nuisance including any nuisance designated in this Chapter; and when such legal remedy is utilized, the administrative hearing and appeal procedures provided in this Chapter to determine the existence of a nuisance shall not be applicable. (Ord. 355, 9-4-1979)

**4-1-9: VIOLATION; INFRACTION:**

A. The owner of any building or premises who maintains any public nuisance thereon, as defined in this Chapter, or who violates any order of abatement issued by the City Council is guilty of an infraction.

B. Any occupant or lessee in possession of any such building or premises who fails to vacate said building or premises in accordance with an order of abatement provided in this Chapter is guilty of an infraction.

C. Any person who removes any notice or order posted as required in this Chapter is guilty of an infraction.

D. No person shall obstruct, impede or interfere with any representative of a City department or the Planning Commission, or any person having any interest or estate in such building or premises, is engaged, pursuant to the provisions of this Chapter, in enforcing any such order of abatement. Any person doing so shall be guilty of an infraction. (Ord. 355, 9-4-1979)

**4-1-10: PENALTY:**

Every violation determined to be an infraction is punishable as provided in Section 1-4-1 of this Code. A person shall be deemed guilty of a separate offense for each day during any portion of which a violation of this Chapter is committed, continued or permitted. (Ord. 355, 9-4-1979; 1996 Code)

## CHAPTER 2

### SOLID WASTE COLLECTION AND PROCESSING

**SECTION:**

**4-2-1: Definitions**

**4-2-2: Solid Waste Collection Service**

**4-2-3: Residential Solid Waste Collection Service**

**4-2-4: Rates**

**4-2-5: Billings**

**4-2-6: Delinquencies**

**4-2-7: Solid Waste Accumulations Unlawful**

**4-2-8: Burying, Dumping Or Burning Solid Waste**

**4-2-9: Enforcement Provisions**

**4-2-10: Contracts**

**4-2-11: Special Services**

**4-2-12: Violation**

**4-2-13: Disputes, Complaints And Appeals**

**4-2-1: DEFINITIONS:**

For the purpose of this chapter, the following terms, words and phrases are defined as follows:

**ACT:** The California integrated waste management act of 1989<sup>1</sup> and all regulations adopted under said act, as may be amended from time to time.

**BUY BACK FACILITY:** A facility which receives source separated materials for a fee.

**CITY:** The city of Corcoran.

**COMPOST:** The product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream or which are separated at a central facility.

**COMPOSTING FACILITY:** A permitted solid waste facility at which composting is conducted and which produces compost, excluding private residences engaged in composting for their own purposes.

**CONTAINERIZED SERVICE:** Service wherein the city or its contract collector provides a vehicle equipped for the mechanical handling of one, two (2), or three (3) cubic yard containers with casters. Such containers shall be furnished by the city or its contract collector.

**CONTRACT COLLECTOR:** Any person who provides solid waste collection and disposal service to residential, commercial, or industrial premises under contract with the city.

**COUNCIL:** The city council of the city of Corcoran.

**CURBSIDE COLLECTION:** The collection of solid waste from a location adjacent to the street or alleyway.

**GREENWASTE:** Grass, clippings, weeds, leaves, small branches, sod, lumber without nails, plants and sawdust.

**GREENWASTE CONTAINERS:** A container or containers approved by the public works director and identified solely for the use of disposal of "greenwaste" as defined herein.

**KWRA:** The Kings waste and recycling authority, a joint powers agency consisting of the county of Kings and the cities of Corcoran, Hanford, and Lemoore.

**LANDFILL:** A disposal site at which solid waste is deposited and compacted before burial in a specially prepared area which provides environmental monitoring and treatment.

**PERSON:** An individual, firm, association, partnership, public or private corporation, company, organization, political subdivision, governmental agency, trustee, receiver or any other entity whatsoever.



**PREMISES:** A tract or parcel of land with or without habitable buildings or appurtenant structures.

**PUBLIC WORKS DIRECTOR:** The public works director of the city of Corcoran.

**RECYCLABLES:** Solid waste, including, without limitation, aluminum, glass bottles and jars, paper, newspaper, cardboard, plastic containers, tin and bimetal, white goods, greenwaste, yard or tree waste and other materials which can be processed and returned to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

**SERVICE AREA:** The incorporated area of the city of Corcoran and those unincorporated portions of Kings County that have been designated by the Kings County board of supervisors or permitted by the Kings County public works department as areas where the city shall be responsible for the provision of utilities including solid waste collection.

**SOLID WASTE:** All putrescible or nonputrescible solid and semisolid waste including recyclables, refuse, garbage, rubbish, trash, decaying vegetable and animal matter, ashes, street refuse, industrial waste, swill, offal, tin cans, paper, medical solid waste and other offensive or nauseous substances excepting the following: agricultural solid waste, liquid carried industrial wastes, sewage or sewage hauled as an incidental part of a septic tank or cesspool cleaning service, medical waste, and hazardous or toxic waste as defined and regulated by federal, state or local laws and regulations.

**SOLID WASTE COLLECTION SERVICE:** Service furnished by the city of Corcoran or contract collector or a duly permitted collector for the collection and disposal of solid waste within the city and the areas provided service by the city in the county of Kings and hauling said waste to a facility for processing, transfer and disposal.

**SOLID WASTE CONTAINERS:** A regulation solid waste container or containers approved by the city.

**SOLID WASTE FACILITY:** A disposal site, buy back facility, material recovery facility (MRF), composting facility, transfer station, or a site that engages in any solid waste processing, or any facility specified in California Public Resources Code section 40194 and as amended from time to time. Solid waste facility shall include a commercial or industrial business conducting salvage of recyclables, but shall exclude private residences engaged in salvaging of recyclables for their own purpose.

**SOLID WASTE PROCESSING:** The reduction, separation, composting, recovery, salvage, conversion, or recycling of solid waste and any activity conducted in a solid waste facility.

**SOLID WASTE PROCESSOR:** Any person regularly engaged in the processing and/or recycling of solid waste. Solid waste processor includes a "buy back facility".

**SOLID WASTE SEPARATION:** The placement of recyclables in separate containers or bags, or the physical separation of recyclables from other solid waste. The term segregation shall be interchangeable with separation.

**SOURCE SEPARATION:** The separation or segregation of solid waste, at the place of generation or production of the wastes and resources for separate collection, processing, recycling, reuse, recovery or disposal.

**SPECIAL HAUL:** The collection of solid waste in excess of the maximum amounts of solid waste to be collected by the city at a single collection or any collection of any material not defined in this section as "solid waste".

**SPECIAL WASTE:** Solid waste which has characteristics which make it unsuitable for collection and/or processing by regular or routine methods. Such wastes will be collected and/or processed separately from the regular collection and procedures.

**WALK IN SERVICE:** Service where one solid waste container may be placed for collection not more than seventy five feet (75') from the curb face. Such service shall be limited to customers who are blind, disabled, or, for some physical reason, cannot move their container to the curb or alley. Such hardship cases will be reviewed and a decision made on an individual basis by the public works director. (Ord. 513, 11-21-1994; amd. 1996 Code; Ord. 551, 3-20-2001)

Notes

<sup>1</sup> 1. Pub.Res.C. § 40000 et seq.

#### **4-2-2: SOLID WASTE COLLECTION SERVICE:**

A. Use Of Collection Service Required: All dwellings, apartment houses, and places of business in which solid waste accumulates within the city or service areas in the county of Kings utilizing city provided municipal services (hereinafter "city service area"), including, but not limited to, water, sewer, refuse and others as provided by the city of Corcoran, shall be required as a condition to these services being made available to them to use the solid waste collection service of the city or a duly permitted collector and to pay the charges set forth in this chapter.

##### **B. Separate Recyclables:**

1. All residential customers within the city service area shall be provided with once a week recyclables container services by the authorized agent in accordance with instructions; residential customers shall separate and place recyclables curbside, or in other recyclables bin container locations as approved and directed by the city, for collection. All persons using the city solid waste collection service or a duly permitted collector shall separate recyclables from all other solid waste produced at their premises.

2. An owner, landlord or agent of an owner or landlord of a multi-family rental property with three (3) or more units on single water service, shall comply with its separation responsibilities by establishing a collection and storage system for separated recyclables at each premises.

3. Any failure by a residential customer, owner, landlord or agent of an owner to properly separate recyclables from other waste and/or comply with the requirements of subsection B1 or B2 of this section, as relevant, may result in certain fines and/or administrative penalties, as set forth in section 4-2-12 of this chapter. (Ord. 582, 3-23-2005)

C. Placement Of Containers For Collection; City Control: Solid waste, when placed out in appropriate containers for collection shall be deemed under control of the city. (Ord. 513, 11-21-1994)

##### **D. Greenwaste Bin Containers:**

1. All residential customers within the city service area shall be provided with once a week greenwaste container services by the city's authorized agent. In accordance with instructions received from the city and/or its authorized agent, residential customers shall separate and place greenwaste curbside, or in other greenwaste bin container locations as approved and directed by the city for collection. (Ord. 582, 3-23-2005)

2. It shall be unlawful for any nonresidential customer to deposit greenwaste into any container designated as a "residential greenwaste container" by the city.

3. For purposes of this section, "residential customer" means all single- and multi-family and mobile home park residences within the city limits. "Nonresidential customer" means all customers not classified as a residential customer, including businesses and/or individuals engaged in tree trimming and/or lawncare services for monetary compensation. (Ord. 556, 2-5-2002)

#### **4-2-3: RESIDENTIAL SOLID WASTE COLLECTION SERVICE:**

##### **A. Frequency And Amount Of Collection:**

1. The city shall collect at regular intervals as established by resolution of the city council from all dwelling units in the service area, one or more automated solid waste containers provided by the city or its contract collector. Special collections may also be provided in addition to the regular collection periods and may be contracted for by other than the city or the contract collector.

2. In cases of dispute, the public works director shall determine the number of containers required to provide for the efficient collection of solid waste at any premises.

B. Responsibilities Of Residential Curb Service Customers: All curb service customers shall place their solid waste containers at the curb no earlier than seven o'clock (7:00) P.M. on the day prior to collection and no later than five o'clock (5:00) A.M. on the day of collection and shall remove the empty containers from the curb and public view no later than twelve o'clock (12:00) midnight on the day of collection. (Ord. 513, 11-21-1994)

C. Collection Of Greenwaste; Residential: Greenwaste shall be separated by the curb service customer from all other solid waste and shall be placed only in a greenwaste container for collection in accordance with this chapter and resolutions of the city council. Tree trimmings and limbs too numerous or large to be placed in the separate greenwaste container will be collected as a special haul at an additional fee to the customer so long as the tree trimmings and limbs are less than four inches (4") in diameter and are tied at each end in bundles which do not exceed four feet (4') in length and forty (40) pounds in weight. (Ord. 551, 3-20-2001)

D. Alley Service Customers; Placement Of Containers: Customers receiving alley service shall place their solid waste containers in the alley at the property line within the time limitations prescribed in subsection B of this section.

E. Containerized Service; Residential Areas: Containerized service may be used in residential areas for apartments and multiple-family dwellings and for single unit dwellings if approved by the public works director. In cases of dispute, the public works director shall determine the number of containers and/or the number of times per week solid waste shall be collected from a premises. (Ord. 513, 11-21-1994)

F. Containers To Be Kept Clean: All solid waste containers shall be kept in a clean and sanitary condition and covered at all times. Should a customer fail to keep a container in a clean and sanitary condition, and upon failure to do so after notice from the city and/or its authorized agent, the city and/or its authorized agent, may clean and sanitize the container and charge for said service on the regular utility bill.

G. Containers To Not Block Public Right Of Way: All solid waste containers shall be kept in a manner, and placed for collection in a manner, which does not obstruct and/or interfere with a public right of way, including, but not limited to, any alley, street or driveway. In addition, no solid waste container, when placed at the curb or in any alley for service shall be placed in the street or gutter.

H. Containers Stored Out Of Public View: All residential customers, whether receiving curb or alley service, shall store solid waste containers out of view of the public right of way. Apartments and multiple-family dwellings utilizing approved containerized service, shall also store such solid waste containers in a manner which avoids view of the containers from the public right of way. (Ord. 582, 3-23-2005)

#### **4-2-4: RATES:**

All rates and charges for solid waste collection service for residential, commercial, and containerized service shall be fixed by resolution of the city council and may include a charge to each residential, commercial, and containerized service within the service area for street sweeping. (Ord. 513, 11-21-1994)

#### **4-2-5: BILLINGS:**

A. Collection Charges: Solid waste collection charges shall be included on the regular city utility bill. The charges shall be paid at the same time and in the same manner as other utility charges are paid, and all rules and regulations governing the collection of utility bills shall apply in every particular in the collection of solid waste service bills.

B. Partial Payment: Any payment received for city utility charges in an amount less than the total billed shall be treated as a partial payment for each such charge and the amount received shall be allocated to the separate accounts in the same ratio as each such charge bears to the whole of the bill.

C. Extra Charges: The charges for the collection of solid waste resulting from the normal use of a premises shall not be construed as preventing the city from imposing reasonable extra charges for the removal of excessive amounts of solid waste.

D. Exempt Premises: Any person who does not have or produce solid waste on any premises used by him/her, for other than residential purposes and which are not inhabited by an occupant, may file with the public works director an affidavit to that effect. Upon review of the affidavit and inspection of the premises, the public works director may approve or disapprove the affidavit. Upon approval, the premises shall be exempt from any charge for garbage collection. Whenever any person who has previously filed any such affidavit shall commence to produce any solid waste on such premises, he/she shall immediately notify the public works director. The filing of a false affidavit or the failure to notify the public works director of the fact that solid waste is being produced, shall constitute a misdemeanor, and no affidavit so filed shall operate or be effective to exempt any premises for solid waste collection charges. (Ord. 513, 11-21-1994)

#### **4-2-6: DELINQUENCIES:**

All charges for solid waste collection service included on utility bills shall be due and payable at the same time as other utility charges. If a bill for solid waste service is not paid within the time provided, the city may discontinue water service to the premises after following the rules and regulations governing the collection of utility bills as established by resolution of the city council. (Ord. 513, 11-21-1994)

#### **4-2-7: SOLID WASTE ACCUMULATIONS UNLAWFUL:**

A. Except for duly licensed solid waste facilities, it shall be unlawful for any occupant or owner of any building, lot, or premises in the city to allow or permit to collect or remain in such premises any solid waste determined to be a public nuisance as defined in chapter 1 of this title.

B. Except for the normal accumulation of solid waste before the normal collection date, all premises shall be kept free of solid waste. The owner, occupant or operator of any premises shall be responsible for the safe and sanitary storage of all solid waste and recyclables accumulated on the premises. (Ord. 513, 11-21-1994)

#### **4-2-8: BURYING, DUMPING OR BURNING SOLID WASTE:**

It shall be unlawful for any person to bury, dump, burn, or permit to be buried, dumped, or burned any solid waste in any place within the city, and all solid waste in the city shall be placed in "solid waste containers" as defined in section 4-2-1 of this chapter. (Ord. 513, 11-21-1994)

#### **4-2-9: ENFORCEMENT PROVISIONS:**

The public works director shall enforce the provisions of this chapter and shall have the power to establish rules and regulations consistent with the provisions of this chapter governing the keeping, collection, removal, and disposal of solid waste. (Ord. 513, 11-21-1994)

A. Nuisance; Scavenging:

1. Residential Property: No person shall rummage through, scavenge or remove any material from any trash receptacle, trash dumpster, or other solid waste or recyclable material container which is stored on residential use private property (4 or fewer dwelling units) pending collection for disposal or recycling or which has been placed at the adjacent curb or side of any public street for residential or household trash collection or for disposal or recycling, other than the owner or tenant of such property or an authorized recycling agent or a solid waste enterprise operating pursuant to an agreement with the city or authorized city employees for purposes of city business.

2. Multiple-Family, Business, Institutional Or Industrial Structures: No person shall rummage through, scavenge or remove any material from any trash receptacle, trash dumpster, or other solid waste or recyclable material container which is stored on any private property improved with a multiple-family dwelling structure (5 or more dwelling units), business use structure, institutional use structure or an industrial use structure pending collection for disposal or recycling, other than the owner or tenant of such property, unless such person is the owner and/or tenant in possession of such property or unless such person is an authorized recycling agent or a solid waste enterprise validly operating in the city pursuant to an agreement with the city or authorized city employees for purposes of city business.

3. Enforcement: Enforcement of this subsection A shall be as prescribed in subsection 1-7A-5A of this code. (Ord. 604, 6-16-2008)

**4-2-10: CONTRACTS:**

A. A contract for the collection and disposal of solid waste material may be entered into between the city and a private contractor for a period not to exceed fifteen (15) years subject to the provisions of this code and other applicable laws. (Ord. 582, 3-23-2005)

B. Except as otherwise provided in this chapter, the contract agent shall have the sole and exclusive right to collect and dispose of all solid waste accumulated within the service area and transport same throughout the streets and public ways of the service area.

C. Any such contract may be entered into by the city and accepted by resolution of the city council upon terms deemed necessary to protect the interests of the city and consistent with this chapter. (Ord. 513, 11-21-1994)

**4-2-11: SPECIAL SERVICES:**

A. Generally: The provisions of this chapter are necessary to protect the health, safety and welfare of the citizens of the city and to provide compliance with the act. The provisions of this section shall govern the following:

1. The collection and disposal of solid waste accumulations from construction and heavy commercial and industrial sites within the city, including, without limitation, the collection and disposal of rocks, concrete, bricks, dirt, plaster and building materials and other solid waste accumulations of such quantity and/or frequency as to be in excess of the normal capacity of the solid waste equipment used by the city or its contract collector.

2. The collection, handling and processing of recyclable materials including recyclables from buy back centers.

3. The permitting, licensing and reporting requirements for solid waste collectors and processors and solid waste facilities. (Ord. 513, 11-21-1994)

B. Persons Authorized:

1. Any person franchised by the city of Corcoran is hereby authorized to furnish by contract with the owner of any premises within the city, subject to the conditions, limitations, and provisions contained in this section, special services for the handling and disposal of solid waste, including, without limitation, rocks, concrete, bricks, dirt, plaster, and building materials and other refuse accumulations of such quantity and/or frequency as to be in excess of the normal capacity of the solid waste equipment used by the city or its contract collector.

2. Any person franchised by the city of Corcoran is hereby authorized to furnish by contract with the owner of any premises or business within the city, subject to the conditions, limitations and provisions contained in this section, special services for the collection, handling and/or processing of recyclable materials. (Ord. 582, 3-23-2005)

3. Subject to the conditions, limitations and provisions contained in this section, any person within the city may establish a properly located buy back facility. (Ord. 513, 11-21-1994)

C. Franchise Required:

1. No person who has not entered into a franchise agreement with the city of Corcoran for purposes of providing solid waste collection services within the city service area, may enter into a contract with the owner of any premises or business within the city service area to provide special services for solid waste described in this section.

2. In order to monitor the amount of solid waste diverted from any landfill, all franchisees having entered into a franchise agreement with the city of Corcoran for purposes of providing solid waste collection services within the city service area, are required to prepare and submit quarterly written "Report Of Solid Waste Processed" to the public works director and KWRA by April 10, July 10, October 10, and January 10 of each year. The report shall contain the following information:

a. The name, address and telephone number of the person conducting the solid waste collection and/or processing.

b. The type of solid waste collected and/or processed.

c. Total tonnage of solid waste collected or received for processing during that respective quarter.

d. Type of and tonnage of recyclables collected, received and processed.

e. Destination of processed recyclables.

f. Destination for disposal of nonrecyclable solid waste.

3. All franchisees who dispose of nonrecyclable solid waste must enter into an agreement with the KWRA which shall provide that KWRA will accept the solid waste collected and/or processed by the franchisee for the term of the franchise agreement and the franchisee will deliver all such solid waste to KWRA's designated facility. Receipt by the city of an executed copy of said agreement shall be a condition precedent to the city's approval of a franchise agreement.

4. The requirements set forth in this subsection may be altered, amended and/or supplemented by the city in its franchise agreement with any franchisee. In absence of contradictory terms within a franchise agreement, however, the franchise is required to comply fully with the provisions set forth within this subsection. (Ord. 582, 3-23-2005)

**4-2-12: VIOLATION:**

A. Except as may be otherwise established by resolution of the city council, any person who shall violate any of the provisions of this chapter shall be guilty of an infraction, and upon conviction thereof, be punished according to subsection B of section 36900 of the California Government Code, as follows:

1. Fines:

First violation	\$100.00
Second violation (within 1 year)	200.00
Third and additional violation(s) (within 1 year)	500.00

2. Notification: All fines assessed pursuant to this section shall be paid to the city not more than thirty (30) days following receipt of written notice of assessment of the subject fine. The failure to pay a fine due and owing under this section in a timely manner constitutes a debt to the city which may be enforced thereby through all available means, including filing of an action for collection in the appropriate division of the Kings County superior court. Notice of any fine assessed pursuant to this section shall be included with the regular bill for such service.

3. Failure To Pay: Any failure to pay a fine assessed under this section within thirty (30) days of receipt of notice of assessment may result in discontinuation of water service to the subject location. This provision shall not apply where it appears that the person occupying the premises is not the party responsible for water service charges on those premises.

B. In addition to any fine and/or infraction violation as discussed above, any person, owner and/or agent of owner, violating the provisions of this chapter more than three (3) times in one calendar year, may be required to attend an approved recycling and/or waste collection training session. The city council and/or its authorized agent shall, by resolution, establish the amount of the nonrefundable fee required to participate in such session. In addition, the city council and/or its authorized agent shall, by resolution, approve the schedule, content and length of such training session. (Ord. 582, 3-23-2005)

**4-2-13: DISPUTES, COMPLAINTS AND APPEALS:**

A. In all cases of dispute or complaints arising from or concerning the place where the solid waste or recycling receptacles shall be placed while awaiting the removal of their contents, and/or while in use by a solid waste customer, the city council, or their authorized agents, shall forthwith designate the place and its decision shall be final.

B. Any person, owner and/or agent of owner having received notice of a fine being assessed under this chapter may appeal the assessment and/or amount of the fine to the Corcoran city council, as follows:

1. The notice of appeal must be submitted in writing, must specify the basis for the appeal in detail, and must be filed with the city within ten (10) calendar days after the date of assessment. If the deadline falls on a weekend or city holiday, the deadline shall be extended until the next regular business day.

2. If a notice of appeal is filed in accordance with the provisions of this section, the responsibility of the person, owner and/or agent of owner to whom the assessment was issued shall be stayed until the date that the appeal hearing is held by the city council.

3. As soon as practicable after receiving the written notice of appeal, the city shall fix a date, time and place for the hearing. Written notice of the date, time and place for the hearing shall be served at least ten (10) calendar days prior to the date of the hearing to the party appealing a fine, by first class mail, to the address listed on the notice of appeal. The failure of any person(s) to receive such notice, where the same was mailed by the city to the proper address and with adequate postage paid thereon, shall not affect the validity of any proceedings taken under this chapter. Service in the manner described herein shall become effective on the date of mailing.

4. Failure of any person, owner and/or agent of owner to file an appeal in accordance with the provisions of this section shall constitute a waiver of that person's right to administrative determination of the merits and/or amount of any fine and/or assessment levied pursuant to this chapter.

5. Following an orderly proceeding at which oral and written evidence regarding the appeal has been accepted and considered by the city council, the city council may sustain, modify or overrule the assessment and/or fine. The decision of the city council regarding any appeal is the final administrative order and decision. (Ord. 582, 3-23-2005)

## CHAPTER 3

### WEED ABATEMENT

SECTION:

**4-3-1: Nuisance**

**4-3-2: Owners To Maintain Property**

**4-3-3: Public Alleyways To Be Kept Clear**

**4-3-4: Abatement Of Nuisance**

**4-3-5: Appeal**

**4-3-6: Removal Of Nuisance**

**4-3-7: Charges To Be Filed With City Clerk**

**4-3-8: Payment Of Charges**

**4-3-9: Charges For Removal Of Materials Added To Tax Statement**

**4-3-10: Charges For Removal; Special Assessment**

**4-3-11: Credit Of Tax**

**4-3-12: Right To Bring Suit**

**4-3-13: Alternative Remedies**

**4-3-14: Violation; Infraction**

**4-3-15: Penalty**

**4-3-1: NUISANCE:**

Any weeds, rubbish, trash, grass, vegetation which in the opinion of the Building Official, may endanger or injure property; or which are in such a state, or in such quantity as to constitute a fire hazard to persons, or property, or the health or welfare of the residents in the vicinity of such material, are hereby declared to be a public nuisance. (Ord. 370 N.S., 10-6-1980; 1996 Code)

#### **4-3-2: OWNERS TO MAINTAIN PROPERTY:**

All persons owning or occupying real property within the City are required to keep and maintain the same free and clear of all weeds, rubbish, dry grass, vegetation and maintain said real property in such a condition that it does not constitute a public nuisance or fire hazard. The term real property as used herein shall also include those areas defined as sidewalks, parking strips between sidewalks and curb lines and alleyways from fence line to center of right of way. (Ord. 370 N.S., 10-6-1980)

#### **4-3-3: PUBLIC ALLEYWAYS TO BE KEPT CLEAR:**

It shall be unlawful for any person occupying or owning property fronting on any public alleyway in the City to fail, refuse or neglect to keep the portion of such alley between the center line thereof and the property line of such property free from the accumulation of garbage, rubbish or combustible material. (Ord. 370 N.S., 10-6-1980)

#### **4-3-4: ABATEMENT OF NUISANCE:**

A. Notice To Abate: If any person shall allow any weeds, dry grass or other vegetation to grow on; trash, rubbish or other materials to accumulate on any real property owned or occupied by him/her in the City, the Building Official shall give or cause to be given to the person owning said real property, and the occupant thereof, if any, a fifteen (15) day notice to remove the same and clear up the real property by posting a notice on said property reading approximately as follows:

##### **NOTICE**

*You are hereby notified that unless you clean up your property within fifteen (15) days from and after the date of this notice, by removing all weeds, rubbish, dry grass, hazardous materials and all other vegetation therefrom, the same will be cleaned up by the City of Corcoran and the cost thereof will be lien against your property and added to the next installment of your City taxes. The property required to be cleaned up is described as follows: Lot\_\_, Block\_\_, also known as Assessor's Parcel Number\_\_, of the City of Corcoran.*

Date:

Building Official

B. Owner Defined: For the purpose of this Chapter, the owner is the person to whom said real property is assessed in the County of Kings Assessor's office.

C. Failure To Comply: A copy of said notice shall likewise be mailed together with a copy of this Chapter, to the person to whom said real property is assessed in the County of Kings Assessor's office; provided, however, that the failure to mail such notice shall not affect the validity of any lien provided for under the provisions of this Chapter. If at the end of said period mentioned in said notice, said owner has failed to comply with the notice and if he/she has failed to file an appeal with the City Clerk, as hereinafter provided, the Building Official shall contract to have said weeds, rubbish, dry grass, vegetation, or other material removed. A failure to file a written protest within the time stated in the notice with the City Clerk shall be deemed a waiver of all objections to the proposed removal or destruction. (Ord. 370 N.S., 10-6-1980; 1996 Code)

D. Alternative To Posting: As an alternative to posting, notice in the form required in subsection A of this Section may be mailed to the property owners as their names and addresses appear from the last equalized assessment role, or as they are known to the Clerk. (Ord. 425 N.S., 6-2-1986)

#### **4-3-5: APPEAL:**

Within ten (10) days from the date of posting such notice, the owner or any person interested in said real property affected by such notice may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. At the next regular meeting of the City Council, it shall proceed to hear and pass upon such appeal and its decisions thereon shall be final and conclusive. (Ord. 370 N.S., 10-6-1980)

#### **4-3-6: REMOVAL OF NUISANCE:**

Unless within fifteen (15) days from the date of posting the notice provided for in Section 4-3-4 hereof, or in case of appeal to the City Council within ten (10) days from the date of determination thereof (unless the same is sustained) the weeds, rubbish, trash or other materials as the case may be, are removed from said real property as directed by said notice, the Building Official shall remove or contract to have the same removed. If, upon appeal, the requirements of the original notice are modified, the Building Official in removing or causing to be removed such weeds, rubbish, trash or other material, shall be governed by the determination of the City Council so made. (Ord. 370 N.S., 10-6-1980; 1996 Code)

#### **4-3-7: CHARGES TO BE FILED WITH CITY CLERK:**

As soon as the amount of the charges for removing said weeds, rubbish, dry grass and vegetation, or other material are determined from the fee schedule on file with the City Clerk, the Building Official shall file or cause to be filed with the City Clerk, a statement of the amount of the charge for removing said weeds, rubbish, dry grass, vegetation or other material, together with an affidavit of posting of the fifteen (15) days' notice provided for in subsection 4-3-4A. (Ord. 370 N.S., 10-6-1980; 1996 Code)

#### **4-3-8: PAYMENT OF CHARGES:**

The charge for removing said weeds, rubbish, dry grass, vegetation or other material shall become immediately due and payable to the City and may be paid to the City Clerk. (Ord. 370 N.S., 10-6-1980)

#### **4-3-9: CHARGES FOR REMOVAL OF MATERIALS ADDED TO TAX STATEMENT:**

The City Clerk shall add or cause to be added, the charge for removing the weeds, rubbish, dry grass and vegetation or other material to the next following tax statement of the assessed owner of the real property cleaned up as aforesaid and thereupon said charge shall become a lien on said real property and a personal obligation against the property owner, all provided in section 38773 of the Government Code of the State. (Ord. 370 N.S., 10-6-1980)

#### **4-3-10: CHARGES FOR REMOVAL; SPECIAL ASSESSMENT:**

The charge for removing said weeds, rubbish, dry grass and vegetation, or other materials shall also be a special assessment against the real property or parcel of land from which the aforesaid materials are removed. The assessment may be 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. All laws applicable to the levy, collection and enforcement of Municipal taxes shall be applicable to such special assessment all as provided in section 38773.5 of the Government Code of the State. (Ord. 370 N.S., 10-6-1980)

#### **4-3-11: CREDIT OF TAX:**

All monies thereafter paid to the City for taxes on said real property shall be credited by the County Tax Collector, first to the charge of cleaning up said real property and second, to the taxes assessed against real property. (Ord. 370 N.S., 10-6-1980; 1996 Code)

#### **4-3-12: RIGHT TO BRING SUIT:**

The City may also bring suit against the owner or any occupant of the real property cleaned up, as hereinabove provided, for the full amount of the cost of cleaning up of said real property, plus all costs incurred. (Ord. 370 N.S., 10-6-1980)

#### 4-3-13: ALTERNATIVE REMEDIES:

It is the intent of the City Council that the provisions and procedures set forth in this Chapter shall not expressly or by implication repeal or supersede any other provisions or procedures of the City Code or any other applicable law on the same or related subject matters. This Chapter shall supplement existing procedures and will provide an alternative, nonexclusive procedure for the abatement of a nuisance. Nothing in this Chapter shall preclude or prohibit the City from resorting to any appropriate legal remedy, whether civil or criminal, in the abatement of any nuisance including any nuisance designated in this Chapter; and when such legal remedy is utilized, the administrative hearing and appeal procedures provided in this Chapter to determine the existence of a nuisance shall not be applicable. (Ord. 370 N.S., 10-6-1980)

#### 4-3-14: VIOLATION; INFRACTION:

A. The owner of any building or premises who maintains any "public nuisance" thereon, as defined in this Chapter, or who violates any order of abatement issued by the City Council is guilty of an infraction.

B. Any occupant or lessee in possession of any such building or premises who fails to vacate said building or premises in accordance with an order of abatement provided in this Chapter is guilty of an infraction.

C. Any person who removes any notice or order posted as required in this Chapter is guilty of an infraction.

D. No person shall obstruct, impede or interfere with any representative of a City department or any person having any interest or estate in such building or premises, if engaged, pursuant to the provisions of this Chapter, in enforcing any such order of abatement. Any person doing so shall be guilty of an infraction. (Ord. 370 N.S., 10-6-1980)

#### 4-3-15: PENALTY:

Every violation determined to be an infraction is punishable as provided in Section 1-4-1 of this Code. A person shall be deemed guilty of a separate offense for each day during any portion of which a violation of this Chapter is committed, continued or permitted. (Ord. 370 N.S., 10-6-1980; 1996 Code)

## CHAPTER 4

### PUBLIC NUISANCE; PERSONAL CONDUCT

#### SECTION:

##### 4-4-1: Nuisance; Personal Conduct

##### 4-4-2: Authority To Declare Nuisance

##### 4-4-3: Authority To Abate Nuisance

##### 4-4-4: Notice Of Abatement Citation

##### 4-4-5: Fines Assessed

##### 4-4-6: Appeal Of Abatement Citation

#### 4-4-1: NUISANCE; PERSONAL CONDUCT:

In addition to those actions designated as public nuisances in other areas of this code, it is hereby declared a public nuisance for any person to engage in the following conduct:

A. Excessive Noise: At any time during the day, play a radio, stereo, television, musical instrument or any other device that produces sound in such a manner to create unnecessary noise that crosses property boundaries and annoys a person of reasonable sensibilities.

B. Loitering: At any time during the day, loiter in a public place in such a manner as to intentionally or maliciously:

1. Create or cause to be created a breach of the peace or a danger of a breach of the peace;
2. Create or cause to be created any disturbance or annoyance to the comfort and repose of any persons;
3. Obstruct the free passage of pedestrians or vehicles; or
4. Obstruct, molest or interfere with any person lawfully in any public place.

As used in this subsection, "loitering" means remaining idle in essentially one location, and includes the concepts of spending time idly, loafing or walking about aimlessly, including the colloquial expressions "hanging around" and "hanging out". It may include, and for purposes of subsection B2 of this section must include, the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom, or in whose hearing, they are made. As used in this chapter, "public place" includes any park, street, sidewalk, structure or building open to the public.

C. Parking: At any time during the day:

1. Operating or parking any motorized vehicle (as defined in section 415 of the California Vehicle Code) upon private property of another without first obtaining the written permission of the owner, and/or

2. Operating or parking any motorized vehicle (as defined in section 415 of the California Vehicle Code) in a manner which significantly obstructs or impedes the ability of an owner of private property to access or depart from their property, including, but not limited to:

a. The blocking of any driveway of any single-family residence not belonging to the owner of the vehicle, or

b. The blocking of any mailbox of any single-family residence so as to impede the delivery of mail to the resident of the property by the United States postal service.

D. Trespassing: Entering or remaining upon any private property or business premises, after being notified by the owner, owner's agent, lessee or by a peace officer acting at the request of the owner or owner's agent to keep away therefrom or remove therefrom. For purposes of this section a lessee includes a tenant in lawful possession of real property. This subsection shall not apply to the following circumstances:

1. Where its application results in or is coupled with acts prohibited by the Unruh civil rights act or any other provision of law relating to prohibited discrimination against any person on account of color, race, religion, creed, ancestry or national origin;

2. Where its application results in, or is coupled with, any act prohibited by section 365 of the Penal Code of the state of California or any other provision of law relating to duties of innkeepers and common carriers;

3. Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities;
4. Where its application would result in an interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech, but not limited to peaceful expressions of political or religious opinions; or
5. Where the person who is upon another's private property or business premises is there under claim or color of legal right. This exception is applicable, but not limited to, the following types of situations involving disputes wherein the participant or participants have available to them practical and effective civil remedies: marital and postmarital disputes; child custody or visitation disputes; disputes regarding title to or rights in real property; landlord/tenant disputes; disputes between members of the same family or between persons residing upon the property with an interest in the dispute; employer-employee disputes; business type disputes such as those between partners; debtor/creditor disputes; and instances wherein the person claims a right to be present pursuant to order, decree or other process of a court of competent jurisdiction.

E. Public Urination And Defecation: No person shall urinate or defecate, except into a commode or similar fixture designed for the purpose and connected to the city sewer system, or into a private sewer system installed and operated in accordance with this code, or into a portable or temporary toilet conforming to the requirements of state law. (Ord. 584, 5-25-2005)

#### **4-4-2: AUTHORITY TO DECLARE NUISANCE:**

Corcoran code enforcement officer(s), the police, and the fire marshal, or such other persons as may be designated by the city council, or their authorized agents, shall be vested with the authority to determine whether or not a public nuisance, as defined herein, may exist, and cause a written notice to be issued to abate such nuisance.

In addition to the above authorized personnel, the city council may declare the existence of a public nuisance at any time. (Ord. 584, 5-25-2005)

#### **4-4-3: AUTHORITY TO ABATE NUISANCE:**

A. Whenever a public nuisance is maintained or exists in the city, either under the general law or defined to be such under this code, it shall be the duty of the code enforcement officer(s) of the city of Corcoran, and/or any other specific department charged with enforcement of the conditions as they are maintained or exist, and they are hereby authorized and empowered to enter upon private property to abate the same by restraint, removal, destruction or abatement of the act or thing constituting a nuisance in accordance with the provisions of this chapter.

B. Nothing in this section shall be construed to limit or restrict the ability of the police and fire departments in the performance of their duties.

C. No person shall obstruct, impede or interfere with any officer, employee, or authorized representative of the city whenever such person is engaged in the work or abatement of a violation under this chapter. (Ord. 584, 5-25-2005)

#### **4-4-4: NOTICE OF ABATEMENT CITATION:**

When the code enforcement officer(s) of the city of Corcoran and/or other authorized personnel have determined a violation and/or nuisance to exist in violation of this chapter, the code enforcement officer(s) and/or other authorized personnel shall issue to the offending individual and/or group of individuals, a notice of abatement citation. The notice of abatement citation shall be substantially in the form as attached to ordinance 584 as exhibit 1, and shall contain the following information:

- A. The name and address of the offending person and/or persons, if known.
- B. A statement of the nuisance and/or code or ordinance violation.
- C. A statement to require the violator(s) to immediately abate the public nuisance, unless the code enforcement officer(s) identifies a longer period of time on the administrative citation.
- D. The amount of the fine imposed for the violation(s), if any.
- E. Explanation of how the fine shall be paid and the consequences of failure to pay the fine.
- F. Signature of the code enforcement officer(s) and/or authorized personnel, and the signature of the violator(s), if the same can be located. If the violator refuses or does not sign the citation, the lack of such signature shall in no way affect the validity of the citation and subsequent proceedings.
- G. A statement advising the person or persons identified in the citation that they may appeal the issuance of the citation in accordance with section 4-4-6 of this chapter. (Ord. 584, 5-25-2005)

#### **4-4-5: FINES ASSESSED:**

A. The city council by resolution may establish the amount of the fine to be assessed by the abatement citations issued by code enforcement officer(s) and/or other authorized personnel pursuant to this chapter. If a violator fails to correct the violation and/or fails to maintain compliance with the notice of abatement citation for a period of six (6) months, subsequent violations may be issued for the same violation(s), in the same manner as provided for in section 4-4-4 of this chapter. The amount of the fine for violations of this chapter occurring within six (6) months of a previous violation of this chapter, shall result in an increased fine to the violator(s) as set forth in the city council resolution.

B. Fines shall be made payable to the city of Corcoran and shall not excuse the failure to correct the violation nor shall it bar further enforcement by the city.

C. The failure of any person(s) to pay a fine assessed under this chapter may result in the assessment of an additional late fee to be charged. The amount of the late fee, if assessed, shall not exceed ten percent (10%) of the total amount of the fine owed.

D. The failure of any person(s) to pay a fine assessed under this chapter within the time specified on the citation constitutes a debt to the city. To enforce the debt, the city and/or its authorized agent may file a claim with the appropriate division of the Kings County superior court, or pursue any other legal remedy to collect such money.

E. Nothing in this chapter shall prevent the city council from requesting that the city attorney commence a civil or criminal proceeding to abate a violation and/or public nuisance as an alternative to the proceedings set forth herein. (Ord. 584, 5-25-2005)

#### **4-4-6: APPEAL OF ABATEMENT CITATION:**

A. Any person(s) receiving an abatement citation pursuant to this chapter may appeal the issuance of the citation to the Corcoran city council.

B. The notice of appeal must be submitted in writing, must specify the basis for the appeal in detail, and must be filed with the city within ten (10) calendar days after the date on the abatement citation. If the deadline falls on a weekend or city holiday, the deadline shall be extended until the next regular business day. The city will make available to the public that form set forth as exhibit 2, attached to ordinance 584. A notice of appeal which substantially complies with the requirements of this section shall be accepted, despite it not being submitted on the city approved form.

C. If the notice of appeal is filed in accordance with the provisions of this section, the responsibility of the person or persons to whom the abatement citation was issued, shall be stayed until the date that the appeal hearing is held by the city council.

D. As soon as practicable after receiving the written notice of appeal, the city shall fix a date, time and place for the hearing. Written notice of the date, time and place for the hearing shall be served at least ten (10) calendar days prior to the date of the hearing to the party appealing the



abatement citation(s) by first class mail to the address listed on the notice of appeal. The failure of any person(s) to receive such notice, where the same was mailed by the city to the proper address and with adequate postage paid thereon, shall not affect the validity of any proceedings taken under this chapter. Service in the manner described herein shall become effective on the date of mailing.

E. Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of that person's right to administrative determination of the merits of the abatement citation(s) and the amount of the fine.

F. The city council shall conduct an orderly proceeding and accept oral and written evidence regarding the abatement citation(s) in the following manner:

1. The issuing officer or agency shall present testimony and evidence relating to the violation.
2. The owner, agent or person responsible for the violation may present testimony or evidence concerning the violation and all defenses to the violation and/or assessed fine amount, which they contend exist.

G. The city council may sustain, modify or overrule the abatement citation. The decision of the city council regarding any appeal is the final administrative order and decision. (Ord. 584, 5-25-2005)

## TITLE 5

### POLICE REGULATIONS

#### CHAPTER 1

##### POLICE DEPARTMENT

###### SECTION:

###### 5-1-1: Chief Of Police

###### 5-1-2: Law Enforcement Officer's Training

###### 5-1-1: CHIEF OF POLICE:

A. Office Created: There is hereby created a Police Department in the City which shall consist of a Chief of Police and as many employees as the City Council may designate from time to time.

B. Appointment And Removal: The Chief of Police shall be appointed by the City Manager from a list of eligible candidates obtained through the City's normal recruitment procedures. The Chief of Police shall serve at the pleasure of the City Manager and may be removed by the City Manager at any time thereafter, in accordance with the Personnel Manual of the City, particularly section 102 thereof.

C. Supervision And Control: The City Manager shall be the immediate supervisor of the Chief of Police and all policies, directives and orders from the City government to the Chief of Police shall be made by or transmitted through the City Manager as executive head of the City government. The Chief of Police shall report directly to the City Manager and not to the City Council or individual members thereof or to any other committee or commission.

D. Powers And Duties: The Chief of Police shall direct the administration and operations of the Police Department and, in addition to policies transmitted to him/her by the City Manager, shall establish other policies, directives, rules and regulations for the administration and operations of the Department as he/she sees fit. The Chief of Police shall serve as the employing authority for the appointment of any position within the Department, other than his/her own and shall have the power to suspend or dismiss any employee consistent with the provisions of the City Personnel Manual.

E. Responsibilities: The Chief of Police shall lead by professional example and by participating as a member of the City management team and shall organize the Police Department to accomplish this mission and shall coordinate and control the operations of major divisions within the Department as well as its relations with other law enforcement agencies. Other responsibilities shall include, but shall not necessarily be limited to, such activities as the review and evaluation of the Department toward meeting goals and objectives, planning for departmental needs and programs, including the preparation and submission of such budget material that may be required, providing advice and counsel to the City Manager on matters pertaining to law enforcement, providing information and maintaining external relations with the public. (Ord. 323 N.S., 2-22-1977)

###### 5-1-2: LAW ENFORCEMENT OFFICER'S TRAINING:

A. Standards For Recruitment And Training: Pursuant to section 13522 of part 4 of the California Penal Code, the City while receiving aid from the State, will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training. (Ord. 202, 12-17-1962)

B. Proposed Minimum Recruitment Standards: The required standards shall be in compliance with the Commission on Peace Officer Standards and Training (P.O.S.T.) Administrative Manual. (1996 Code)

C. Personal History Investigation: A personal history investigation shall be conducted pursuant to the provisions contained in the Commission on Peace Officer Standards and Training (P.O.S.T.) Administrative Manual. (1996 Code)

#### CHAPTER 2

##### GENERAL OFFENSES

###### SECTION:

###### 5-2-1: California Penal Code Adopted By Reference

###### 5-2-2: Solicitation

###### 5-2-3: Obstruction Of Street, Sidewalk Or Other Place Open To The Public

###### 5-2-4: Expectorating

#### **5-2-5: Reward Authorized**

#### **5-2-6: Alcohol Consumption On Public Ways And Private Property Open For Public Use**

##### **5-2-1: CALIFORNIA PENAL CODE ADOPTED BY REFERENCE:**

Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions and sections of the California Penal Code section 1 et seq., as amended, are hereby adopted by the City. Any and all violations thereof shall be considered violations of this Chapter and each such violation shall subject the violator thereof to penalty provisions under this Chapter. (1996 Code)

##### **5-2-2: SOLICITATION:**

It shall be unlawful for any person to beg from door to door or solicit upon the streets within the City limits. (1996 Code)

##### **5-2-3: OBSTRUCTION OF STREET, SIDEWALK OR OTHER PLACE OPEN TO THE PUBLIC:**

It shall be unlawful to wilfully and/or maliciously obstruct the free movement of any person on any street, sidewalk or other public place or on or in any place open to the public. (1996 Code)

##### **5-2-4: EXPECTORATING:**

It shall be unlawful for any person to spit upon the sidewalk or upon the floors, steps, landings or walls of any public hall or building within the City. (1996 Code)

##### **5-2-5: REWARD AUTHORIZED:**

The City Council may offer and pay rewards, payable from the City funds for the furnishing of information leading to the arrest and conviction of persons who wilfully destroy or damage property of the City. (1996 Code)

##### **5-2-6: ALCOHOL CONSUMPTION ON PUBLIC WAYS AND PRIVATE PROPERTY OPEN FOR PUBLIC USE:**

A. Alcohol Consumption Unlawful: It shall be unlawful to consume any alcoholic beverage(s) or have possession of an open container of any alcoholic beverage:

1. On any public street, sidewalk, or other public way.
2. While on private property open for public use without the express permission of the owner, his/her agent, or any person in lawful possession thereof.
3. Upon the grounds of any public park unless a special (written) use permit has been obtained from the Chief of Police.

B. Penalty For Violation: Any person violating any of the provisions of subsection A of this Section shall be guilty of an infraction and shall be punishable as set forth in section 36900 of the Government Code. Every violation determined to be an infraction is punishable pursuant to the provisions of Section 1-4-1 of this Code. A person shall be deemed guilty of a separate offense for each day during any portion of which a violation of this Section is committed, continued or permitted by the person and shall be punishable as herein provided. (Ord. 348 N.S., 7-3-1978; 1996 Code)

## **CHAPTER 3**

## **GRAFFITI**

### **SECTION:**

#### **5-3-1: Intent And Purpose**

#### **5-3-2: Definitions**

#### **5-3-3: Prohibition Of Graffiti**

#### **5-3-4: Possession By Minors**

#### **5-3-5: Sale Of Graffiti Material**

#### **5-3-6: Removal Of Graffiti**

#### **5-3-7: Reward**

#### **5-3-8: Violations; Penalty**

##### **5-3-1: INTENT AND PURPOSE:**

Section 53069.3 of the California Government Code authorizes cities and counties to provide for the removal of graffiti and other inscribed material from public and privately owned permanent structures located on public or privately owned real property within such city or county. The City Council finds that graffiti on public and privately owned property is obnoxious in that it furthers blight, encourages acts of vandalism, depreciates the value of present and surrounding properties, and is inconsistent with the City's property maintenance goals and aesthetic standards. (Ord. 510 N.S., 3-21-1994)

##### **5-3-2: DEFINITIONS:**

For the purposes of this Chapter, the following definitions shall apply:

**DEFACEMENT:** The intentional altering of the physical shape or physical appearance of property.

**GRAFFITI OR OTHER INSCRIPTION:** Any unauthorized inscription, word, figure or design that is indelibly marked, etched, scratched, drawn or painted on, damaging or destroying any real or personal property of another through the use of spray paint, paint, indelible marker, chalk, ink, dye, or other liquid substance capable of defacing property.

**INDELIBLE MARKERS:** Any marker, pen or similar implement containing any other than a solution that can be removed with water after it dries having a flat, pointed or angled writing surface of a width of four (4) millimeters or greater.

**PAINT STICK:** A device containing a solid form of paint, chalk, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-eighth inch ( $\frac{1}{8}$ " ) in width, visible from a distance of twenty feet (20') and not water soluble.

**RESPONSIBLE ADULT:** A parent or guardian of an individual under the age of eighteen (18). A responsible adult may also include an agent of the parent or guardian, provided said agent is over eighteen (18) years of age. (Ord. 510 N.S., 3-21-1994)

5-3-3: PROHIBITION OF GRAFFITI:

A. Graffiti Prohibited: It shall be unlawful for any person to apply graffiti or other inscription upon any property, privately or publicly owned, without the permission of the owner, lessee or operator of such property.

B. Restitution: Any individual who is found guilty of violating this Section shall pay full restitution to the property owner, in addition to authorized penalties. If the violator is a minor, the "responsible adult" shall be liable for full restitution. (Ord. 510 N.S., 3-21-1994)

5-3-4: POSSESSION BY MINORS:

It is unlawful for any individual under the age of eighteen (18) years, who is in a public place or upon private property, without the consent of the owner, tenant or operator thereon, and who is not accompanied by a responsible adult, to possess an aerosol or pressurized container of paint, indelible marker or paint stick. (Ord. 510 N.S., 3-21-1994)

5-3-5: SALE OF GRAFFITI MATERIAL:

A. Restrictions On Selling Graffiti Materials: It shall be unlawful for any person to sell, offer to sell or cause to be sold, any aerosol or pressurized container of paint, indelible marker or paint stick to any person under the age of eighteen (18) who is not accompanied by a responsible adult. (Ord. 510, 3-21-1994)

B. Signs And Displays Of Aerosol Paint And Indelible Markers:

1. Any person offering for sale pressurized containers shall restrict access to those items from the public either: a) by placing them behind a locked counter, cabinet or other storage facility so that access to them cannot be gained without their being unlocked by an authorized employee, agent or other authorized representative of said person, or b) by placing them in a location where they shall be in constant, uninterrupted view of an authorized employee, agent or other authorized representative of said person.

2. All persons offering for sale indelible markers shall keep such markers in a location where they can be in constant view of the employee, agent or other authorized representatives of the person selling the markers.

3. Persons engaged in the retail sale of aerosol or pressurized containers of paint and/or indelible markers shall display, at the location of retail sale, a sign clearly visible and legible to employees and customers reading:

*It is unlawful for any person to sell, lend or give to any minor under the age of eighteen (18) years, an aerosol or pressurized container of paint or an indelible marker.*

This sign will be displayed in addition to the sign required by section 594.1(c) of the California Penal Code. (Ord. 596, 9-4-2007)

5-3-6: REMOVAL OF GRAFFITI:

A. Generally: Any person applying graffiti within the city shall have the duty to remove same in a manner approved by the city within twenty four (24) hours after notice by the city or the public or private owner of the property involved. Failure of any person to so remove graffiti shall constitute an additional violation of this chapter, consistent with Civil Code section 1714.1, where graffiti is applied by minors, the responsible adult shall be liable for such removal or payment for the cost thereof.

B. Public Property: Whenever the director of public works or his/her designated representative determines that graffiti exists upon property owned by the city, it shall be removed as soon as practicable.

C. Private Property:

1. Duty To Remove: It is every property owners' duty to remove graffiti promptly from their property after notifying the Corcoran police department. Where graffiti is located upon private property, which is capable of being viewed by persons utilizing any public right of way or sidewalk within the city, the city may cause a written notice to be served upon the owner of the affected premises requesting the removal of that graffiti. Unless additional time is granted by the city, due to a hardship in complying, or the property owner provides specified written consent authorizing the city or its contractor to abate the graffiti by whatever manner deemed appropriate, the property owner shall remove the graffiti within thirty (30) days after the date of the city's notice. Failure to remove or authorize city removal as specified shall be a violation of this chapter.

2. Notice: The notice shall be addressed to the name and address as appears on the last tax assessment roll, by depositing a copy of the notice in the U.S. mail, with postage fully prepaid, or personally delivering a copy of the notice to the property owner. The service is complete at the time of such deposit in the mail or when personal service is effectuated. The failure of any person to receive such notice shall not affect the validity of any proceeding.

3. Authorization To Enter, Hold Harmless: Prior to the entry onto private property by city personnel or authorized contractor for purposes of graffiti removal, a specified and signed written consent form shall be obtained from the private property owner or designated agent for such authorization of entry and release of liability.

4. Enforcement: Enforcement by way of criminal prosecution is an alternate and additional remedy to other abatement and enforcement procedures available to the city. (Ord. 510, 3-21-1994)

5-3-7: REWARD:

The city may pay a reward to any person who provides information which leads to the arrest and conviction of any person who applies any graffiti or other inscription upon any property, public or private, without the consent of the owner. (Ord. 510, 3-21-1994)

5-3-8: VIOLATIONS; PENALTY:

Violations of the provisions of this chapter shall be punishable pursuant to the provisions of section 1-4-1 of this code. (Ord. 510, 3-21-1994; amd. 1996 Code)

## CHAPTER 4

### ANIMAL CONTROL

SECTION:

5-4-1: Creation Of Animal Control Division

5-4-2: Short Title

5-4-3: Definitions

5-4-4: Inspection Of Animals; Penalty

5-4-5: Privileged Entry

#### **5-4-6: Interfering With Duties Of Animal Control Officer**

#### **5-4-7: Enforcement Provisions**

#### **5-4-8: Liability**

#### **5-4-9: Penalty**

#### **5-4-10: Written Notice To Appear**

#### **5-4-11: Violation Of Promise To Appear**

#### **5-4-12: Severable Provisions**

#### **5-4-13: Rates And Charges**

#### **5-4-1: CREATION OF ANIMAL CONTROL DIVISION:**

There shall be a division of animal control within the police department, under the direction of the chief of police or his/her designated deputy. It shall be the duty of the division of animal control to enforce the provisions of this chapter. (Ord. 610, 7-20-2009)

#### **5-4-2: SHORT TITLE:**

This chapter shall be known as the *ANIMAL CONTROL ORDINANCE*. (Ord. 610, 7-20-2009)

#### **5-4-3: DEFINITIONS:**

As used in this chapter, all words shall have their usual meaning except that the following words or terms as used in this chapter shall be defined as follows:

**AGENT:** Any agency, society or other organization with which the city has contracted to carry out the provisions of this chapter.

**ANIMAL CONTROL OFFICER:** The chief of police or any of his/her deputies within the animal control division of the police department, deputized for the purpose of enforcing the animal control laws and regulations.

**ANIMAL LICENSE FEE COLLECTOR:** The animal control officer or any person or entity delegated by, and under the supervision of, the animal control officer for the purpose of issuing animal licenses.

**ANIMAL SHELTER:** Any animal shelter, temporary animal shelter, or shelter vehicle owned by or on behalf of the city of Corcoran, for animal control purposes, whether maintained directly by the city or its agents.

**CITY:** The territory within the boundaries of the city of Corcoran.

**COUNTY HEALTH OFFICER:** The Kings County health officer, or his/her designee.

**DANGEROUS ANIMAL:** Any animal that has bitten, injured or aggressively pursued any human being or other animal which the animal control officer, after conducting an investigation pursuant to section 5-4C-8 of this chapter or a hearing officer, after an appeal hearing, finds that because of its behavior, temperament and physical characteristics combined with the manner in which it is maintained will probably cause great bodily harm to a human being or other animal in the future. No animal shall be found to be a dangerous animal based only on circumstances set forth in section 5-4C-8 of this chapter.

**DISEASED OR INJURED ANIMAL:** Any animal not suspected of rabies which is apparently diseased, sick, injured, disabled, infirm or crippled.

**DOG KENNEL:** Any place or premises where six (6) or more dogs or cats or combinations thereof, over the age of four (4) months, are kept. For the purposes of this chapter, "keeping" includes boarding, grooming, breeding, training, selling and related purposes other than places maintained by a licensed veterinarian or nonprofit organization for the prevention of cruelty to animals.

**FOWL:** As used herein includes chickens, turkeys, emus, ostriches, and all other domestic or domesticated fowl other than household pets.

**GUIDE DOG:** Any dog trained to lead a blind person.

**HARBORING:** A person "harbors" a dog within the meaning of this chapter when he/she feeds or shelters a dog.

**LIVESTOCK:** As used herein includes horses, ponies, mules, burros, jacks or jennies, cows, bulls, calves, heifers, sheep, goats, swine, hogs, pigs, and all other domestic or domesticated animals other than household pets.

**OWNER:** Any person, association, firm, corporation or legal entity owning, having an interest in, or having control, custody, or possession of any animal.

**POTENTIALLY DANGEROUS ANIMAL:** Any animal that has bitten, injured or aggressively pursued any human being or other animal which the animal control officer, after conducting an investigation pursuant to section 5-4C-8 of this chapter or a hearing officer, after an appeal hearing finds that because of its behavior, temperament and physical characteristics combined with the manner in which it is maintained there is a substantial possibility that it will cause injury or great bodily harm to a human being or other animal in the future. No animal shall be found to be a potentially dangerous animal based solely on circumstances set forth in section 5-4C-8 of this chapter.

**RUNNING AT LARGE:** A dog "runs at large" within the meaning of this chapter when it is on private property without the permission of the person owning or occupying the property, or when it is upon public property and is not upon a leash or chain continuously held in the hand of a responsible person capable of controlling such dog.

**SIGNAL DOG:** Any dog trained to lead or assist a deaf person. (Ord. 610, 7-20-2009)

#### **5-4-4: INSPECTION OF ANIMALS; PENALTY:**

Any person who has an animal in his/her possession, custody, or control who wilfully fails or refuses to exhibit such animal or any required license therefor for inspection upon demand by the animal control officer or any peace officer employed by the city of Corcoran is guilty of an infraction. (Ord. 610, 7-20-2009)

#### **5-4-5: PRIVILEGED ENTRY:**

For the purpose of discharging the duties imposed by this chapter or other applicable law and to enforce the same, the animal control officer or any peace officer employed by the city of Corcoran may enter upon private property, except inhabited dwellings located thereon, as follows:

##### **A. During daylight:**

1. When in pursuit of any animal which he/she has reasonable or probable cause to believe is subject to impoundment pursuant hereto or other applicable law.
2. To impound or place in isolation any animal thereon which he/she has any cause whatsoever to believe or suspect has rabies or is a biting

animal.

3. To inspect or examine animals isolated thereon pursuant hereto or other applicable law.

B. At night:

1. When in pursuit of an animal which he/she has reasonable or probable cause to believe is subject to impoundment pursuant hereto or other applicable law.

2. To impound or place in isolation any animal thereon which he/she has any cause whatsoever to believe or suspect has rabies or is a biting animal.

As a condition of the authority set forth in this section, except where time does not permit in an emergency or when in fresh pursuit, before entering upon private property a reasonable effort shall be made to locate the owner or possessor thereof to request permission to enter upon such property and to explain the purpose for such entry. (Ord. 610, 7-20-2009)

#### **5-4-6: INTERFERING WITH DUTIES OF ANIMAL CONTROL OFFICER:**

Every person who breaks open an animal shelter, temporary shelter or shelter vehicle, or who wilfully resists, delays, or obstructs the animal control officer in the discharge of, or attempt to discharge, any duty of his/her office, is guilty of a misdemeanor. (Ord. 610, 7-20-2009)

#### **5-4-7: ENFORCEMENT PROVISIONS:**

In addition to other authority provided by law for making arrests, the animal control officer and his/her deputies are hereby designated as public officers and employees and are authorized to make arrests according to Penal Code section 836.5 for the purpose of enforcing and carrying out provisions of this chapter. (Ord. 610, 7-20-2009)

#### **5-4-8: LIABILITY:**

All animals impounded shall be kept at the risk of the owner, and neither the city nor its officers, agents or employees, shall be liable to the owner for the delivery in good faith of any such animal to a person claiming to be, but not in fact being, entitled to reclaim the same. Neither the city, nor its officers, agents or employees shall be liable for injury or disease to any animal incurred while said animal is being captured, transported, or impounded. (Ord. 610, 7-20-2009)

#### **5-4-9: PENALTY:**

Except as otherwise specifically provided in this chapter, any person violating or failing to comply with any provision of this chapter shall be guilty of an infraction punishable pursuant to the provisions of title 1, chapter 4 of this code. (Ord. 610, 7-20-2009)

#### **5-4-10: WRITTEN NOTICE TO APPEAR:**

A. Any person arrested for violation of this chapter shall be given the opportunity to sign a written notice to appear with his/her promise to appear pursuant to section 836.5 of the California Penal Code. Any person refusing to sign a written notice to appear with his/her promise to appear may be taken into custody.

B. Any person who signs a written promise to appear with a false or fictitious name is guilty of a misdemeanor regardless of the disposition of the charge upon which he/she was originally arrested. (Ord. 610, 7-20-2009)

#### **5-4-11: VIOLATION OF PROMISE TO APPEAR:**

A. Any person wilfully violating his/her written promise to appear in court or before a person authorized to receive a deposit of bail is guilty of a misdemeanor regardless of the disposition of the charge upon which he/she was originally arrested.

B. Any person wilfully failing to pay a lawfully imposed fine for a violation of any provision of this chapter within the time authorized by the court and without lawful excuse having been presented to the court on or before the date the fine is due is guilty of a misdemeanor regardless of the subsequent full payment of the fine after such time. (Ord. 610, 7-20-2009)

#### **5-4-12: SEVERABLE PROVISIONS:**

If any part of this chapter is found to be unconstitutional or invalid, the city council hereby declares that it would have enacted the remainder of this chapter regardless of the absence of any such invalid part. (Ord. 610, 7-20-2009)

#### **5-4-13: RATES AND CHARGES:**

The city council may, by resolution or order, establish rates or charges for services provided or licenses issued under the provisions of this chapter. (Ord. 610, 7-20-2009)

## **ARTICLE A. DOG LICENSE REQUIREMENTS**

SECTION:

#### **5-4A-1: Dog License Required**

#### **5-4A-2: Exemption From License Fee**

#### **5-4A-3: Exemption From Wearing Of License**

#### **5-4A-4: Dog License Application**

#### **5-4A-5: Dog License Period**

#### **5-4A-6: Due Date And Penalties**

#### **5-4A-7: Issuance Of Dog License Tag**

#### **5-4A-8: License Violations**

#### **5-4A-1: DOG LICENSE REQUIRED:**

Every person who owns, harbors, or keeps in the city for thirty (30) days or longer, any dog over the age of four (4) months, shall obtain a license receipt and a license tag, issued under the provisions of this chapter, stamped with the license number and the name of the city of Corcoran. The license tag obtained shall be worn by the dog at all times except as provided in section 5-4A-3 of this article. Any dog found without a current license tag may be taken up and impounded by the animal control officer or any peace officer employed by the city of Corcoran. (Ord. 610, 7-20-2009)

#### **5-4A-2: EXEMPTION FROM LICENSE FEE:**

A dog license shall be issued free of charge in any of the following instances:

A. When the license is for a dog which will be used as a guide dog for a blind person. An affidavit attesting to the fact that the dog will be used as such a guide dog shall be given to the official issuing the license.

B. When the license is for a dog which has been honorably discharged from the armed services of the United States. Such discharge shall be established by showing to the official issuing the license the discharge papers issued for such dog.

C. When the license is for a dog which is currently used by law enforcement agencies or has been honorably retired from such services. (Ord. 610, 7-20-2009)

#### **5-4A-3: EXEMPTION FROM WEARING OF LICENSE:**

The license tag need not be worn by the dog when the dog is contained within an enclosure or confined to the premises of an animal hospital or licensed dog kennel or state chartered benevolent organization for the care of animals, or when the dog is participating in or training for sporting events, field trials, obedience classes, dog shows or herding livestock, providing such dog is not allowed to run at large. (Ord. 610, 7-20-2009)

#### **5-4A-4: DOG LICENSE APPLICATION:**

The dog license required by this chapter may be obtained by submitting a current rabies vaccination certificate, furnishing the information required herein and paying the proper fee to the animal control officer or any person or entity delegated by and under the supervision of the animal control officer. The information required for a license shall include a brief description of the dog as to breed, age, gender, color, rabies vaccination certificate number, date of issuance and expiration thereof, and shall include the name, address and telephone number of the licensee. The official receiving such information shall record it on the receipt to be given for payment of the license fee. The expiration date of the rabies vaccination shall be recorded on the receipt. The license fee shall be collected at the time the application is made and said license shall be issued to the applicant when an acceptable rabies vaccination certificate is displayed to the license collector. (Ord. 610, 7-20-2009)

#### **5-4A-5: DOG LICENSE PERIOD:**

The license period for the license tag required by this chapter shall be one, two (2), or three (3) years from date of issuance by the animal control division. (Ord. 610, 7-20-2009)

#### **5-4A-6: DUE DATE AND PENALTIES:**

As to any dog not currently licensed by the city of Corcoran, the information and fee shall be due within thirty (30) days after it is brought into the city, or when such dog attains the age of four (4) months, whichever is later. For a dog currently licensed in the city, the information and fee required by this chapter are due on or before the expiration date on the license receipt. Any person purchasing a license shall do so within thirty (30) days after any applicable due date as set forth above. Any person purchasing a license more than thirty (30) days after any applicable due date shall be charged the late licensing penalty which shall be one hundred percent (100%) of the regular one year license fee, which penalty shall be in addition to any other regular license fee. (Ord. 610, 7-20-2009)

#### **5-4A-7: ISSUANCE OF DOG LICENSE TAG:**

Upon receipt of the required information, accompanied by payment of the proper fee and display of an acceptable rabies vaccination certificate, a license tag and a written receipt shall be issued to the applicant. Each tag shall be serially numbered and stamped. The expiration date shall be noted on the license receipt. The license collector shall endorse the number of the license tag so issued upon a copy of the receipt, and all such copies (electronic or otherwise) shall be kept on file in the office of the animal control officer, open to public inspection at reasonable times. Such tag shall be attached to a collar, harness, or other device permanently worn by the dog except as provided in section 5-4D-10 of this chapter. (Ord. 610, 7-20-2009)

#### **5-4A-8: LICENSE VIOLATIONS:**

Every person who counterfeits a dog license tag, or who attaches a license tag issued under the provisions of this chapter to any dog other than the one for which such a tag was issued, or who obtains a dog license or dog kennel license and in doing so, states as true any material matters which he/she knows to be false, is guilty of an infraction. (Ord. 610, 7-20-2009)

## **ARTICLE B. KENNEL AND HEALTH PERMIT REQUIREMENTS**

### **SECTION:**

#### **5-4B-1: Kennel Permit Required**

#### **5-4B-2: Kennel Permit Application And Due Date**

#### **5-4B-3: Fees, Due Date**

#### **5-4B-4: Vaccination Certificates Or Licenses**

#### **5-4B-5: Zoning**

#### **5-4B-6: Revocation Or Suspension Of Kennel Permit**

#### **5-4B-7: Penalty**

#### **5-4B-1: KENNEL PERMIT REQUIRED:**

Every person who owns, manages, or operates a dog kennel, shall obtain a permit issued under the provisions of this article. Kennel permits shall be of two (2) types: commercial and noncommercial as those terms are used in the zoning code of the city of Corcoran (commencing with section 11-1-1 of this code). A person who obtains a noncommercial kennel permit hereunder shall be allowed to keep no more than eight (8) dogs and/or cats over the age of four (4) months at any one time. (Ord. 610, 7-20-2009)

#### **5-4B-2: KENNEL PERMIT APPLICATION AND DUE DATE:**

The permit required by this article may be obtained by written application in duplicate to the animal control officer on forms provided by the animal control officer. The application shall contain a statement of the name and address and location of the kennel, the name or names of the persons or responsible corporate officers of a corporation owning, managing or operating such kennel, the number and ages of the dogs currently kept therein, building plans for the kennel conforming with minimum standards promulgated by the animal control officer, and the purpose or purposes for which the dogs are kept (i.e., breeding, boarding, etc.) and any other information requested by the animal control officer. Each application shall also include a letter of compliance issued by the appropriate local building and planning official, indicating conformity with the provisions of zoning and building ordinances of the city and indicating whether the permit applied for is a commercial permit or a noncommercial permit. (Ord. 610, 7-20-2009)

#### **5-4B-3: FEES, DUE DATE:**

Application for a kennel permit shall be accompanied by the nonrefundable annual fee which is in addition to and not in limitation of any other permit or license fee otherwise required. Upon approval of the application by the animal control officer, the applicant shall be granted a kennel permit. The permit shall be valid for one year from the date of issuance.

Renewal of the permit shall be made upon application, approval and payment of the fee in the manner provided for the issuance of an original kennel permit. The application and fee required by this section shall be due and payable on or before the expiration date of the current permit. Any person paying for a kennel permit after the due date shall be charged an additional fifty percent (50%) late fee which shall be paid in addition to the



regular kennel permit fee. (Ord. 610, 7-20-2009)

**5-4B-4: VACCINATION CERTIFICATES OR LICENSES:**

An acceptable rabies vaccination certificate or an individual license for each dog in the kennel above the age of four (4) months shall be kept on file for inspectional review at the kennel. (Ord. 610, 7-20-2009)

**5-4B-5: ZONING:**

The requirements of this article shall be deemed to be in addition to, and not in limitation of, the requirements, including conditional use permit requirements, of all applicable zoning laws and ordinances. A kennel permit issued under the provisions of this article shall cease to be valid if the operation of a kennel should become a prohibited use for the zone in which it is then located. (Ord. 610, 7-20-2009)

**5-4B-6: REVOCATION OR SUSPENSION OF KENNEL PERMIT:**

Any kennel permit issued under the provisions of this article may be revoked or suspended by the animal control officer whenever, in his/her opinion, the kennel for which such permit was issued is not being maintained in a sanitary or healthful condition or is not provided with adequate care and supervision for the animals confined therein. The revocation or suspension shall become effective seven (7) days after written notice that such defective condition is found to exist, has been served by the inspecting animal control officer or seven (7) days after such notice is deposited in the mail, addressed to the person owning, managing or operating the kennel, first class mail, postage prepaid. The permittee has the right to an administrative hearing to be conducted upon request to the animal control officer within five (5) business days of the issuance of said notice. If an administrative hearing is requested, and cause for revocation is upheld at the hearing, the permittee may appeal to the city council upon the filing of a request for a hearing with the city clerk; such filing shall be made within ten (10) business days of the decision of the administrative hearing. (Ord. 610, 7-20-2009)

**5-4B-7: PENALTY:**

Any person violating or failing to comply with any provision of this article, pertaining to kennel permits shall be guilty of a misdemeanor punishable pursuant to the provisions of title 1, chapter 4 of this code. (Ord. 610, 7-20-2009)

## ARTICLE C. RABIES CONTROL

**SECTION:**

**5-4C-1: Rabies Vaccination Required**

**5-4C-2: Expiration Of Dog License When Vaccination Expires**

**5-4C-3: Violation Of Rabies Statutes**

**5-4C-4: Rabies Vaccination Facilities And Certificates**

**5-4C-5: Isolation Of Suspected Dogs Or Cats**

**5-4C-6: Responsibilities Of Veterinarians**

**5-4C-7: Reporting Of Bite Cases; Annual Report**

**5-4C-8: Biting Animals**

**5-4C-9: Violation Of Isolation Requirements**

**5-4C-10: Redemption Of Isolated Animals**

**5-4C-11: Dangerous Or Potentially Dangerous Animal; Procedures**

**5-4C-1: RABIES VACCINATION REQUIRED:**

A. Primary Immunization: Every person owning, harboring, or keeping any dog shall, within thirty (30) days after such dog attains the age of four (4) months, cause it to be vaccinated against rabies by or under the supervision of a veterinarian licensed by the state of California. This immunization shall be known as the "primary immunization".

B. Revaccination Intervals: Dogs shall be revaccinated one year after the primary immunization. Thereafter, such dogs shall then be revaccinated at least every three (3) years.

C. Approval Of Vaccine: All rabies vaccines shall be approved by the California department of public health.

D. Confinement And Restraint: Pursuant to Health and Safety Code section 121690(c), all dogs under four (4) months of age must be confined to the premises of, or kept under physical restraint of, their owner or keeper. Such confinement and restraint shall not prevent the sale or transportation of a puppy four (4) months old or younger. (Ord. 610, 7-20-2009)

**5-4C-2: EXPIRATION OF DOG LICENSE WHEN VACCINATION EXPIRES:**

A. Notwithstanding any other provision within this chapter, a dog license shall be deemed expired during all periods wherein the dog's rabies vaccination is invalid.

B. A dog license issued for a period extending beyond the remaining period of validity of the dog's current rabies vaccination shall be void for the period extending beyond the remaining period of validity. (Ord. 610, 7-20-2009)

**5-4C-3: VIOLATION OF RABIES STATUTES:**

Pursuant to Health and Safety Code section 121690(d), any dog in violation of chapter 1 of part 6 of division 105 of the Health and Safety Code shall be impounded. (Ord. 610, 7-20-2009)

**5-4C-4: RABIES VACCINATION FACILITIES AND CERTIFICATES:**

The animal control officer may provide facilities for the rabies vaccination of dogs or may arrange for such vaccination at low cost public clinics. Blank forms shall be provided for the vaccination certificates required by this chapter. Failure to display a valid rabies vaccination certificate upon reasonable demand by the animal control officer is prima facie evidence of nonvaccination. The vaccination required herein may be obtained either at such facilities or clinics or from a licensed veterinarian of the owner's choice. (Ord. 610, 7-20-2009)

**5-4C-5: ISOLATION OF SUSPECTED DOGS OR CATS:**

A. The animal control officer shall either take up and place in isolation any dog or cat, licensed or not, which in the opinion of a licensed veterinarian or the county health officer, displays symptoms suggestive of rabies, or such animal shall be euthanized immediately and tested for rabies in a laboratory approved by either the California department of public health or the Kings County department of public health. Such isolation shall be at an animal pound unless the owner of such dog or cat, with the approval of the animal control officer, arranges with a licensed veterinarian for such isolation in a private animal hospital or clinic.



B. Any dog or cat placed in such isolation shall be kept strictly confined and under such observation as may be required by the animal control officer. Such isolation shall continue for at least ten (10) days from the date the symptoms suggestive of rabies were first observed. Such isolation may be continued for a period longer than ten (10) days if, in the opinion of any licensed veterinarian or the county health officer, such longer period is necessary.

C. At the expiration of such confinement, any dog or cat confined at an animal pound shall be released upon payment of the fees set forth in section 5-4C-11 of this article if, in the opinion of any licensed veterinarian or the county health officer, such dog or cat does not have rabies. (Ord. 610, 7-20-2009)

#### **5-4C-6: RESPONSIBILITIES OF VETERINARIANS:**

It shall be the duty of every licensed veterinarian to immediately report to the animal control officer and the county health officer any animal observed by him/her which is diagnosed by him/her as having rabies or is suspected of having rabies. (Ord. 610, 7-20-2009)

#### **5-4C-7: REPORTING OF BITE CASES; ANNUAL REPORT:**

A. It shall be the duty of every physician, or other person, to immediately report to the animal control officer and the county health officer the name and address of any person treated for a bite inflicted by any animal, and report the biting of any animal of a species subject to rabies which has been bitten by a known or suspected rabid animal or has been in intimate contact with a rabid or suspected rabid animal, together with such other information as will be helpful in rabies control. The county health officer may follow the "Guidelines For Investigation Of Animal Bites" established by the California department of public health.

B. For those periods wherein Kings County is designated a rabies area under Health and Safety Code section 121585, the animal control officer shall be authorized to submit an annual report of local rabies control activity to the county health officer on a standard form provided by the county health officer.

C. For those periods wherein Kings County is designated a rabies area under Health and Safety Code section 121585, the animal control officer shall be authorized to submit a statement, on a standard form provided by the county health officer, indicating that the city is in compliance with the requirements of the California rabies control program. (Ord. 610, 7-20-2009)

#### **5-4C-8: BITING ANIMALS:**

A. Except as otherwise provided herein, the animal control officer shall either take up, impound, and isolate for at least ten (10) days following the date of the alleged bite, any animal of a type subject to rabies that is reported to have bitten any person, whether or not such animal has been vaccinated with a rabies vaccine and whether or not such animal displays any symptoms suggestive of rabies; or during those periods wherein Kings County is designated a rabies area under Health and Safety Code section 121585, such animal may be euthanized immediately and tested for rabies in a laboratory approved by either the California department of public health or the Kings County department of public health. If impounded, such animal must be isolated in the manner provided in this section for the isolation of dogs or cats suspected of having rabies.

B. Any person who is eighteen (18) years of age or older may, however, make written request to the animal control officer for the isolation of such biting animal either in facilities provided by a licensed veterinarian or in a licensed boarding kennel or upon the private premises of the person making such request. If such request is approved by the animal control officer, such biting animal shall not be taken up and impounded but at the option of the animal control officer shall instead be kept strictly confined and isolated in such veterinarian's facilities or on such private premises for the isolation period. The animal control officer shall post such private premises, in a conspicuous place thereon, with notice that an animal is being confined thereon to be observed for rabies.

C. Upon termination of the isolation period, animals isolated in an animal pound or private premises shall be released upon payment of the fees set forth in section 5-4C-11 of this article if, in the opinion of any licensed veterinarian or the county health officer, the animal does not have rabies. (Ord. 610, 7-20-2009)

#### **5-4C-9: VIOLATION OF ISOLATION REQUIREMENTS:**

Every person who, after requesting and obtaining approval for the keeping of a biting animal confined and isolated upon his/her private premises, as provided in this section, fails for any reason whatsoever to keep such animal continuously confined and isolated upon his/her premises, either indoors or inside some enclosure, for a period of ten (10) days after the day such written request is presented to the animal control officer, is guilty of an infraction. Any such animal, whether licensed or unlicensed, not continuously confined and isolated as required herein shall be taken up forthwith by the animal control officer and isolated as provided in section 5-4C-8 of this article. (Ord. 610, 7-20-2009)

#### **5-4C-10: REDEMPTION OF ISOLATED ANIMALS:**

Any animal isolated at the animal pound as provided in section 5-4C-8 or 5-4C-9 of this article or section 5-4D-8 of this chapter and found not to have rabies may be redeemed by the owner by paying to the animal control officer all applicable fees and by obtaining any necessary license. Any animal which is not so redeemed within seventy two (72) hours after the expiration of the isolation period shall be deemed to have been abandoned and may be disposed of as provided in section 5-4C-9 of this article. (Ord. 610, 7-20-2009)

#### **5-4C-11: DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL; PROCEDURES:**

A. Investigation And Declaration: The animal control officer shall conduct an investigation to determine whether or not a dog or other animal confined or impounded pursuant to section 5-4C-9 of this article is a dangerous or potentially dangerous animal. Within seven (7) days of the date of impounding the dog or other animal pursuant to section 5-4C-9 of this article the animal control officer shall serve upon the owner or custodian of the dog or other animal by regular and certified mail a notice of investigation to determine if the animal is dangerous or potentially dangerous. This notice shall describe the purpose of the investigation, how the investigation will be conducted, the factors the animal control officer will consider in making a finding and a deadline for completing the investigation. The investigation may include interviewing the owner(s) of the dog or other animal, witnesses, reviewing records of citations and reports of previous incidents involving the dog or other animal and evaluating the temperament of the dog or other animal through behavioral testing. In making a finding regarding whether the dog or other animal is dangerous or potentially dangerous, the animal control officer shall consider the factors set forth in subsection C of this section. If after completing the investigation the animal control officer finds that the dog or other animal is dangerous or potentially dangerous, the animal control officer shall serve by regular mail and certified mail a notice of declaration as described in subsection B of this section. If after completing the investigation the animal control officer determines that the dog or other animal is not dangerous or potentially dangerous, the animal control officer shall inform the owner of the dog or other animal of this finding and release the dog or other animal to the owner. The investigation shall be completed and any declaration served within twenty one (21) calendar days of the date the dog or other animal was impounded pursuant to section 5-4C-9 of this article.

B. Dangerous Or Potentially Dangerous Animal; Notice Of Declaration: The notice of declaration finding that a dog or other animal is dangerous or potentially dangerous shall contain:

1. A physical description of the animal, including the breed, if known, and the animal's license number, if any;
2. A statement informing the owner of the animal that the animal control officer has declared the animal a "dangerous animal" or a "potentially dangerous animal", including a brief and concise description of the facts that form the basis for the declaration of the animal as a dangerous animal or a potentially dangerous animal;
3. A statement informing the owner of the animal of the possible consequences should a declaration of dangerous animal or potentially dangerous animal become final;

4. A statement informing that the owner or custodian of the animal may appeal the declaration, provided that the appeal is made in writing as provided in subsection F of this section;

5. A statement that the appeal request must be in writing and filed with the city clerk's office within five (5) calendar days of service of the notice of declaration;

6. If the animal is declared dangerous, an order that the animal be humanely destroyed as provided for in subsection D of this section;

7. If the animal is declared potentially dangerous, an order setting forth any or all of the conditions set forth in subsection E of this section;

8. A statement that failure to appeal the notice of declaration will constitute a waiver of all rights to an administrative hearing and will be a final determination of the matter, and if after ten (10) days from the date of the issuance of the notice of declaration, the owner or custodian has failed to inform the animal control officer of an intent to comply with the conditions set forth in the notice of declaration, the animal will be deemed abandoned and may be humanely destroyed or otherwise disposed of;

9. A statement that failure to comply with all of the conditions set forth in the notice of declaration will result in the animal control officer proceeding with impounding and destroying or otherwise disposing of the animal.

C. Determination Of Dangerous Or Potentially Dangerous Animal; Evidence: In making a determination that a dog or other animal is or is not dangerous, evidence of the following shall be considered:

1. Any previous history of the dog or other animal attacking, biting or causing injury to a human or other animal;

2. The nature and extent of injuries inflicted and the number of victims involved;

3. The place where the bite, attack or injury occurred;

4. The presence or absence of any provocation for the bite, attack or injury;

5. The extent to which property has been damaged or destroyed;

6. Whether the dog or other animal exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting;

7. Whether the dog or other animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or dogs or other animals;

8. Whether the dog or other animal can be effectively trained or retrained to change its temperament or behavior;

9. The manner in which the dog or other animal had been maintained by its owner or custodian;

10. Any other relevant evidence concerning the maintenance of the dog or other animal; and

11. Any other relevant evidence regarding the ability of the owner or custodian, or the animal control officer, to protect the public safety in the future if the dog or other animal is permitted to remain in the city.

D. Disposition Of Dangerous Animal:

1. It shall be unlawful for any person to own, possess, harbor or keep any dog or other animal declared by the hearing officer, after a hearing, to be dangerous.

2. Any dog or other animal declared to be dangerous, if not already impounded by the animal control officer, shall be immediately surrendered to the animal control officer, and it is the duty of the animal control officer to take and impound any such dog or other animal.

3. Any dog or other animal declared to be a dangerous animal shall be humanely destroyed.

E. Dog Or Other Animal Found Potentially Dangerous; Procedure: If the notice of declaration states that the dog or other animal is potentially dangerous, in the notice of declaration the animal control officer may set forth any or all of the following as conditions to owning, possessing, controlling or being in charge of the animal declared to be potentially dangerous:

1. The animal shall be confined on the owner's premises in an enclosure approved by the animal control officer;

2. The animal shall be kept securely muzzled, leashed and under the control of a person eighteen (18) years of age or older, and who is physically capable of restraining the animal when the animal is off the owner's property;

3. The owner shall submit evidence to the animal control officer within seventy two (72) hours that the animal has been photographed and microchipped by the owner for purposes of identification;

4. The animal shall be altered to prevent reproduction;

5. The owner of the animal shall notify in writing any public or corporate entity, including, but not limited to, the city of Corcoran, county of Kings, the postmaster, utility companies, or any other organization that sends out employees to the residence, that a potentially dangerous animal resides at that property. The animal control officer may also set a time period by which such notices must be given, and when copies of such notices must be provided to the animal control officer;

6. The owner shall post signs on the premises where the animal is being kept that are clearly visible from points of entry to the property which state that an animal which has been declared to be potentially dangerous is on the property. The language of such signs shall be determined by the animal control officer and may be required to be in a language other than English. The animal control officer may require that such signs are posted before an impounded animal is returned to its owner or within ten (10) days from the date the animal was declared to be a potentially dangerous animal;

7. An animal which has been declared potentially dangerous may not be transferred to reside either temporarily or permanently at another location within the city of Corcoran without prior written authorization of the animal control officer. Said authorization shall not be issued unless every term set forth in the notice of declaration can be met at the proposed new location;

8. The owner shall allow inspections of the animal and its enclosure by the animal control officer or any law enforcement agency and produce upon demand proof of compliance with all conditions set forth in the final notice of declaration;

9. In the event of the animal's death, the owner shall notify the animal control officer within forty eight (48) hours and, upon request, produce evidence of the animal's death;

10. In the event that the animal escapes, the owner shall immediately notify the animal control officer. In addition, the owner and animal control officer shall make every reasonable effort to recapture the animal;

11. The animal shall be permanently removed from the city of Corcoran and the owner shall provide proof of said removal to the satisfaction of the animal control officer; and

12. The owner shall pay all impound and shelter fees incurred by the animal control officer to impound the animal during the investigation to determine whether the animal is dangerous or potentially dangerous.

If the owner fails to comply with all of the conditions ordered by the animal control officer or the hearing officer through the appeal process described in this section, the animal control officer shall proceed to impound and destroy or otherwise dispose of the animal.

**F. Appeal Of Notice Of Declaration:**

1. The owner of the animal may appeal the notice of declaration by filing a written appeal with the city clerk within five (5) days from the date of service of such notice. The written appeal shall contain all of the following:

- a. A brief statement setting forth the legal interest of each of the appellants regarding the animal involved in the notice of declaration;
- b. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested notice of declaration should be reversed, modified, or otherwise set aside;
- c. The signatures of all parties named as appellants and their official mailing addresses, with statement from each appellant that each agrees to accept service of the written notice of the time and place of the appeal hearing and the decision of the city hearing officer at such address; and
- d. The declaration under penalty of perjury of at least one appellant as to the truth of the matters stated in the appeal.

If the owner fails to file an appeal of the notice of declaration within five (5) days of service of the notice of declaration, the notice of declaration shall become final and fully enforceable.

2. An owner appealing a notice of declaration finding an animal dangerous or potentially dangerous shall be required to pay the office of the city hearing officer, at the time the written notice of appeal is filed, an appeal fee set forth in the master user's fee resolution. Such fee shall be refunded to the appellant if the hearing officer determines that imposition of the fee is not warranted or is not in the interest of justice. No notice of appeal is valid unless accompanied by the appeal fee.

3. If an appeal is filed, the appeal hearing shall be noticed and conducted under this section and the city's administrative hearing procedures ordinance.

G. **Limitation On Ownership:** Any person whose dog or other animal has been declared dangerous or potentially dangerous shall not own, possess, control or be in charge of another animal of the species declared to be dangerous or potentially dangerous for a period of three (3) years from the date of the final notice of declaration of order after appeal. The controller shall not issue or renew any license or permit for said species of animal, except that upon the written request of the person whose dog or other animal has been declared dangerous or potentially dangerous, the animal control officer may in his discretion authorize the issuance of a dog license.

H. **Exceptions:** No dog or other animal may be declared dangerous that inflicts injury or damage on a person committing a wilful trespass or other tort upon premises occupied by the owner of the dog or other animal, or teasing, tormenting, abusing or assaulting the dog or other animal, or committing or attempting to commit a crime.

No dog or other animal may be declared dangerous if it inflicts injury or damage on a domestic animal that was teasing, tormenting, abusing or assaulting the dog or other animal.

No dog or other animal may be declared dangerous for taking any action to defend or protect a human being within the immediate vicinity of the dog or other animal from an unjustified attack or assault. (Ord. 610, 7-20-2009)

## ARTICLE D. GENERAL PROVISIONS

**SECTION:**

**5-4D-1: Leash Law**

**5-4D-2: Animals At Large Generally**

**5-4D-3: Livestock Running At Large**

**5-4D-4: Keeping Of Stallions**

**5-4D-5: Impounding Animals**

**5-4D-6: Temporary Animal Pound**

**5-4D-7: Notice Of Impoundment**

**5-4D-8: Disposition Of Impounded Dogs**

**5-4D-9: Disposal Of Impounded Livestock**

**5-4D-10: Fines And Charges Upon Impounded Animals**

**5-4D-11: Diseased Or Injured Animals**

**5-4D-12: Nuisance Of Vicious Or Chasing Dog Or Other Animal**

**5-4D-13: Destruction Of Wild Dogs**

**5-4D-14: Noisy Animals**

**5-4D-1: LEASH LAW:**

It is unlawful for any person to suffer or permit any dog owned, harbored, or controlled by him/her to be on any public street, alley, lane, park or place of whatever nature open to and used by the public in any area of the city unless such dog is securely leashed and the leash is held continuously in the hands of a responsible person capable of controlling such dog, or unless the dog is securely confined in a vehicle. It is unlawful for any person to permit any dog owned, harbored, or controlled by him/her to be on any private property in any area of the city without the permission of the person owning or occupying said private property. (Ord. 610, 7-20-2009)

**5-4D-2: ANIMALS AT LARGE GENERALLY:**

It shall be unlawful for any person owning or having possession of any animal to permit it to be at large, without reasonable control or to be pastured

or kept upon any street or other public place or upon any private property against the wishes of the owner or occupant thereof or in any manner or place to the injury of the owner or occupant of any other property. (Ord. 610, 7-20-2009)

**5-4D-3: LIVESTOCK RUNNING AT LARGE:**

It is unlawful for any person owning, harboring, or controlling any livestock to permit such livestock to run at large upon the private property of another without the permission of the person owning or occupying said private property, or upon the streets or public places in the city. The animal control officer is authorized whenever he/she deems it necessary, to deputize individuals, who are properly equipped, to capture and transport livestock which is running at large in violation of this chapter. Each animal captured or transported pursuant hereto shall be impounded at the risk of the owner and the owner or keeper of such animal is liable for all fees set forth in section 5-4C-11 of this chapter. (Ord. 610, 7-20-2009)

**5-4D-4: KEEPING OF STALLIONS:**

Upon approval of the animal control officer, a stallion may be kept, when authorized by land use regulations, in a substantial corral of wood or other construction six feet (6') in height and under conditions to prevent escape and protect people or other animals. A "minimum substantial corral" is defined as being constructed of four inch by four inch (4" x 4") posts, eight feet (8') on center, anchored twenty four inches (24") in Portland cement with two inch by six inch (2" x 6") rails set two inches (2") apart. (Ord. 610, 7-20-2009)

**5-4D-5: IMPOUNDING ANIMALS:**

Any animal found under conditions or in areas prohibited by section 5-4D-1 or 5-4D-2 of this article shall be taken by the animal control officer and impounded, provided that no such animal is staked or tied for the purpose of grazing upon private property, and no fowl at large upon private property shall be impounded except upon complaint of the owner, occupant, or person in charge of said property who claims to be injured thereby. (Ord. 610, 7-20-2009)

**5-4D-6: TEMPORARY ANIMAL POUND:**

The animal control officer is authorized, whenever he/she deems it necessary, to temporarily impound animals within an enclosure other than the city animal shelter and such an enclosure shall constitute a temporary animal shelter.

Notice that an enclosure is an animal shelter shall be given by placing a sign to that effect on the gate or other entrance thereto. (Ord. 610, 7-20-2009)

**5-4D-7: NOTICE OF IMPOUNDMENT:**

An animal control officer shall immediately notify the owner or person entitled to possession of such animal or fowl, other than livestock, of the impounding thereof, if known, or if unknown by posting a notice of impounding containing a description of the animal, and the time and place of apprehension for three (3) days at the animal pound. After the expiration of this period, any unredeemed animal or fowl mentioned in such notice may be disposed of as provided for in this chapter. Upon the impounding of any livestock, the animal control officer shall notify the owner thereof, if the name of such owner is known to him/her, of such impounding. If the name of the owner is not known, the animal control officer shall publish a notice once in one or more newspapers published in the city describing the animal, stating that it has been impounded, and if not reclaimed it will be sold to the highest bidder at the time and place therein fixed, not less than ten (10), nor more than fifteen (15) days after the publication of such notice. (Ord. 610, 7-20-2009)

**5-4D-8: DISPOSITION OF IMPOUNDED DOGS:**

A. The animal control officer shall feed and care for any dog impounded as provided in this chapter until it is disposed of as provided by law. If such dog is not a "diseased or injured dog" and is not suspected of having rabies, the person owning such impounded dog may redeem it at any time within five (5) business days if the dog wears a current license tag or within three (3) business days for impounded dogs not wearing license tags, after it is taken up by describing it, proving ownership to the satisfaction of the animal control officer, by paying all applicable fees and by obtaining any necessary license.

B. The five (5) days for redemption shall begin when written notice of such impoundment is given as provided in section 5-4D-7 of this article. However, an owner may waive the five (5) day redemption period in writing. If the impounded dog wears a license tag at the time of impounding issued under the provisions of this chapter, such notice shall be mailed to the address shown on the copy of the receipt for such license on file. If the dog impounded as provided in this article is not so redeemed within the above specified number of days, or if the owner of such dog fails or refuses to comply with any of the requirements of redemption as provided herein, or if the owner has waived the redemption period in writing, the animal control officer shall dispose of such dogs according to the provisions of this section.

C. In disposing of an impounded dog, the animal control officer may, in his/her discretion, euthanize the dog in a humane manner, or he/she may deliver such dog for a pet to any person who redeems the dog as otherwise required by this article, together with signing a written agreement to feed the dog and provide it with a good home, or he/she may sell such dog to a state chartered humane society. When a dog is returned to the pound within ten (10) days of such delivery as a pet, the person returning the dog shall not be given the discretion to determine what disposition shall be made of the dog. There shall be no refunds for any redemption and other fees or charges. (Ord. 610, 7-20-2009)

**5-4D-9: DISPOSAL OF IMPOUNDED LIVESTOCK:**

All livestock impounded may be reclaimed by the owner thereof at any time prior to its disposal by the animal control officer, upon:

- A. Furnishing proof of ownership satisfactory to the animal control officer, and
- B. Paying the fees set forth in section 5-4C-11 of this chapter.

Any animal not reclaimed may be sold at the time set forth in the notice given pursuant to section 5-4D-7 of this article. At such sale, the animal control officer may bid, on behalf of the city, the amount required to reclaim, and if such be the highest bid the animal control officer shall direct the manner of disposal. The sale of any animal by the animal control officer in conformity with the provisions of this article shall vest title thereof in the purchaser. (Ord. 610, 7-20-2009)

**5-4D-10: FINES AND CHARGES UPON IMPOUNDED ANIMALS:**

The animal control officer shall charge, receive and collect all fees, fines and charges as set by the city council on impounded animals provided, however, no fees whatsoever shall be charged or collected for or on account of any animal which has been unlawfully taken up or impounded. When requested by the owner or person entitled to custody of the animal, a hearing shall be held as soon as practicable after such seizure upon the question of whether the animal has been legally taken up or impounded. Any animal found to have been unlawfully taken up or impounded shall be immediately delivered to the owner or person entitled to the custody thereof. (Ord. 610, 7-20-2009)

**5-4D-11: DISEASED OR INJURED ANIMALS:**

The animal control officer shall, at the time of impounding any animal, determine whether it is a "diseased or injured animal" as defined herein. When a diseased or injured animal is impounded, the animal control officer is required to procure any necessary emergency medical treatment or dispose of such animal in accordance with section 597(f) of the California Penal Code. (Ord. 610, 7-20-2009)

**5-4D-12: NUISANCE OF VICIOUS OR CHASING DOG OR OTHER ANIMAL:**

The keeping or harboring of any animal which is by reason of vicious disposition a menace to persons or other animals or which is a continual hazard or annoyance to persons or vehicles passing by the premises where it is kept, shall be an infraction and such animal shall be deemed a nuisance. Any person may file a complaint with the animal control officer in writing, signed by, and bearing the address of, the person complaining.

The complaint shall state the place where such nuisance exists, describe such animal and its conduct and give the name and address of its owner or keeper, if known. The animal control officer upon complaint or his/her own knowledge shall investigate and if a violation exists, may cause notice of abatement to be issued, make an arrest in accordance with section 5-4-7 of this chapter, or take such other action as is reasonably necessary. (Ord. 610, 7-20-2009)

**5-4D-13: DESTRUCTION OF WILD DOGS:**

Any dog running at large which is, by reason of its vicious disposition, imminently dangerous to persons, livestock or poultry may be shot by any peace officer or animal control officer or shall be taken up and euthanized in a humane manner by the animal control officer. (Ord. 610, 7-20-2009)

**5-4D-14: NOISY ANIMALS:**

Any person who keeps or permits to remain upon any property under his/her ownership or control, other than in an appropriately zoned and licensed kennel or animal hospital, any dog or other animal which by continuous barking, whining, or other noise unreasonably disturbs the peace, comfort, or quiet of any resident of the neighborhood shall be guilty of an infraction. (Ord. 610, 7-20-2009)

## ARTICLE E. WILD ANIMAL CONTROL

SECTION:

**5-4E-1: Prohibition**

**5-4E-2: Wild Animal Defined**

**5-4E-3: Notice Of Escape**

**5-4E-4: Disposition**

**5-4E-5: Release Of Wild Animals**

**5-4E-1: PROHIBITION:**

No person shall have, keep or maintain any wild animal or reptile unless adequate provisions are made for its confinement and control to ensure the maintenance of public peace, health and safety. (Ord. 610, 7-20-2009)

**5-4E-2: WILD ANIMAL DEFINED:**

A wild animal is an animal or reptile which is wild by nature and not customarily domesticated in Kings County. This definition does not include birds, small rodents or small, nonpoisonous reptiles commonly used for educational or experimental purposes or for pets. (Ord. 610, 7-20-2009)

**5-4E-3: NOTICE OF ESCAPE:**

Any person keeping or maintaining a wild animal that escapes from its confinement shall immediately notify the animal control officer of such escape. (Ord. 610, 7-20-2009)

**5-4E-4: DISPOSITION:**

A. Wild animals found running loose may be impounded in accordance with the provisions of section 5-4D-3 of this chapter. Except as provided in subsection B of this section, wild animals, when found to be at large and injuring, damaging or threatening to injure or damage any person or property, may be summarily euthanized without liability resulting to the city, its officers, agents or employees.

B. A wild animal injuring, damaging or threatening to injure or damage any property, may not be summarily destroyed if the animal control officer has reason to believe that such animal is a member of a species formally declared by the United States fish and game service to be an endangered species and in fact such animal is so declared. (Ord. 610, 7-20-2009)

**5-4E-5: RELEASE OF WILD ANIMALS:**

No person, organization, society, association or corporation shall import or release into the city any wild animal, whether indigenous to the city or not, without a permit from the animal control officer. The animal released shall be identified by an indelible number tattooed on the animal and filed with the animal control officer, and the person, organization, society, association or corporation shall be responsible for damage inflicted by said animal. (Ord. 610, 7-20-2009)

## CHAPTER 5

### CURFEW

SECTION:

**5-5-1: Age And Hour Restrictions**

**5-5-2: Daytime Loitering By Minors**

**5-5-3: Responsibility**

**5-5-4: Minor Curfew, Loitering Or Wilful Misconduct; Cost Recovery**

**5-5-5: Exceptions To Hours Specified**

**5-5-6: Violations; Penalties**

**5-5-1: AGE AND HOUR RESTRICTIONS:**

It shall be unlawful for any minor, under the age of eighteen (18) years, to loiter or remain in or upon the streets, roads, parks, public buildings or other public grounds, a place of amusement or entertainment or any other unsupervised place between the hours of ten o'clock (10:00) P.M. on any day and five o'clock (5:00) A.M. of the following day; provided, however, that the provisions of this section do not apply:

- A. When the minor is accompanied by a parent, spouse, guardian or other adult having control or charge of said minor.
- B. When the minor is upon an emergency errand directed by his/her parent, spouse, guardian or other adult having control or charge of said minor.
- C. When the minor is returning directly to his home or other place of residence after having attended a place of amusement, entertainment, recreational activity, school function or social call.
- D. When the minor is going directly to his/her place of employment or while returning directly to his/her home or other place of residence after

having left his/her place of employment. (Ord. 316, 5-3-1976, eff. 6-2-1976)

#### **5-5-2: DAYTIME LOITERING BY MINORS:**

It is unlawful for any minor under the age of eighteen (18) years, who is subject to compulsory education or to compulsory continuation education, to appear in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement and eating places, vacant lots or any unsupervised place, whether in a vehicle or not, between the hours of eight o'clock (8:00) A.M. and three o'clock (3:00) P.M. on days when school is in session.

This section does not apply:

- A. When the minor is accompanied by his or her parent, legal guardian, or other adult person having lawful care or custody of the minor; or
- B. When the minor is on an emergency errand directed by his or her parent or guardian or other adult person having lawful care or custody of the minor; or
- C. When the minor is going to or coming directly from their place of gainful employment or to or from a medical appointment; or
- D. To students who have permission to leave a school campus for lunch or school related activity and have in their possession a valid, school issued, off campus permit;
- E. To students who are enrolled in half day continuation education programs, and possess school issued identification cards which identify them as a student of such half day educational program. As to these students, it is unlawful for any minor under the age of eighteen (18) years, who is subject to half day compulsory education or to half day compulsory continuation education, to appear in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement and eating places, vacant lots or any unsupervised place, whether in a vehicle or not, between the hours of eight o'clock (8:00) A.M. and twelve o'clock (12:00) noon on days when school is in session;
- F. To students who are exempt by law from compulsory education or compulsory continuation education;
- G. To students who are authorized to be absent from their school pursuant to the provisions of California Education Code section 48205, or any other applicable state or federal law;
- H. To students who, between the hours of eight o'clock (8:00) A.M. and three o'clock (3:00) P.M. on days when school is in session, are not in attendance upon a public full time day school due to their exemption from such requirement under the provisions and restrictions of California Education Code section 48220 et seq.

The individual intending to rely upon an exemption set forth within this section, shall bear the burden of proving such exemption to the court, Corcoran police department and/or Corcoran city manager, as appropriate. (Ord. 588, 9-13-2006)

#### **5-5-3: RESPONSIBILITY:**

It shall be unlawful for any parent, guardian or any adult person having legal control or charge of a minor, under the age of eighteen (18) years, to wilfully or knowingly permit or allow such minor to violate sections 5-5-1 and/or 5-5-2 of this chapter, and it shall be unlawful for any other person to wilfully or knowingly aid, abet or assist any minor under the age of eighteen (18) years in violating said sections. (Ord. 588, 9-13-2006)

#### **5-5-4: MINOR CURFEW, LOITERING OR WILFUL MISCONDUCT; COST RECOVERY:**

- A. Determination By Court: When, based on a finding of civil liability or criminal conviction for violations of curfew, pursuant to Welfare and Institutions Code section 625.5, daytime loitering (truancy) or wilful misconduct in violation of Welfare and Institutions Code section 602, a minor, under eighteen (18) years of age, is detained for a period of time in excess of one hour, and such detention required the supervision of the juvenile offender by Corcoran police department employee(s), the parent or legal guardian having custody or control of the minor shall be jointly and severally liable for the cost of providing such personnel over and above the services normally provided by said department.
- B. Determination By Police Department Or City Manager: As determined by the Corcoran police department and/or Corcoran city manager, or their designee, the parent or legal guardian of a minor committing any public offense amounting to an act of wilful misconduct in violation of Welfare and Institutions Code section 602, where police personnel provide services relating to the detention, processing, or supervision of minors that are over and above the normal services usually provided by the police department, may be assessed and billed for the costs of providing such personnel for such services beyond those normally provided by the department.
- C. Appeal: Any person receiving a bill for police services pursuant to this chapter may, within fifteen (15) days after the billing date, file a written request appealing the imposition of said charges. Any billing sent pursuant to this section shall inform the billed party of the right to appeal the billing. Any appeal regarding such billing shall be heard by the city manager, or his or her designee, as the hearing officer. Within ten (10) days after the hearing, the hearing officer shall give written notice of the decision to the appellant. Upon the filing of a request for an appeal, payment of the bill for the police services shall be suspended until notice of the decision of the hearing officer. If the appeal is denied in part or in full, the amount due to the city shall be paid within thirty (30) days after notice of the decision of the hearing officer. (Ord. 588, 9-13-2006)

#### **5-5-5: EXCEPTIONS TO HOURS SPECIFIED:**

The city council may, by resolution, temporarily change or relax the hours herein specified, provided special circumstances or special events justify such action. (Ord. 316, 5-3-1976, eff. 6-2-1976; amd. Ord. 588, 9-13-2006)

#### **5-5-6: VIOLATIONS; PENALTIES:**

Any person violating any provisions of this chapter shall be guilty of an infraction as provided in section 36900 of the Government Code. Every violation determined to be an infraction is punishable pursuant to the provisions of section 1-4-1 of this code. A person shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued or permitted by the person and shall be punishable as herein provided. (Ord. 328, 7-18-1977; amd. 1996 Code; Ord. 588, 9-13-2006)

## **CHAPTER 6**

## **DANCE HALLS**

SECTION:

#### **5-6-1: Definitions**

#### **5-6-2: Charity Dances; School Dances**

#### **5-6-3: License Required**

#### **5-6-4: Rules And Regulations**

#### **5-6-5: Qualifications For A Permit**

#### **5-6-6: Revocation Of Permit**

#### **5-6-1: DEFINITIONS:**

For the purpose of this Chapter the following terms shall have the meaning set forth in this Section unless the context otherwise indicates:

**PUBLIC DANCE:** As used in this Chapter shall mean any dance to which the public generally may gain admission with or without the payment of a fee therefor.

**PUBLIC DANCE HALL:** As used herein, includes any hall, room, platform, pavilion, building, restaurant, cafe or refreshment place or other place of business which is resorted to by the public at large, for the purpose of engaging in or carrying on the pastime of dancing; provided, that nothing herein contained shall be construed to require any permit for the maintenance of a bona fide school of instruction in the pastime of dancing. (Ord. 172, 1-20-1958)

#### **5-6-2: CHARITY DANCES; SCHOOL DANCES:**

A. Charity Dances: Nothing in this Chapter shall be deemed to apply to any dance the income of which over and above a sufficient sum to pay the actual expenses of the dance is devoted to public charity; or to any dance at which the only fee collected is a sufficient sum prorated among the persons present to pay the actual expenses of conducting the dance.

B. School Dances: Nothing in this Chapter shall be deemed to apply to school dances or functions. (Ord. 172, 1-20-1958)

#### **5-6-3: LICENSE REQUIRED:**

It shall be unlawful for any person to open, conduct or carry on or to participate in the opening, conducting or carrying on of a public dance hall in the City without having a valid and existing license or permit so to do, granted as hereinafter specified; and it shall be unlawful for the holder of any such permit, or any officer, agent or employee of the owner of such permit, to violate or permit a violation of all or any of the rules and regulations, or any part thereof at and in connection with any dance under such permit, which rules and regulations are set forth and contained in Section 5-6-4 of this Chapter. (Ord. 172, 1-20-1958)

#### **5-6-4: RULES AND REGULATIONS:**

It shall be unlawful to conduct, operate or carry on a public dance or a public dance hall, or to dance in a public dance hall in violation of the following rules and regulations:

A. Indecent Acts Prohibited: No immoral, obscene, vulgar or disorderly dance or dances shall be permitted. No indecent act shall be permitted, nor shall any disorder or conduct of a gross, violent or vulgar character be permitted. Any member of the Police Department or other properly constituted authority shall be admitted free of charge to any public dance hall in the City, and they shall have the power and duty to enforce the terms of this Chapter.

B. Presence Of Responsible Person Required: The holder of a permit, or some responsible person designated in the application for the permit under which said dance is held, must at all times be present on the dance floor. It shall be the duty of such person to see that the provisions of this Chapter relating to the conduct of such dance and of the persons attending the same are complied with. (Ord. 172, 1-20-1958)

C. Presence Of Private Security Officer: The Chief of Police may require at any public dance held within the City the presence of private security officers, whose agency shall be licensed with the State Department of Consumer Affairs, Division of Licensing. (Refer to the California Business and Profession Code.) Any person conducting, managing and carrying on such public dance shall provide to the Clerk validation of contract with said security prior to the public dance. (1996 Code)

D. Prohibited Hours: No dancing shall be permitted between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. of the same day. (Ord. 172, 1-20-1958)

#### **5-6-5: QUALIFICATIONS FOR A PERMIT:**

No permit shall be issued to any person unless such person be of good moral character, nor unless a written verified application therefor is presented to the Clerk, showing the following facts:

A. The name and residence of the applicant, and if any applicant be a firm, the names and residence of the partners thereof, and if the applicant be an association, the names and residences of the officers thereof, and if the applicant be a corporation, the names and residences of the officers and directors thereof.

B. The particular place for which the permit is desired or at which any dance is to be held.

C. The name of the owner of the place or premises in or at which the dance is to be held.

D. Such persons as from time to time will be in charge and who will be responsible for the order and due observance of the provisions of this Chapter.

E. A statement that the applicant is the sole party, or the applicants are the sole parties, either directly or indirectly interested in the dance or dance hall or premises for which a permit is sought, and that no other person is or will be in any manner interested therein, directly or indirectly, during the continuance of the permit.

F. A covenant and promise by the applicant to comply with the terms of this Chapter, and in particular Section 5-6-4 hereof, and to consent to the entry by police officers upon the premises at which the dance is held. (Ord. 172, 1-20-1958; 1996 Code)

#### **5-6-6: REVOCATION OF PERMIT:**

A permit issued to any person to hold a public dance may be revoked by the Council upon the recommendation of the Chief of Police upon five (5) days' notice to the holder thereof, for violation of any of the provisions of this Chapter, or any other law relating to such places, or the rules and regulations promulgated thereunder. If at any time the permit of any person shall be so revoked no new permit shall be granted to such person, or any person who was an agent or employee of such person at the time of such violation, or at the time of the application for a new permit. (Ord. 172, 1-20-1958)

## **CHAPTER 7**

## **FIREARMS**

### **SECTION:**

#### **5-7-1: Firearm Defined**

#### **5-7-2: Firearms Unlawful**



### 5-7-3: Exceptions

#### 5-7-1: FIREARM DEFINED:

"Firearm" means Any device designed to be used as a weapon from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion. (1996 Code)

#### 5-7-2: FIREARMS UNLAWFUL 1 :

It shall be unlawful for any person under the age of twenty one (21) years to have in their possession within the City limits any weapon as defined in Section 5-7-1 above, unless such minor is accompanied by a responsible adult; except persons having firearms in their possession pursuant to, and possession of a valid hunting license issued pursuant to the Fish and Game Code 2 of the State, or any other valid license or permit pursuant to law. (1996 Code)

Notes

<sup>1</sup> 1. West's Ann.Cal.Stats.Penal Code §§ 12001 through 12035.

<sup>2</sup> 2. West's Ann.Cal.Stats.Fish and Game Code § 3031 et seq.

#### 5-7-3: EXCEPTIONS:

The provisions of the preceding Section 5-7-2 as to the use of any firearm shall not apply to any of the following cases:

A. Police, Etc.: To police officers, sheriffs, constables, marshals or other police officers, or any person summoned by any such officers to assist in making arrests or preserving the peace, or persons who are members of the armed services of the United States, or the National Guard, while such persons are acting in the lawful discharge of their duties.

B. Self Defense: To persons using firearms in the lawful defense of self, third persons, or the user's property.

C. Target Range: To persons discharging or firing such firearms or causing them to be discharged or fired at a regularly established firing, shooting or target range with the consent of the owner or person in charge of any such firing, shooting or target range. The term "regularly established firing, shooting or target range" as used in this subsection includes properly constructed indoor or outdoor home ranges on private property when such range is supervised by an adult, and when a permit to construct and operate such range has been granted by the Chief of Police. (Ord. 225 N.S., 3-16-1964)

## CHAPTER 8

## FIREWORKS

SECTION:

#### 5-8-1: Purpose

#### 5-8-2: Sale Of Safe And Sane Fireworks

#### 5-8-3: Discharge Of Fireworks

#### 5-8-4: Applicants

#### 5-8-5: Permits For Retail Sale Of Fireworks

#### 5-8-6: Insurance

#### 5-8-7: Revocation

#### 5-8-8: Prohibited Areas

#### 5-8-1: PURPOSE:

The city of Corcoran has determined that in order to protect the health, safety, and welfare of its citizens, it is necessary to regulate the sale and discharge of safe and sane fireworks. (Ord. 597, 8-6-2007)

#### 5-8-2: SALE OF SAFE AND SANE FIREWORKS:

A. It shall be unlawful for any person to sell, offer for sale or display for sale any "safe and sane fireworks" as defined in section 12529 of the Health and Safety Code of the state (hereinafter "fireworks"), within the incorporated areas of the city, or any other area over which the city has jurisdiction, without first obtaining a permit therefor from the office of the city manager or his/her designee as provided herein.

B. Fireworks may be sold only from June 28 to July 4 of any year, unless July 4 falls on a Sunday, in which case the period for sale of fireworks ends on July 5. The hours of operation of any stand shall be limited to twelve o'clock (12:00) noon to eleven o'clock (11:00) P.M. on June 28 and nine o'clock (9:00) A.M. to eleven o'clock (11:00) P.M. daily during the other days identified above except the last day when sales must cease no later than twelve o'clock (12:00) midnight. The sale of any fireworks shall be made strictly in accordance with the provisions of this chapter and/or resolutions and/or regulations as enacted from time to time and state law. (Ord. 597, 8-6-2007)

#### 5-8-3: DISCHARGE OF FIREWORKS:

It shall be unlawful for any person to fire, set off, discharge, explode or use or to cause or to permit to be fired, set off, discharged, exploded or used, any fireworks within the incorporated area of the city or any other area over which the city has jurisdiction, except from nine o'clock (9:00) A.M. on July 1 and ending at twelve o'clock (12:00) midnight on July 4 of any year, unless July 4 falls on a Sunday, in which case the period ends at twelve o'clock (12:00) midnight on July 5. (Ord. 597, 8-6-2007)

#### 5-8-4: APPLICANTS:

Applicants must be a nonprofit organization, association or corporation. Each applicant must have had its principal place of business and a permanent meeting place within the city for a period of at least one year prior to the date of application for a permit. Each applicant shall provide any and all documentation that the office of the city manager or his/her designee may request or require pursuant to resolutions that may be passed or modified from time to time in order to establish that all requirements of this section have been satisfied. (Ord. 597, 8-6-2007)

#### 5-8-5: PERMITS FOR RETAIL SALE OF FIREWORKS:

A. All applications for a fireworks permit shall comply with the provisions of section 12500 et seq., of the California Health and Safety Code and subchapter 6, article V, of title 19 California Administrative Code, any and all rules and regulations established by the state of California, the city or

the city manager or his/her designees, and in addition shall be governed by the following:

1. An application for a fireworks permit shall be filed with the office of the city manager or his/her designee on or before June 1 of each year, along with payment of a nonrefundable permit fee established by resolution of the city council.
2. The city manager, or his/her designee, shall issue permits. Permits denied for failure to comply with any ordinance, resolution, or regulation required by the city may be appealed to the city council.
3. No fireworks permit will be granted to the applicant if the following items are not properly and completely prepared and presented to the office of the city manager, or his/her designee, on or before June 1 of the calendar year during which the fireworks will be sold:
  - a. State fire marshal's license;
  - b. Temporary seller's permit from the state board of equalization;
  - c. Property owner's permission form (original) signed and currently dated;
  - d. Storage of safe and sane fireworks form;
  - e. Address of property where stand will be located; and
  - f. Certificate of insurance as required by the city.

The office of the city manager, or his/her designee, may extend the June 1 filing date if the office of the city manager, or his/her designee, determines in his or her sole discretion, that an applicant has attempted in good faith and with due diligence to satisfy all of the requirements in subsections A1 and A3 of this section and that as a result of action or inaction on the part of other persons or entities, which are beyond the applicant's control, the applicant has been unable to satisfy the requirements of subsection A1 or A3 of this section within the required time periods.

4. No change of stand locations will be permitted without the prior approval of the office of the city manager, or his/her designee.
5. All fireworks stands must be removed on or before twelve o'clock (12:00) midnight July 5 of each respective year, unless July 4 falls on a Sunday, in which case the period for the stand removal ends at twelve o'clock (12:00) midnight on July 6, provided, however, that all unsold fireworks stock and accompanying litter shall be removed from the stand on or before five o'clock (5:00) P.M. on the last day.
6. No person shall sell, or offer for sale, any fireworks within a distance of one hundred feet (100') of any pump or dispensing device of any flammable liquids.
7. No fireworks stand shall be located within thirty feet (30') of any adjacent buildings, burnable materials, grass or brush covered lands, paper or like flammable materials.
8. No fireworks stand shall be located closer than ten feet (10') from any public roadway or back of curb, or in any location which does not otherwise meet the approval of the office of the city manager, or his/her designee.
9. No sale or display of fireworks will be allowed inside any permanent building.
10. Each fireworks stand shall have a minimum of two (2) exits which shall be located and provided on opposite sides. Each exit shall be at least thirty two inches (32") wide. Fireworks stands with only three (3) sides and open from the back will not require exits.
11. If stands are operated at night, only electric lights may be used.
12. "No smoking" signs shall be located on all sides of the stand. Each sign shall have the words "No Smoking" in red letters, not less than two inches (2") in height, with the minimum one and one-half ( $1\frac{1}{2}$ ) stroke on white background.
13. One approved two and one-half ( $2\frac{1}{2}$ ) gallon pressurized, water type fire extinguisher and/or one 5-pound multipurpose ABC fire extinguisher or garden hose fully charged with shutoff nozzle attached, shall be provided in the stand's sale area. There shall be no exceptions to this requirement. The fire extinguisher must be in operating condition, with an up to date inspection tag indicating that the fire extinguisher has been serviced within the past year.
14. Fireworks signs shall not create a traffic hazard and must be approved by the office of the city manager or his/her designee.
15. All permittees shall instruct all employees and persons who handle fireworks in any capacity, of the hazards of said fireworks and with these rules and safety precautions governing fireworks.
16. All persons selling fireworks shall be trained in emergency procedures, including use of the fire extinguishers.
17. Persons employed for the sale of fireworks shall be at least eighteen (18) years of age. Proof must be shown at any time when requested by any appropriate city official, including, without limitation, fire officials.
18. No person under sixteen (16) years of age shall purchase fireworks.
19. No sleeping inside the fireworks stand will be permitted at any time.
20. The stand and surrounding area shall be maintained in a clean, neat and orderly condition at all times and be free from any condition that would create a "fire nuisance" or potential "fire nuisance".
21. No person shall use or handle fireworks while under the influence of intoxicating liquids or narcotics. Alcohol and narcotics are prohibited within the fireworks stand.
22. Smoking shall be prohibited where fireworks are stored or handled.
23. No person, other than a member or employee of the organization, or a volunteer who is associated with the organization having a permit shall be permitted to sell or otherwise participate in the sale of fireworks.
24. No permit issued or authorized shall be transferable or assignable.
25. No person shall light, or cause to be lighted, any fireworks or other combustible article within any stand or within two hundred feet (200') thereof.
26. The applicant's state license and city fireworks permit and temporary sales permit issued by the state board of equalization shall be displayed in a prominent place in the fireworks stand.
27. The city will, by resolution, determine each year the number of fireworks stands allowed and the number of fireworks stands allowed per applicant. If no such resolution exists in any given year, the number of fireworks stands allowed and the number of fireworks stands allowed per

applicant, shall rest solely in the discretion of the office of the city manager or his/her designee. (Ord. 597, 8-6-2007)

**5-8-6: INSURANCE:**

Prior to issuance of a permit, the eligible organization shall procure a certificate of insurance acceptable to the city. The certificate shall name the city, its officers, agents and employees as additional insureds in an amount of not less than one million dollars (\$1,000,000.00) combined bodily injury and property damage for each occurrence. The certificate must specify the time, location and dates to be covered by the policy. (Ord. 597, 8-6-2007)

**5-8-7: REVOCATION:**

Any violation of these provisions or any other city ordinance, resolution, regulation, or the terms and conditions of the permit, or state law or administrative regulations, or safety rules of the city manager, or his/her designee, as adopted and modified from time to time, shall be grounds for immediate revocation of the permit. Any such violation shall be determined in the sole discretion of the city manager or his/her designee. The decision of the city manager or his/her designee, with regards to revocation may be appealed to the city council. (Ord. 597, 8-6-2007)

**5-8-8: PROHIBITED AREAS:**

Each year the city council shall, by resolution, decide what areas, if any, of the city are declared to be primarily fallow, or grass or brush covered lands particularly susceptible to damage by fires. It shall be unlawful for any person to use or discharge any fireworks of any kind or nature in these designated areas. If the city council fails to pass such a resolution, then such designation shall be the responsibility of the city manager or his/her designee. (Ord. 597, 8-6-2007)

## CHAPTER 9

### PARADE REGULATIONS

**SECTION:**

**5-9-1: Short Title**

**5-9-2: Definitions**

**5-9-3: Permit Required**

**5-9-4: Exceptions**

**5-9-5: Application For Permit**

**5-9-6: Standards For Issuance**

**5-9-7: Notice Of Rejection**

**5-9-8: Appeal Procedure**

**5-9-9: Alternative Permit**

**5-9-10: Notice To City And Other Officials**

**5-9-11: Contents Of Permit**

**5-9-12: Duties Of Permittee**

**5-9-13: Possession Of Permit**

**5-9-14: Public Conduct During Parades**

**5-9-15: Revocation Of Permit**

**5-9-1: SHORT TITLE:**

This Chapter shall be known and may be cited as the *PARADE ORDINANCE OF THE CITY OF CORCORAN*. (Ord. 248, 11-7-1966, eff. 12-7-1966)

**5-9-2: DEFINITIONS:**

For the purpose of this Chapter the following terms shall have the meaning set forth in this Section unless the context otherwise indicates:

**PARADE:** Any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the City.

**PARADE PERMIT:** A permit as required by this Chapter. (Ord. 248, 11-7-1966, eff. 12-7-1966; 1996 Code)

**5-9-3: PERMIT REQUIRED:**

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have first been obtained from the Chief of Police. (Ord. 248, 11-7-1966, eff. 12-7-1966)

**5-9-4: EXCEPTIONS:**

This Chapter shall not apply to:

- A. Funeral processions;
- B. Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;
- C. A governmental agency acting within the scope of its functions. (Ord. 248, 11-7-1966, eff. 12-7-1966)

**5-9-5: APPLICATION FOR PERMIT:**

A person seeking issuance of a parade permit shall file an application with the Clerk on forms provided by such Clerk.

A. **Filing Period:** A fully completed application form for a parade permit shall be filed with the Clerk not less than thirty (30) days before the date on which it is proposed to conduct the parade.

B. **Contents:** The application for a parade permit shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct such parade;
2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the

headquarters of the organization, and of the authorized and responsible heads of such organization;

3. The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;
4. The route to be traveled, the starting point and the termination point;
5. The date when the parade is to be conducted;
6. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of the vehicles;
7. The hours when such parade will start and terminate;
8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
9. The location by streets of any assembly areas for such parade;
10. The time at which units of the parade will begin to assemble at any such assembly area or areas;
11. The interval of space to be maintained between units of such parade;
12. If the parade is designed to be held by, and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;
13. Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should issue. (Ord. 248, 11-7-1966, eff. 12-7-1966)
14. Proof of insurance in an amount and in a manner required by the City's Risk Manager shall be provided upon approval of parade permit and prior to commencement of said parade.

C. Late Applications: The Chief of Police, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than thirty (30) days before the date such parade is proposed to be conducted. (Ord. 248, 11-7-1966, eff. 12-7-1966; 1996 Code)

#### **5-9-6: STANDARDS FOR ISSUANCE:**

The Chief of Police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

- A. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- B. The conduct of the parade will not require the diversion of so great a number of police officers of the City to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the City;
- C. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the proposed line of march and areas contiguous thereto;
- D. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- E. The conduct of such parade will not interfere with the movement of firefighting equipment enroute to a fire;
- F. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance;
- G. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;
- H. The parade is not to be held for the sole purpose of advertising any product, goods or event and is not designed to be held purely for private profit. (Ord. 248, 11-7-1966, eff. 12-7-1966)

#### **5-9-7: NOTICE OF REJECTION:**

The Chief of Police shall act upon the application for a parade permit within five (5) days after the filing thereof. If the Chief of Police disapproves the application, he/she shall mail to the applicant within five (5) days after the date upon which the application was filed, a notice of his/her action, stating the reasons for the denial of the permit. (Ord. 248, 11-7-1966, eff. 12-7-1966)

#### **5-9-8: APPEAL PROCEDURE:**

Any person aggrieved shall have the right to appeal the denial of a parade permit to the Council. The appeal shall be taken within five (5) days after notice. The Council shall act upon the appeal at the next regular meeting occurring after its receipt. (Ord. 248, 11-7-1966, eff. 12-7-1966)

#### **5-9-9: ALTERNATIVE PERMIT:**

The Council, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Council, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this Chapter. (Ord. 248, 11-7-1966, eff. 12-7-1966)

#### **5-9-10: NOTICE TO CITY AND OTHER OFFICIALS:**

Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:

- City Council
- Fire Chief
- Ambulance Provider
- Public Works Director
- City Manager

(Ord. 248, 11-7-1966, eff. 12-7-1966; 1996 Code)

#### **5-9-11: CONTENTS OF PERMIT:**

Each parade permit shall state the following information:

- A. Starting time;

B. The portions of the streets to be traversed that may be occupied by the parade;

C. Such other information as the Chief of Police shall find necessary to the enforcement of this Chapter. (Ord. 248, 11-7-1966, eff. 12-7-1966; 1996 Code)

**5-9-12: DUTIES OF PERMITTEE:**

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. (Ord. 248, 11-7-1966, eff. 12-7-1966)

**5-9-13: POSSESSION OF PERMIT:**

The parade chairperson or other person heading or leading such activity shall carry the parade permit upon his/her person during the conduct of the parade. (Ord. 248, 11-7-1966, eff. 12-7-1966)

**5-9-14: PUBLIC CONDUCT DURING PARADES:**

A. Interference: No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

B. Driving Through Parade: No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

C. Parking On Parade Route: The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a roadway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Chapter. (Ord. 248, 11-7-1966, eff. 12-7-1966; 1996 Code)

**5-9-15: REVOCATION OF PERMIT:**

The Chief of Police shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth. (Ord. 248, 11-7-1966, eff. 12-7-1966)

## CHAPTER 10

### ABANDONED AND DERELICT VEHICLES

**SECTION:**

**5-10-1: Declaration Of Nuisance**

**5-10-2: Definitions**

**5-10-3: Exceptions**

**5-10-4: Other Laws And Ordinances**

**5-10-5: Enforcement By Building Official**

**5-10-6: Entering Property**

**5-10-7: Voluntary Compliance**

**5-10-8: Notice Of Intention To Abate**

**5-10-9: Request For Hearing**

**5-10-10: Failure To Request Hearing; Removal; Costs**

**5-10-11: Public Hearing**

**5-10-12: Conduct Of Hearing**

**5-10-13: Decision By Building Official**

**5-10-14: Appeal**

**5-10-15: Removal Of Vehicle**

**5-10-16: Reconstruction Of Vehicles**

**5-10-17: Notice To Department Of Motor Vehicles**

**5-10-18: Collection Of Costs**

**5-10-19: Unclaimed Personal Property**

**5-10-20: Penalties**

**5-10-1: DECLARATION OF NUISANCE:**

Pursuant to the determination made and the authority granted by the State legislature under section 22660 of the Vehicle Code of the State to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from private and public property as public nuisances, the City Council hereby makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property, not including highways, is hereby 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, not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Chapter. (Ord. 422 N.S., 4-21-1986)

**5-10-2: DEFINITIONS:**

As used in this Chapter:

**ADMINISTRATIVE COSTS:** The costs to the City of performing the acts required under this Chapter. The City Council hereby determines that the

administrative costs are in the amount of one hundred dollars (\$100.00) for each vehicle removed if the vehicle is removed by or on behalf of the City without a hearing pursuant to Section 5-10-10 of this Chapter. In those cases in which the Building Official conducts a hearing pursuant to Section 5-10-11 of this Chapter, he/she shall fix and determine the administrative costs which shall be the actual cost to the City of performing all of the acts pertaining to the specific vehicle which is the subject of the hearing.

**BUILDING OFFICIAL:** The City of Corcoran's duly designated Building Official.

**COST OF REMOVAL:** The actual cost to the City of having the vehicle removed.

**HIGHWAY:** A way or place of whatever nature, publicly maintained and opened to the use of the public for purposes of vehicular travel. The term "highway" includes streets.

**INOPERATIVE VEHICLE:** One which:

- A. Has no engine; or
- B. Has no radiator; or
- C. Has no transmission; or
- D. Has no drive shaft; or
- E. Has no gasoline tank; or
- F. Has less than four (4) wheels; or
- G. Cannot be started and caused to move under its own power a distance of at least two hundred (200) yards within twenty four (24) hours.

Where the owner or other person in possession of any vehicle described above contends that such vehicle is inoperative only due to the fact that it is under repair, proof that missing parts have been ordered within a reasonable time, or are being repaired, may be accepted by the Building Official as a basis for withholding further action under the provisions of this Chapter for a reasonable time.

**PUBLIC PROPERTY:** Does not include "highway".

**VEHICLE:** A device by which any 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. The term "vehicle" also includes any part or portion of a vehicle which is less than a whole vehicle, and all of the provisions of this Title apply to a part or portion of a vehicle which is less than a whole vehicle. (Ord. 422 N.S., 4-21-1986; 1996 Code)

#### **5-10-3: EXCEPTIONS:**

This Chapter shall not apply to:

- A. A vehicle which is completely enclosed within a building in a lawful manner so that it is not visible from the street or other public or private property.
- B. A vehicle which 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 junk yard, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.
- C. Nothing in this Section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than chapter 10 (commencing with section 22650) of division 11 of the Vehicle Code of the State and this Chapter. (Ord. 422 N.S., 4-21-1986)

#### **5-10-4: OTHER LAWS AND ORDINANCES:**

This Chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory statutes and ordinances heretofore or hereafter enacted by the State, the City, or any other legal entity or agency having jurisdiction. (Ord. 422 N.S., 4-21-1986)

#### **5-10-5: ENFORCEMENT BY BUILDING OFFICIAL:**

Except as otherwise provided herein, the provisions of this Chapter shall be administered and enforced by the Building Official or other persons authorized by him/her to administer and enforce this Chapter. (Ord. 422 N.S., 4-21-1986)

#### **5-10-6: ENTERING PROPERTY:**

- A. **Right To Enter:** The Building Official and other persons authorized by him/her may enter upon private or public property to examine a vehicle and to obtain information as to the ownership and identity of a vehicle when enforcing this Chapter.
- B. **Contract To Remove:** If the City enters into a contract with any person to remove or cause the removal of vehicles which have been declared to be public nuisances pursuant to this Chapter, such persons may enter upon private or public property to remove such vehicles.
- C. **Misdemeanor:** Every person is guilty of a misdemeanor who in any way denies, obstructs or hampers the entrance of the persons mentioned in this Section upon private or public property to carry out the aforementioned duties or who denies, obstructs or hampers the performance of such duties by such persons after they have entered the property. (Ord. 422 N.S., 4-21-1986)

#### **5-10-7: VOLUNTARY COMPLIANCE:**

If it appears to the Building Official that an abandoned, wrecked, dismantled or inoperative vehicle is located on private or public property, he/she may follow such administrative procedures to secure voluntary removal of such vehicle as appear advisable in each individual case prior to giving a notice of intention to abate pursuant to Section 5-10-8 of this Chapter. (Ord. 422 N.S., 4-21-1986)

#### **5-10-8: NOTICE OF INTENTION TO ABATE:**

If the Building Official cannot secure voluntary removal of the vehicle, pursuant to Section 5-10-7 of this Chapter, he/she shall give written notice of intention to abate and remove the vehicle. The ten (10) day notice shall contain a statement of the hearing rights of the owner of the vehicle. The statement shall include notice to the property owner that the property owner may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land with reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notice of intention to abate will also be mailed to the office of the Department of the California Highway Patrol as per section 22669 of the Vehicle Code. (Ord. 422 N.S., 4-21-1986)

#### **5-10-9: REQUEST FOR HEARING:**

The registered or legal owner of the vehicle or the owner of the land on which the vehicle is located may request a hearing on the question of abatement and removal of the abandoned, wrecked, dismantled or inoperative vehicle and on the question of assessment of the administrative costs and cost of removal against the property on which it is located. Such request for a hearing shall be in writing and shall be filed with the Building

Official not more than ten (10) days after the date on which the notice of intention described in Section 5-10-8 of this Chapter was mailed by the Building Official. If the owner of the land on which the vehicle is located files with the Building Official a sworn statement denying responsibility for the presence of the vehicle on his/her land within said ten (10) day period, said statement shall be construed as a request for a hearing which does not require the presence of the owner submitting said statement. (Ord. 422 N.S., 4-21-1986)

**5-10-10: FAILURE TO REQUEST HEARING; REMOVAL; COSTS:**

If no hearing is requested within the time limits specified in Section 5-10-9 of this Chapter, the Building Official shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard or refuse disposal site. In addition, the owner shall be required to pay the administrative costs and the cost of removal, in the amounts set forth in Section 5-10-20 of this Chapter. The Building Official shall send a request for payment of said costs to the owner of the property by regular mail and if he/she does not pay said costs within thirty (30) days after the date on which the letter was mailed, the procedure set forth in subsection B of Section 5-10-18 of this Chapter shall be followed. (Ord. 422 N.S., 4-21-1986)

**5-10-11: PUBLIC HEARING:**

If a public hearing has been requested in accordance with the provisions of Section 5-10-9 of this Chapter, a public hearing shall be held on the question of abatement and removal of a vehicle as an abandoned, wrecked, dismantled or inoperative vehicle and the assessment of the administrative costs and cost of removal against the property on which it is located. The Building Official shall cause notices of the time and place of the hearing to be sent by regular mail to the owner of the land as shown on the last equalized County assessment roll, the last registered and legal owners of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership and the California Highway Patrol, identifying vehicle. Said notices shall be mailed at least ten (10) days before the date of the hearing. (Ord. 422 N.S., 4-21-1986)

**5-10-12: CONDUCT OF HEARING:**

The public hearings under this Chapter shall be conducted by the Building Official. The Building Official shall hear all pertinent evidence offered by all interested persons, including testimony on vehicle condition and its location on private or public property. The technical rules of evidence shall not be applicable to the hearing. The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement for consideration at the hearing. The owner of the land may deny responsibility for the presence of the vehicle on the land, with his/her reasons for such denial. (Ord. 422 N.S., 4-21-1986)

**5-10-13: DECISION BY BUILDING OFFICIAL:**

A. Order To Remove: At the conclusion of the public hearing, the Building Official may find that a vehicle has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of, in accordance with Section 5-10-15 of this Chapter, and may determine that the administrative costs and the cost of removal are to be charged against the owner of the land on which the vehicle is located.

B. Costs Waived: If it is determined by the Building Official that the vehicle was placed on the land without the consent of the landowner and that he/she has not subsequently acquiesced in its presence, the Building Official shall not assess administrative costs and the cost of removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such landowner.

C. Other Action: The Building Official may impose such conditions and take such other action as he/she deems appropriate under the circumstances to carry out the purposes of this Chapter if, in his/her opinion, the circumstances justify it.

D. Written Notice: The Building Official shall give written notice of his/her decision to all of the interested persons to whom the notice of hearing was mailed. (Ord. 422, 4-21-1986)

**5-10-14: APPEAL:**

Within ten (10) days, excluding Saturdays, Sundays and legal holidays, after notice of the decision of the Building Official has been mailed to the interested parties, any person affected by the decision may file with the Clerk of the City Council a written notice of appeal from said decision. The City Council shall thereafter set the matter for hearing. The Clerk of the City Council shall give written notice of the hearing to all of the persons mentioned in Section 5-10-8 of this Chapter. At the time and place set for the hearing, the City Council shall hear the matter de novo and all of the provisions of Section 5-10-12 of this Chapter shall be applicable to said hearing. The decision of the City Council after such hearing upon the appeal is final and conclusive as to all things involved in the matter. The Clerk of the City Council shall give written notice of the decision of the City Council to all of the persons to whom notice of the hearing was mailed. (Ord. 422, 4-21-1986)

**5-10-15: REMOVAL OF VEHICLE:**

A. Order To Remove: At any time after the Building Official orders an abandoned, wrecked, dismantled or inoperative vehicle to be removed, pursuant to Section 5-10-13 of this Chapter, any interested party may cause such vehicle to be removed. If the Building Official has assessed administrative costs and the cost of removal against the property on which the vehicle is located, and the vehicle is voluntarily removed without the cost to the City, only the administrative costs shall thereafter be collected from the owner of the land.

B. City To Remove:

1. If no appeal has been filed and the vehicle has not been removed within ten (10) days, excluding Saturdays, Sundays and legal holidays, after the notice of the decision of the Building Official was mailed to the interested parties, the Building Official shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard or refuse disposal site.

2. If an appeal has been filed, and the vehicle has not been removed within ten (10) days, excluding Saturdays, Sundays and legal holidays, after the notice of the decision of the City Council was mailed to the interested parties, the Building Official shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard or refuse disposal site. (Ord. 422, 4-21-1986)

**5-10-16: RECONSTRUCTION OF VEHICLES:**

After a vehicle has been removed pursuant to the provisions of this Chapter, it shall not thereafter be reconstructed or made operable, unless it qualifies as a historical vehicle, pursuant to section 5004, California Vehicle Code. (Ord. 521, 10-21-1996)

**5-10-17: NOTICE TO DEPARTMENT OF MOTOR VEHICLES:**

Within five (5) days after the date of removal of the vehicle pursuant to the provisions of this Title, the Building Official shall give notice of the removal to the Department of Motor Vehicles of the State identifying the vehicle removed and transmit to said Department any evidence of registration available, including, but not limited to, registration certificates, certificates of title and license plates. (Ord. 422, 4-21-1986)

**5-10-18: COLLECTION OF COSTS:**

A. Notice To Owner: If the Building Official has caused the vehicle to be removed from the property, and he/she has assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is located, the Building Official shall mail a notice to the owner of the property of the administrative costs to be paid by the owner of the property. If the vehicle is voluntarily removed by any interested party prior to the date of hearing, there shall be no administrative costs assessed or charged.

B. Unpaid Costs: If the costs referred to in subsection A of this Section are not paid within thirty (30) days after the date on which the notice referred to therein is mailed to the owner of the property, the City Council may direct the County Auditor to place the unpaid costs on the County tax roll as a special assessment against the property pursuant to section 25845 of the Government Code of the State. The assessment shall be



transmitted to the Tax Collector for collection. (Ord. 422 N.S., 4-21-1986)

#### **5-10-19: UNCLAIMED PERSONAL PROPERTY:**

Prior to the removal of the vehicle or part thereof as provided in this Chapter, the Building Official shall inventory any unclaimed personal property found in such vehicle. The inventory shall be conducted in the presence of the owner of the vehicle or the owner of the land upon which the vehicle is located, if such persons can be located with reasonable effort. The Building Official shall retain and dispose of such property in the same manner as any property found or abandoned in the City of Corcoran. (Ord. 422 N.S., 4-21-1986)

#### **5-10-20: PENALTIES:**

A. Failure To Remove: It shall be unlawful and a misdemeanor for any person to fail or refuse to remove an inoperative, abandoned, wrecked or dismantled vehicle or part thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this Chapter or State law where such law is applicable. Notwithstanding the classification of a violation of this Chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of the Chapter. The trial court, upon recommendation of the prosecuting attorney and with the consent of the defendant, may reduce the charged offense from a misdemeanor to an infraction pursuant to section 19(c) of the California Penal Code.

B. Misdemeanor: Any person convicted of a misdemeanor under this Article shall be subject to penalty as provided in Section 14-1 of this Code. Each day that a violation continues shall be regarded as a new and separate offense.

C. Infraction: Any person convicted of any infraction of this Chapter shall be subject to penalty as provided in Section 14-1 of this Code. Each day that a violation continues shall be regarded as a new and separate offense. (Ord. 422 N.S., 4-21-1986; 1996 Code)

## **CHAPTER 11**

### **TOBACCO PRODUCTS**

#### **SECTION:**

#### **5-11-1: Regulating The Sale Of Tobacco Products**

#### **5-11-2: Penalties**

#### **5-11-1: REGULATING THE SALE OF TOBACCO PRODUCTS:**

A. Any person, business, tobacco retailer or other establishment subject to this Chapter shall post plainly visible signs at the point of purchase of tobacco products which states "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW. PHOTO ID IS REQUIRED." The letters of said signs shall be at least one-quarter inch (1/4") high.

B. Each person, business, tobacco retailer, or owner, manager, or operator of any establishment subject to this Chapter shall verify by means of photographic identification containing the bearer's date of birth that no person purchasing or receiving tobacco products is younger than eighteen (18) years of age. No such verification is required for any person over the age of twenty six (26). Age verification for subsequent purchases is not required.

C. It shall be unlawful for any person, business or tobacco retailer to sell, permit to be sold, offer for sale or display for sale tobacco products by means of self-service merchandising or by means other than vendor-assisted sales. Self-service merchandising will be allowed in facilities where the retailer ensures that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time. (Ord. 531, 12-1-1997)

#### **5-11-2: PENALTIES:**

Any person who violates any provision of this Chapter shall be guilty of an infraction, punishable as provided in subsection 14-1B of this Code. (Ord. 531, 12-1-1997)

## **TITLE 6**

### **MOTOR VEHICLES AND TRAFFIC**

## **CHAPTER 1**

### **GENERAL TRAFFIC PROVISIONS**

#### **SECTION:**

#### **6-1-1: California Vehicle Code Adopted By Reference**

#### **6-1-2: Traffic Commission**

#### **6-1-3: Authority Of Police And Fire Department Officials**

#### **6-1-4: Public Employees To Obey Traffic Regulations**

#### **6-1-5: Regulation Of Speed By Traffic Signals**

#### **6-1-6: Emerging From Alley, Driveway Or Building**

#### **6-1-7: Exemptions To Certain Vehicles**

#### **6-1-8: Report Of Damage To Certain Property**

#### **6-1-9: Parades**

#### **6-1-10: Public Works Director To Erect Stop Signs**

#### **6-1-11: Traffic Enforcement On Private Property**

#### **6-1-1: CALIFORNIA VEHICLE CODE ADOPTED BY REFERENCE:**

Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the

definitions, requirements, regulations, prohibitions, provisions and sections of the California Vehicle Code section 1 et seq., as amended, are hereby adopted by the city. Any and all violations thereof shall be considered violations of this title, and each such violation shall subject the violator thereof to penalty provisions under this title. (1996 Code)

#### **6-1-2: TRAFFIC COMMISSION:**

A. Commission Established: There is hereby established an advisory traffic commission to serve without compensation, consisting of the public works director, the community development director, the chief of police or his/her representative, two (2) members of the council, and one member of the planning commission.

B. Duties: It shall be the duty of the traffic commission to suggest the most practicable means for coordinating the activities of all officers and agencies of the city having authority with respect to the administration or enforcement of traffic regulations; to stimulate and assist in the preparation and publication of traffic reports; to receive complaints having to do with traffic matters; and to recommend to the legislative body of the city and to the public works director, the chief of the traffic division and other city officials, ways and means for improving traffic conditions and the administration and enforcement of traffic regulations. (Ord. 178, 4-20-1959; amd. 1996 Code)

#### **6-1-3: AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS:**

It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of the city and all of the state vehicle laws applicable to street traffic.

A. Police Department Officers: Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or other signal in conformance with traffic laws, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

B. Fire Department Officers: Officers of the fire department, when at the scene of a fire, or when in the course of their duties they are protecting the personnel or equipment of the fire department, may direct or assist the police in directing traffic.

C. Refusal To Comply: No person shall wilfully fail or refuse to comply with any lawful order of a police officer or fire department official when directing traffic.

D. Penalty: Any person violating any provisions of this title shall be guilty of an infraction and shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 339, 1-16-1978; amd. 1996 Code)

#### **6-1-4: PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS:**

The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, any county or city and it shall be unlawful for any said driver to violate any of the provisions of this title except as otherwise permitted in this title or by the Vehicle Code. (Ord. 178, 4-20-1959)

#### **6-1-5: REGULATION OF SPEED BY TRAFFIC SIGNALS:**

The city engineer 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. 178, 4-20-1959; amd. 1996 Code)

#### **6-1-6: EMERGING FROM ALLEY, DRIVEWAY OR BUILDING:**

Whenever any ordinance or resolution provides that the driver of a vehicle emerging from a certain alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway, the public works director shall cause to be erected and maintain stop signs at such places. (Ord. 178, 4-20-1959; amd. 1996 Code)

#### **6-1-7: EXEMPTIONS TO CERTAIN VEHICLES:**

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

B. Disregard For Safety: The foregoing exemptions shall not, however, protect the driver of any such vehicles from the consequences of the driver's wilful disregard of the safety of others.

C. Utility And Government Vehicles: 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 by the United States while in use for the collection, transportation or delivery of United States mail. (Ord. 178, 4-20-1959)

#### **6-1-8: REPORT OF DAMAGE TO CERTAIN PROPERTY:**

A. Accident Report: The driver 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, ornamental lighting post, telephone pole, electric light or power pole, or resulting in damage to any ornamental shade tree, traffic control device or other property of a like nature located in or along any street, shall within twenty four (24) hours after such accident make a written report of such accident to the police department of the city.

B. Contents Of Report: 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 driving or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damage in such accident.

C. Driver Physically Incapable Of Making Report: A driver involved in an accident shall not be subject to the requirements or general penalty clause if and during the time such driver is physically incapable of making a report, but in such event said driver shall make a report as required in this section within twenty four (24) hours after regaining ability to make such report. (Ord. 178, 4-20-1959)

#### **6-1-9: PARADES <sup>1</sup>:**

Application for approval of any parade over any public street of the city must be made to the chief of police. (1996 Code)

Notes

<sup>1</sup> 1. See also title 5, chapter 9 of this code.

#### **6-1-10: PUBLIC WORKS DIRECTOR TO ERECT STOP SIGNS:**

Whenever any ordinance or resolution designates and describes 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 public works director shall cause to be erected and maintain stop signs as follows:

A. A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop is required and at any railroad grade crossing so designated.

B. Every such sign shall conform with and shall be placed as provided in the Vehicle Code. (Ord. 178, 4-20-1959; amd. 1996 Code)

**6-1-11: TRAFFIC ENFORCEMENT ON PRIVATE PROPERTY:**

A. The city of Corcoran does hereby establish and provide pursuant to that authority granted to it under California Vehicle Code sections 21107.5 and 21107.6, that the rules and regulations of the California Vehicle Code shall hereinafter apply to all vehicles and individuals traveling over, through, and across the privately owned and maintained roads located within the Kings Estate area of the city of Corcoran. A full and complete description of the privately maintained and owned roads which are the subject of this section are attached to the ordinance codified herein as exhibit A.

B. The rules and regulations of the California Vehicle Code shall be enforced within the Kings Estate area, as described in exhibit A, attached to the ordinance codified herein, by the Corcoran police department, the Kings County sheriff's department, the California highway patrol and/or any other law enforcement agency with lawful authority to enforce the provisions of the California Vehicle Code within the jurisdiction of the city of Corcoran, California. (Ord. 589, 9-27-2006)

## CHAPTER 2

### PARKING REGULATIONS

SECTION:

**6-2-1: Standing In Parkway Prohibited**

**6-2-2: Use Of Streets For Storage Of Vehicles Prohibited**

**6-2-3: Parking Parallel With Curb**

**6-2-4: Parking Adjacent To Schools**

**6-2-5: Parking Prohibited On Narrow Streets**

**6-2-6: Parking Space And Curb Markings**

**6-2-7: Peddlers And Vendors**

**6-2-8: Parking Requirements For Large Vehicles**

**6-2-9: Signs Required**

**6-2-10: Emergency Parking Signs**

**6-2-11: Display Of Warning Devices When Commercial Vehicle Disabled**

**6-2-1: STANDING IN PARKWAY PROHIBITED:**

No person shall stop, stand or park a vehicle within any parkway. (Ord. 178, 4-20-1959)

**6-2-2: USE OF STREETS FOR STORAGE OF VEHICLES PROHIBITED:**

A. Prohibited Parking: No person who owns or has possession, custody or control of any vehicle, including any recreational vehicle as defined in this title, shall park such vehicle upon any street or alley for more than a consecutive period of seventy two (72) hours. (Ord. 489, 5-20-1991)

B. Removal Authorized: In the event a vehicle is parked or left standing upon a street in excess of a consecutive period of seventy two (72) hours, any member of the police department authorized by the chief of police may remove said vehicle from the street in the manner and subject to the requirements of the Vehicle Code. (Ord. 377, 4-20-1981)

**6-2-3: PARKING PARALLEL WITH CURB:**

The requirement of parallel parking 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 that vehicle may be backed up to the curb, provided that such vehicle does not extend to a point less than twelve feet (12') from the centerline of the street and does not block traffic thereby. (Ord. 178, 4-20-1959)

**6-2-4: PARKING ADJACENT TO SCHOOLS:**

A. The public works director is hereby authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in the public works director's opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (Ord. 178, 4-20-1959; amd. 1996 Code)

**6-2-5: PARKING PROHIBITED ON NARROW STREETS:**

A. The public works director is hereby authorized to place signs or markings indicating no parking upon any street or alley when the width of the roadway does not exceed twenty feet (20') 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 (30').

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. 178, 4-20-1959; amd. 1996 Code)

**6-2-6: PARKING SPACE AND CURB MARKINGS:**

A. Parking Space Markings: The public works director is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted.

B. Curb Markings: The public works director is hereby authorized, subject to the provisions and limitations of this title, to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations. Such curb markings or signs shall have the following meanings:

1. Red: No stopping, standing, or parking, whether the vehicle is attended or unattended, at any time except as permitted by the Vehicle Code and except that a bus may stop at a red zone marked or signed as a bus zone.

2. Yellow: No stopping, standing or parking at any time between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. on any day except Sundays and legal holidays for any purpose other than loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not exceed five (5) minutes and the loading or unloading of materials shall not exceed twenty (20) minutes.

3. White: 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 five (5) minutes, and such restrictions shall apply between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. on any day except Sundays and legal holidays and except as follows:

- a. When such zone is in front of a hotel or in front of a mailbox, the restriction shall apply at all times.
- b. When such zone is in front of a theater, the restriction shall apply at all times, except when such theater is closed.

4. Blue: Parking is limited exclusively to the vehicles of disabled persons with a placard so stating or with a distinguishing license plate, pursuant to section 22511.5 of the California Vehicle Code.

5. Green: No stopping, standing or parking for longer than twenty (20) minutes at any time between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. of any day, except Sundays and legal holidays.

C. Stop/Stand/Park: When the public works director has caused curb markings or signs to be placed, no person shall stop, stand, or park a vehicle adjacent to any such legible curb markings or sign in violation of any of the provisions of this section.

D. Authorized/Unauthorized Curb Painting: No person, unless authorized by this city, shall paint any street or curb surface, provided, however, that this subsection 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. 555, 10-16-2001)

#### **6-2-7: PEDDLERS AND VENDORS:**

A. Conditions And Restrictions: 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 cart or vehicle, on any portion of any street within the 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 twenty (20) minutes at any one place. The provisions of this section 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. Permit Required:**

1. Food Sales: No person shall park or stand on any street any lunch wagon, eating cart or vehicle, or pushcart from which tamales, peanuts, popcorn, candy or other articles of food are sold or offered for sale without first obtaining a written permit to do so from the chief of police which shall designate the specific location where said cart shall stand. (Ord. 178, 4-20-1959; amd. 1996 Code)

2. Transportation: 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 chief of police which shall designate the specific location where such vehicle may stand.

C. Revocation Of Permit: 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 chief of police, and no permit shall thereafter be issued to such person until six (6) months have elapsed from the date of such revocation. (Ord. 178, 4-20-1959)

#### **6-2-8: PARKING REQUIREMENTS FOR LARGE VEHICLES:**

A. Residentially Zoned Areas: Except as otherwise herein specifically provided, no person shall stop, stand or park any commercially licensed bus, truck, truck tractor and/or trailers, having a gross vehicle weight rating of thirty thousand (30,000) pounds or a gross combination weight rating of thirty thousand (30,000) pounds and/or having more than two (2) axles on any street within a residentially zoned area at any time between the hours of ten o'clock (10:00) P.M. and five o'clock (5:00) A.M. of any day. Said vehicles shall be permitted to park for the purpose of loading or unloading or providing any service connected with such vehicle for the length of time it takes to provide said service from said vehicle. Provided further that such vehicles shall be permitted to park in case of mechanical difficulties for a period not to exceed twelve (12) hours and for rest stops by drivers for periods not to exceed three (3) hours.

##### **B. Near Intersections:**

1. No person shall park or permit to be parked any bus, truck, truck tractor and/or trailers having a gross vehicle weight in excess of eighteen thousand (18,000) pounds and/or having more than two (2) axles or park or permit to be parked any recreational trailer or camper in excess of eighteen feet (18') in length or eight feet (8') in height closer than thirty feet (30') from any city street and alleyway intersection.

2. Said vehicles shall be permitted to park for the purpose of loading or unloading or providing any service connected with such vehicle for the length of time it takes to provide said service from said vehicle. Provided, further, that such vehicles shall be permitted to park in case of mechanical difficulties for a period not to exceed twelve (12) hours.

C. Enforcement: Enforcement of this section shall be as prescribed in section 6-1-3 of this title. (Ord. 295, 1973)

#### **6-2-9: SIGNS REQUIRED:**

The public works director shall appropriately sign or mark the following places and when so signed or marked no person shall stop, stand or park a vehicle in any of said places:

A. Within three feet (3') of a crosswalk at the end of the block in the direction in which the traffic moves and within twenty feet (20') of the crosswalk at the beginning of the block in the direction in which the traffic moves.

B. At any place where the public works director determines that it is necessary in order to eliminate dangerous traffic hazards. (Ord. 178, 4-20-1959; amd. 1996 Code)

#### **6-2-10: EMERGENCY PARKING SIGNS:**

A. Whenever the public works director shall determine 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 public works director 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 public works director shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the public works director 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. 178, 4-20-1959; amd. 1996 Code)

#### **6-2-11: DISPLAY OF WARNING DEVICES WHEN COMMERCIAL VEHICLE DISABLED:**

Every motor truck having an unladen weight of four thousand (4,000) pounds or more, and every truck tractor irrespective of weight when operated upon any street or highway during the time specified in the Vehicle Code shall be equipped with and carry at least two (2) flares or two (2) red

lanterns, or two (2) warning lights or reflectors, which reflectors shall be of a type approved by the department of California highway patrol. When any vehicle above mentioned or any trailer or semitrailer is disabled upon streets or highways within the city and upon which street or highway there is insufficient street lighting to reveal a vehicle at a distance of two hundred feet (200') during any time mentioned in the Vehicle Code, a warning signal of the character indicated above shall be immediately placed at a distance of approximately one hundred feet (100') in advance of, and one hundred feet (100') to the rear of, such disabled vehicle by the driver thereof. The continuous flashing of at least four (4) approved type class A type 1 turn signal lamps, at least two (2) toward the front and at least two (2) 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 herein mentioned shall be displayed continuously during the times mentioned while such vehicle remains disabled upon such street or highway. (Ord. 178, 4-20-1959)

CHAPTER 3

TRAFFIC SCHEDULES

SECTION:

6-3-1: Stop At Through Street Or Stop Signs

6-3-2: Bicycles Prohibited On Sidewalks On Certain Streets

6-3-3: Signs Or Marking Indicating Angle Parking

6-3-4: Parking Time Limited On Certain Enumerated Streets

6-3-5: Speed Zones

6-3-1: STOP AT THROUGH STREET OR STOP SIGNS:

A. Through Streets: The following streets and parts of streets are hereby declared to be through streets and when signs are erected giving notice thereof, drivers of vehicles shall stop at the entrance or entrances to those through streets described as follows: (Ord. 178, 4-20-1959)

Street	Side	Between	Ord. No.
Street	Side	Between	Ord. No.
Bainum Avenue	Both	King Avenue and Dairy Avenue	463
Brokaw Avenue	Both	Dairy Avenue and Pickerell Avenue	178
Dairy Avenue	Both	Bainum Avenue and Orange Avenue	178
Flory Avenue	Both	Whitley Avenue and Bainum Avenue	373
Hanna Avenue	Both	Chittenden Avenue and Letts Avenue	416
King Avenue	Both	Bainum Avenue and Pueblo Avenue	463
Letts Avenue	Both	Bainum Avenue and Orange Avenue	178
Paris Avenue	Both	King Avenue and Dairy Avenue	463
Sherman Avenue	Both	Dairy Avenue and Pickerell Avenue	178
Whitley Avenue	Both	Dairy Avenue and Pickerell Avenue	178

B. Stop Intersections: The provisions of this chapter shall also apply at one or more entrances to the intersections as such entrances and intersections are described when signs are erected giving notice thereof, drivers of vehicles shall stop at the entrance or entrances to those intersections described as follows: (Ord. 178, 4-20-1959)

Street	Side	Intersection	Ord. No.
Street	Side	Intersection	Ord. No.
Bainum Avenue	North	Heffner Avenue	178
Bainum Avenue	North	King Avenue	178
Bainum Avenue	North	Letts Avenue	178
Bainum Avenue	North	Van Dorsten Avenue	178
Bell Avenue	Both	Josephine Avenue	178
Bell Avenue	North	Burnett Drive	553
Chase Avenue	West	Stanley Avenue	178
Gardner Avenue	Both	Patterson Avenue	553
Hale Avenue	East	Cheryl Lane	553
Hale Avenue	East	Cardoso Avenue	553
Hale Avenue	East	Bell Avenue	553
Hanna Avenue	Both	Chittenden Avenue	178
Josephine Avenue	Both	Bell Avenue	178
Norboe Avenue	West	Bell Avenue	553

Norboe Avenue	West	Bentley Drive	553
North Avenue	South	Estes Avenue	534
North Avenue	South	Gardner	517
North Avenue	South	Norboe Avenue	534
North Avenue	Both	Perry Avenue	553
North Avenue	North	Doolittle Avenue	553
North Avenue	North	North Circle	553
North Avenue	North	Rickover Court	553
North Avenue	South	Denton Avenue	553
North Avenue	South	Josephine Avenue	553
Olympic Avenue	South	Branum Avenue	553
Orange Avenue	South	Industrial Way	517
Orange Avenue	South	Denton Avenue	553
Orange Avenue	South	Halsey Avenue	553
Orange Avenue	South	6 <sup>1</sup> / <sub>2</sub> Avenue	553
Oregon Avenue	North	Estes Avenue	553
Oregon Avenue	North	Josephine Avenue	553
Oregon Avenue	North	Letts Avenue	553
Oregon Avenue	South	Cedar Avenue	553
Oregon Avenue	South	Yosemite (both intersections)	525
Otis Avenue	West	Cardoso Avenue	553
Otis Avenue	West	Hanna Avenue	178
Otis Avenue	West	North Avenue	178
Otis Avenue	West	Patterson Avenue	553
Otis Avenue	West	Ross Court	178
Patterson Avenue	Both	Hale Avenue	553
Patterson Avenue	North	Denton Avenue	553
Patterson Avenue	North	Perry Avenue	553
Patterson Avenue	North	Soto Avenue	553
Patterson Avenue	South	Keegan Avenue	553
Patterson Avenue	South	Van Dorsten Avenue	553
Patterson Avenue	South	Widgal Avenue	553
Pickerell Avenue	East	Yoxer Avenue	178
Pickerell Avenue	West	Bell Avenue	553
Pickerell Avenue	West	North Avenue	553
Pickerell Avenue	West	Patterson Avenue	553
San Joaquin Avenue	South	Tulare Avenue	479
Sherman Avenue	East	7th Avenue	553
Sherman Avenue	North	Branum Avenue	553
Sherman Avenue	North	First Street	553
Sherman Avenue	North	6 <sup>1</sup> / <sub>2</sub> Avenue	553
Van Dorsten Avenue	West	Osage	517
Whitley Avenue	North	Doran Avenue	553
Widgal Avenue	North	North Avenue	553
Yoder Avenue	East	Patterson	517
6 <sup>1</sup> / <sub>2</sub> Avenue	Both	North Avenue	553
6 <sup>1</sup> / <sub>2</sub> Avenue	East	Bell Avenue	553
6 <sup>1</sup> / <sub>2</sub> Avenue	East	Lorina Avenue	553
6 <sup>1</sup> / <sub>2</sub> Avenue	East	Patterson Avenue	553
6 <sup>1</sup> / <sub>2</sub> Avenue	East	Strepy Avenue	553
6 <sup>1</sup> / <sub>2</sub> Avenue	West	Olympic Avenue	553

## TWO-WAY STOP

Side	Intersection	Ord. No.
East/west	Chittenden and Hall	540
East/west	Chittenden and Jepsen	540

East/west	King Avenue and Hall Avenue	470
East/west	King Avenue and Jepsen Avenue	470
North/south	Norboe Avenue and Jepsen Avenue	470
East/west	Van Dorsten Avenue and Hall Avenue	470

### THREE-WAY STOP

	Ord. No.
Letts Avenue and Oregon Avenue	571
Quebec and CSATF and CSP-Corcoran entrance	522

### FOUR-WAY STOP

	Ord. No.
	Ord. No.
Garvey Avenue and 6 <sup>1</sup> / <sub>2</sub> Avenue	538
Josephine Avenue and Bell Avenue	563
Letts Avenue and Patterson Avenue	537
Letts Avenue and Stanley Avenue	566
Orange Avenue and Dairy Avenue	606
Paris Avenue and King Avenue	525
Quebec Avenue and 4th Avenue	522
Sherman Avenue and Dairy Avenue	474
Stanley Avenue and Chase Avenue	553
Van Dorsten Avenue and Jepsen Avenue	470
Van Dorsten Avenue and Oregon Avenue	536
Van Dorsten Avenue and Stanley Avenue	517
Whitley Avenue and 6 <sup>1</sup> / <sub>2</sub> Avenue	1996 Code
6 <sup>1</sup> / <sub>2</sub> Avenue and Garvey Avenue	553

### 6-3-2: BICYCLES PROHIBITED ON SIDEWALKS ON CERTAIN STREETS:

No person shall ride or drive any bicycle within any sidewalk area on the following named streets: (Ord. 178, 4-20-1959)

Street	Side	Between	Ord. No.
Chittenden Avenue	Both	Jepsen Avenue and Brokaw Avenue	178
King Avenue	Both	Jepsen Avenue and Whitley Avenue	178
King Court	Both	Whitley Avenue and Ross Court	178
Norboe Avenue and Chase Avenue	Both	Jepsen Avenue and Hanna Avenue	178
Whitley Avenue	Both	Van Dorsten Avenue and Pickerell Avenue	178

### 6-3-3: SIGNS OR MARKING INDICATING ANGLE PARKING:

A. Signs Or Markings: Whenever any provision of this title designates and describes any street or portion thereof upon which angle parking shall be permitted, the public works director shall mark or sign such street indicating the angle at which vehicles shall be parked. (Ord. 178, 4-20-1959; amd. 1996 Code)

B. Angle Parking: When signs or markings are in place indicating angle parking as herein provided, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway and within the lines indicated by such signs or markings.

C. Streets Designated: Angle parking shall be permitted on those streets and parts of streets described as follows. In accordance with this section and when signs or markings are in place giving notice thereof drivers of vehicles may stand or park a vehicle only as indicated by such marks or signs on the following streets or portions thereof: (Ord. 178, 4-20-1959)

Street	Side	From	To	Ord. No.
Chase Avenue	East	Jepsen Avenue	Whitley Avenue	178
Chase Avenue	West	Jepsen Avenue	Manley Avenue	178
Chittenden Avenue	Both	Jepsen Avenue	Brokaw Avenue	178
King Avenue	Both	Jepsen Avenue	Whitley Avenue	178
Norboe Avenue from alley east side of Norboe Avenue	East	Whitley Avenue and Jepsen Avenue	Whitley Avenue	178



**6-3-4: PARKING TIME LIMITED ON CERTAIN ENUMERATED STREETS:**

A. Signs: When authorized signs are placed giving notice thereof, no person shall stop, stand or park any vehicle on any of the streets enumerated for a period of time longer than two (2) hours at any time between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. on any day except Sundays and holidays.

B. Two Hour Limit: In accordance with this section and when parking is limited to two (2) hours between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. on any day except Sundays and holidays upon any of the following enumerated streets: (Ord. 178, 4-20-1959)

Street	Side	From	To	Ord. No.
Chase Avenue	Both	Jepsen Avenue	Hanna Avenue	178
Chittenden Avenue	Both	Jepsen Avenue	Brokaw Avenue	178
King Avenue	Both	Jepsen Avenue	Whitley Avenue	178
Whitley Avenue	Both	Van Dorsten Avenue	Pickerell Avenue	178

C. One Hour Limit: In accordance with the above, parking is limited to one hour between the hours of eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. on any day except Saturdays, Sundays and holidays upon the following streets: (Ord. 192)

Street	Side	From	To	Ord. No.
Letts Avenue	West	Whitley Avenue	Jepsen Avenue	192

**6-3-5: SPEED ZONES:**

The prima facie speed limit for local streets and roads in Corcoran shall be twenty five (25) miles per hour except for those streets or parts of streets that are herein so designated otherwise and when signs are erected giving notice thereof:

Name Of Street Or Portion	Speed Limit
Name Of Street Or Portion	Speed Limit
Bainum Avenue between Dairy Avenue and King Avenue	35 mph
Dairy Avenue between Bainum Avenue and Orange Avenue	35 mph (25 mph when children are present in area of Fremont School and CHS)
Dairy Avenue between Bainum Avenue and Pueblo Avenue	45 mph
Flory Avenue between Sherman Avenue and Bainum Avenue	40 mph
Flory Avenue between Whitley Avenue and Sherman Avenue	30 mph
King Avenue between Bainum Avenue and Pueblo Avenue	50 mph
King Avenue between Pueblo Avenue and Paris Avenue	55 mph
North Avenue between 6 <sup>1</sup> / <sub>2</sub> Avenue and Otis Avenue	30 mph (25 mph when children are present in area of John Muir and Fremont Schools)
Orange Avenue between Dairy Avenue and 6 <sup>1</sup> / <sub>2</sub> Avenue	45 mph
Orange Avenue between Otis Avenue and Dairy Avenue	35 mph
Oregon Avenue between Van Dorsten Avenue and Dairy Avenue	30 mph (25 mph when children are present in area of Mark Twain School)
Otis Avenue between Cardoso and Whitley Avenue	35 mph
Otis Avenue between Orange Avenue and Cardoso Avenue	45 mph
Paris between its eastern terminus and west city limits	55 mph
Pickerell Avenue between Highway 43 and Sherman Avenue	35 mph
Pueblo Avenue between Dairy Avenue and 5th Avenue	45 mph
Sherman Avenue between Dairy Avenue and 7th Avenue	30 mph
Sherman Avenue between railroad tracks and Dairy Avenue	30 mph (25 mph when children are present in area of Bret Harte School)
Whitley Avenue between east city limits and Otis Avenue	35 mph

Whitley Avenue between Otis Avenue and Van Dorsten Avenue	25 mph
Whitley Avenue between Van Dorsten Avenue and 6 <sup>1</sup> / <sub>2</sub> Avenue	35 mph (25 mph school zone when children are present in area)
Whitley Avenue between 6 <sup>1</sup> / <sub>2</sub> Avenue and west city limits	45 mph
6 <sup>1</sup> / <sub>2</sub> Avenue between Whitley Avenue and Orange Avenue	35 mph
7th Avenue between Ottawa Avenue and Whitley Avenue	40 mph

(Ord. 401, 9-26-1983; amd. Ord. 407, 1-22-1985; Ord. 464, 12-19-1988; Ord. 469, 4-17-1989; Ord. 478, 3-19-1990; 1996 Code; Ord. 536, 4-6-1998; Ord. 561, 7-2-2002; Ord. 606, 1-5-2009)

## CHAPTER 4

### TRUCK ROUTES

#### SECTION:

#### 6-4-1: Truck Routes

##### 6-4-1: TRUCK ROUTES:

A. Signs: Whenever the 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 (3) tons, the Public Works Director is hereby authorized to designate such street or streets by appropriate signs as "truck routes" for the movement of vehicles exceeding a maximum gross weight of three (3) tons.

B. Driving On Truck Routes: When any such truck traffic routes are established and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of three (3) tons shall drive on such routes and none other except that nothing in this Section shall prohibit the operator of any vehicle exceeding the maximum gross weight of three (3) tons coming from a "truck traffic 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 street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained.

C. Exceptions: The provisions of this Chapter 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. (Ord. 178, 4-20-1959; 1996 Code)

## CHAPTER 5

### BICYCLES

#### SECTION:

#### 6-5-1: Effect Of Regulations

#### 6-5-2: License Required

#### 6-5-3: License Application

#### 6-5-4: Issuance Of License

#### 6-5-5: Inspection Of Bicycles

#### 6-5-6: Renewal Of License

#### 6-5-7: Rental Agencies

#### 6-5-8: Traffic Laws Apply To Persons Riding Bicycles

#### 6-5-9: Riding On Bicycles

#### 6-5-10: Riding On Roadways And Bicycle Paths

#### 6-5-11: Speed

#### 6-5-12: Emerging From Alley Or Driveway

#### 6-5-13: Carrying Articles

#### 6-5-14: Parking

#### 6-5-15: Riding On Sidewalks

#### 6-5-16: Lamps And Other Equipment On Bicycles

#### 6-5-17: Violation; Penalty

##### 6-5-1: EFFECT OF REGULATIONS:

A. Infraction: It is an infraction for any person to do any act forbidden or fail to perform any act required by this Chapter. (Ord. 338 N.S., 1-16-1978)

B. Responsibility Of Parent Or Guardian: The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this Chapter.

C. Regulations Applicable: These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway, street or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein. (Ord. 220 N.S., 11-18-1963)

**6-5-2: LICENSE REQUIRED:**

No person who resides within the City, shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed. (Ord. 220 N.S., 11-18-1963; 1996 Code)

**6-5-3: LICENSE APPLICATION:**

Application for a bicycle license and license plate shall be made upon a form provided by the City and shall be made to the Chief of Police. A biennial license fee shall be established by resolution of the City Council and shall be paid to the City before each license or renewal thereof is granted. (Ord. 220 N.S., 11-18-1963; 1996 Code)

**6-5-4: ISSUANCE OF LICENSE:**

A. Effective Time Period: The Chief of Police upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective until January 1 of odd numbered years.

B. Applicant Not Owner: The Chief of Police shall not issue a license for any bicycle when he/she knows or has reasonable ground to believe that the applicant is not the owner of or entitled to the possession of such bicycle.

C. Record Of Licenses Issued: The Chief of Police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number of the frame of the bicycle for which issued and a record of all bicycle license fees collected by the Chief of Police. (Ord. 220 N.S., 11-18-1963)

**6-5-5: INSPECTION OF BICYCLES:**

The Chief of Police, or an officer assigned such responsibility, shall inspect each bicycle before licensing the same and shall refuse a license for any bicycle which he/she determines is in unsafe mechanical condition. (Ord. 220 N.S., 11-18-1963)

**6-5-6: RENEWAL OF LICENSE:**

Upon the expiration of any bicycle license the same may be renewed upon application and payment of the license fee as set from time to time by the City Council. (Ord. 220 N.S., 11-18-1963; 1996 Code)

**6-5-7: RENTAL AGENCIES:**

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate is attached thereto as provided herein and such bicycle is equipped with the lamps and other equipment required in this Chapter. (Ord. 220 N.S., 11-18-1963)

**6-5-8: TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES:**

A. Traffic Laws: Every person riding a bicycle upon the roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to vehicles or by traffic ordinances of the City applicable to the driver of a vehicle, except as to special regulations in this Chapter and except as to those provisions of laws and ordinances which by their nature can have no application.

B. Turn Restrictions: Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. (Ord. 220 N.S., 11-18-1963)

**6-5-9: RIDING ON BICYCLES:**

A. Seat Required: A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

B. Number Of Persons Riding Upon Bicycle: No bicycle shall be used to carry more persons at one time than the authorized number for which it is designed and equipped. (Ord. 220 N.S., 11-18-1963; 1996 Code)

C. Helmet Required: Persons under eighteen (18) years of age shall wear a bicycle helmet. (1996 Code)

**6-5-10: RIDING ON ROADWAYS AND BICYCLE PATHS:**

A. Right Side: Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

B. Riding Two Abreast: Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts or roadways set aside for the exclusive use of bicycles.

C. Bicycle Paths: Whenever a usable path for bicycles has been provided adjacent to a roadway bicycle riders shall use such path and shall not use the roadway. (Ord. 220 N.S., 11-18-1963)

**6-5-11: SPEED:**

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions existing. (Ord. 220 N.S., 11-18-1963)

**6-5-12: EMERGING FROM ALLEY OR DRIVEWAY:**

The operator of a bicycle emerging from an alley, driveway or building shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on said sidewalk or sidewalk area and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway. (Ord. 220 N.S., 11-18-1963)

**6-5-13: CARRYING ARTICLES:**

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars. (Ord. 220 N.S., 11-18-1963)

**6-5-14: PARKING:**

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic. (Ord. 220 N.S., 11-18-1963)

**6-5-15: RIDING ON SIDEWALKS:**

A. Prohibited In Business District: No person shall ride a bicycle upon a sidewalk within a business district.

B. Signs: The Chief of Police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person and when such signs are in place no person shall disobey the same.

C. Certain Age; Restriction: No person fifteen (15) or more years of age shall ride a bicycle upon any sidewalk in any district.

D. Yield To Pedestrians: Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (Ord. 220 N.S., 11-18-1963)

**6-5-16: LAMPS AND OTHER EQUIPMENT ON BICYCLES:**

Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred feet (300') to the front and with a red reflector on the rear of a type which shall be visible from all distances to three hundred feet (300') to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of three hundred feet (300') to the rear may be used in addition to the red reflector. (Ord. 220 N.S., 11-18-1963)

**6-5-17: VIOLATION; PENALTY:**

Any person violating any provisions of this Chapter shall be guilty of an infraction as provided for in section 36900 of the Government Code. Every violation determined to be an infraction is punishable pursuant to the provisions of Section 1-4-1 of this Code. A person shall be deemed guilty of a separate offense for each day during any portion of which a violation of this Chapter is committed, continued or permitted by the person. (Ord. 220 N.S., 11-18-1963; 1996 Code)

## CHAPTER 6

### SKATEBOARDS

**SECTION:**

**6-6-1: Application**

**6-6-2: Definition**

**6-6-3: Use And Operation**

**6-6-4: Safety Equipment Required**

**6-6-1: APPLICATION:**

This chapter applies to the use and operation of skateboards and the use and operation of in-line skates, or similar devices, on all streets, alleys, sidewalks and rights of way in the city, whether public or private, and all other property owned by the city and upon private property for which a request for application of this chapter has been established by resolution of the city council. (Ord. 554, 9-4-2001)

**6-6-2: DEFINITION:**

"Skateboard" when used in this chapter means a plank, or board approximately two feet (2') long with a wheeled skate, or skates attached thereto; foot or motor propelled without a steering apparatus. (Ord. 465, 1-3-1989)

**6-6-3: USE AND OPERATION:**

A. Use Of Street Or Sidewalk: Except as provided below, no person shall use or operate a skateboard on a public or private through street or alley in the city if there is a sidewalk adjacent and parallel to the street. If no such sidewalk is present, skateboards may be operated in the street as far on the right hand side of the roadway as is practicable in the same direction as traffic.

B. Use Prohibited In Commercial And Other Areas: Notwithstanding any other provision herein, no person shall use or operate a skateboard on the streets or sidewalks and property owned or controlled by the city within the portion of the commercial and professional office zoned area described as follows:

On the north - the south side of Brokaw Avenue between Otis and Wigdal Avenues.

On the south - the north side of Jepsen Avenue between Otis and Wigdal Avenues.

On the east - the west side of Otis Avenue between Brokaw and Jepsen Avenues.

On the west - the east side of Wigdal Avenue between Brokaw and Jepsen Avenues.

Skateboarding shall be prohibited on all other public streets, sidewalks, rights of way and all other public property or private property upon the request of the owner, as the city council may from time to time designate by resolution.

C. Endangering Pedestrians: No person shall use or operate a skateboard on any public or private street, alley or sidewalk or right of way or on any property owned by the city in a manner which endangers the safety of any other person or property. No person using or operating a skateboard on a street, alley, sidewalk, right of way or any other property owned by the city shall pass a pedestrian at a distance closer than three feet (3'). If such street, alley, sidewalk, right of way or public property is not sufficiently wide to allow the skateboarder to pass the pedestrian while maintaining a three foot (3') distance, the skateboarder shall cease to operate the skateboard and walk past the pedestrian until such time the skateboarder can maintain a three foot (3') distance.

D. Near Commercial Buildings: No person shall use or operate a skateboard within twenty feet (20') of the entrance to any shop, store or commercial building while such shop, store or commercial building is open for business.

E. Ramps And Jumps: The use of ramps, jumps or any other portable device used to force the skateboard off the pavement is prohibited on any public street, alley, sidewalk or public property or private property for which the owner has requested prohibition.

F. Towing: No person shall be towed on a skateboard by the use of any mechanical device.

G. Lights Or Reflectors: No person shall use or operate a skateboard more than one-half  $\frac{1}{2}$  hour after sunset or one-half  $\frac{1}{2}$  hour prior to sunrise without the use of an arm mounted light or reflective arm band or reflective clothing. For the purpose of this subsection, reflective clothing may be considered light colored clothing. (Ord. 465, 1-3-1989)

**6-6-4: SAFETY EQUIPMENT REQUIRED:**

A. Application: This section shall apply to the use and operation of skateboards at any facility, owned or operated by the city of Corcoran that is designated and maintained for the purpose of recreational skateboard use ("facility").

B. Requirements: Any person riding a skateboard at a facility as defined herein shall wear a helmet, elbow pads and kneepads.

C. Violation: Any person failing to comply with the requirements of this section shall be subject to citation hereunder.

D. Posting: The city shall post at all facilities as defined herein, a sign providing reasonable notice that any person riding a skateboard at the facility must wear a helmet, elbow pads and kneepads and that any person failing to do so will be subject to citation under the provisions of this section.

E. Maintenance Of Records: The city shall maintain records of all known or reported injuries incurred by a skateboarder in a public skateboard park or facility. The city shall also maintain a record of all claims, paid and not paid, including any lawsuits and their result, arising from those incidents that were filed against the city. Copies of these records shall be filed annually, no later than January 30 each year, with the judicial council. (Ord. 543, 9-7-1999)

CHAPTER 7

TRAINS

SECTION:

6-7-1: Blocked Railroad Crossings

6-7-2: Train Speed Within City Limits

6-7-1: BLOCKED RAILROAD CROSSINGS:

It shall be unlawful for any person to cause or permit any railway train or railway cars or similar vehicle on rails to operate 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 (10) 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 an accident. (Ord. 178, 4-20-1959)

6-7-2: TRAIN SPEED WITHIN CITY LIMITS:

It shall be unlawful for any person to run, drive, operate or propel, or cause or permit to be run, driven, operated or propelled, any engine, train, car or vehicle of any nature running upon fixed tracks, propelled by steam, diesel, gasoline, electric engine, or motor or by any motive power whatever, upon or across any public highway in the City at a rate of speed in excess of fifty five (55) miles per hour. (Ord. 294, 6-18-1973; 1996 Code)

TITLE 7

PUBLIC WAYS AND PROPERTY

CHAPTER 1

STREETS, CURBS AND SIDEWALK GRADES

SECTION:

7-1-1: Official Datum

7-1-2: Official Grade

7-1-3: Curb Grade

7-1-4: Sidewalk Area

7-1-5: Curbs And Sidewalks

7-1-1: OFFICIAL DATUM:

The official datum shall be mean sea level as established by the United States Geological Survey and as shown on official bench mark located near east side of Block 21. The elevation thereon shown is 203.000 feet above mean sea level. (Ord. 73, 6-17-1940)

7-1-2: OFFICIAL GRADE:

The official grade shall mean the grade and elevation at the property lines of the streets and avenues named. The official grades of the streets and avenues of the City shall be as on file in the office of the Clerk. (Ord. 73, 6-17-1940)

7-1-3: CURB GRADE:

Curb grade and elevation shall be four inches (4") lower than official grade for sidewalk areas sixteen feet (16') wide, and shall be three inches (3") lower than official grade for sidewalk areas twelve feet (12') wide. Sidewalk areas other than the above shall slope downward from the official grade at the property line at the rate of one-fourth inch ( $\frac{1}{4}$ " ) vertically for each foot of horizontal distance. (Ord. 73, 6-17-1940)

7-1-4: SIDEWALK AREA:

A. Plans And Specifications: The space between the property line and the street side of the curb on each side of the street shall be reserved for sidewalks and curbs. This sidewalk area shall be laid out in accordance with plans and specifications approved by the Council and on file at the City Hall. (Ord. 173, 3-3-1958)

B. Application To Construct:

1. he owner of fifty percent (50%) or more of the frontage within a single block of any street within an area where combination sidewalk and gutter is not permitted may make an application to the Council for permission to construct sidewalks of the type known as combination sidewalk curb and gutter. The Council shall refer the application to the Public Works Director and the Public Works Director shall submit his/her report and recommendations to the Council. Upon receipt of the report and recommendations of the Public Works Director, the Council shall grant or deny the application.

2. The owner of fifty percent (50%) or more of the frontage within a single block of any street within an area where combination sidewalk curb and gutter is required may make application to the Council for permission to construct sidewalks. The Council shall refer the application to the Public Works Director and the Public Works Director shall submit his/her report and recommendations to the Council. Upon receipt of the report and recommendations of the Public Works Director, the Council shall grant or deny the application. (Ord. 177, 11-17-1958; 1996 Code)

7-1-5: CURBS AND SIDEWALKS:

All curbs and sidewalks hereafter built in the City shall be constructed of the materials required in the specifications adopted by the Council and on file in the office of the Clerk. All curbs and sidewalks shall be constructed in accordance with the specifications and in accordance with the plans for curbs and sidewalks adopted by the Council and on file in the office of the Clerk. (Ord. 73, 6-17-1940)

## CHAPTER 2

### SIDEWALKS AND PARKWAYS

#### SECTION:

##### 7-2-1: Definitions

##### 7-2-2: Owners To Maintain And Repair; Liability For Injuries

##### 7-2-3: Notice To Repair; Lien

##### 7-2-4: Assessment; Charges

##### 7-2-1: DEFINITIONS:

Unless the context otherwise requires, the following definitions shall apply to the following word when used in this Chapter:

**GOOD CONDITION AND REPAIR:** Shall include being free of any holes, breaks, cracks, humps, mounds, or any other obstruction and free of all rubbish, dirt or inflammable vegetation including dry branches, fronds, foliage or trees.

**PARKWAY:** A strip of ground between a sidewalk and the street or curb.

**SIDEWALK:** A paved sidewalk used by the public, and not a private sidewalk. (Ord. 92, 8-7-1944)

##### 7-2-2: OWNERS TO MAINTAIN AND REPAIR; LIABILITY FOR INJURIES:

A. **Owner To Maintain And Repair:** All persons owning real property within the City are required to keep and maintain the sidewalks on or adjoining and contiguous with their property in good condition and repair.

B. **Liability For Injuries To Public:** The property owner is required by subsection A of this Section to maintain and repair the sidewalks on, or adjoining and contiguous with the owner's property in a safe and nondangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a nondangerous condition as required by subsection A of this Section, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury. (Ord. 508 N.S., 2-7-1994)

##### 7-2-3: NOTICE TO REPAIR; LIEN:

A. **Notice Posted:** If any person shall fail to keep and maintain such sidewalks and parkway in good condition and repair as provided in Section 7-2-2, the Public Works Director shall post on the property of such owner a notice reading approximately as follows:

*You are hereby notified that you are required to make the following repairs and improvements to your property and adjoining and contiguous sidewalks and parkway (insert thing to be done), and you are further notified that unless the repairs and improvements are completed within thirty (30) days from the date hereof, the same will be done by the City and the cost thereof added to the next installment of your City taxes.*

*The property to which this notice refers, is described as follows: Lot\_\_Block\_\_of the City of Corcoran, and sidewalks and parkways adjoining and contiguous thereto.*

Dated \_\_\_\_\_ 19\_\_

\_\_\_\_\_  
Public Works Director

B. **Notice Sent To Owner:** At the same time the Public Works Director shall mail to the person to whom the real property is assessed in the City Clerk's office, a copy of the notice together with a copy of this Chapter; provided, however, that the failure of the Public Works Director to mail such notice shall not affect the validity of any lien provided for under the provisions of this Chapter.

C. **Failure To Comply:** If the owner of the real property shall fail to put the sidewalks and parkways in good condition and repair within a period of thirty (30) days after the posting of the notice, the Public Works Director shall contract to have the same done.

D. **Lien:** The charge for putting the sidewalks and parkways in good condition and repair shall be a lien on the real property, and the same shall be immediately due and payable to the City. (Ord. 92, 8-7-1944; 1996 Code)

##### 7-2-4: ASSESSMENT; CHARGES:

A. **Filed With Clerk:** As soon as the amount of the charge for putting the sidewalks and parkways in good condition and repair is determined, the Public Works Director shall file with the City Clerk a statement of the amount of the charge for so putting the sidewalks and parkways in good condition and repair, together with an affidavit of posting the thirty (30) day notice provided for in Section 7-2-3.

B. **Add To Tax Statement:** The City Clerk shall add the charge for putting the sidewalks and parkways in good condition and repair to the next following tax statement of the assessed owner of the real property repaired and cleaned up as aforesaid.

C. **Account Credited:** All monies thereafter paid to the City for taxes on the real property shall be credited by the County Tax Collector, first, to the charge for cleaning up the property, and second, to the taxes assessed against the real property. (Ord. 92, 8-7-1944; 1996 Code)

## CHAPTER 3

### PARKS AND RECREATIONAL AREAS

#### SECTION:

##### 7-3-1: Regulations For Parks And Recreational Areas

##### 7-3-2: Use Of Park; Fees

##### 7-3-3: Drug Free Zones

##### 7-3-1: REGULATIONS FOR PARKS AND RECREATIONAL AREAS:

A. **Park Defined:** "Park" as used herein includes every public park, roadside rest area, playground, or other recreational facility area, together with any parking lot, swimming pool, course, court, field, trail or other recreational facility or structure thereon or therein, owned, managed or controlled by the city. (Ord. 505, 1-19-1993)

B. Prohibited Activities: The activities enumerated below are prohibited to all persons within the limits of parks in the city except as may be specifically authorized by written permit issued by the city. Officers, agents or employees of the city are excepted from the prohibitions herein set forth insofar as the performance of their official duties may conflict therewith. (Ord. 505, 1-19-1993; amd. 1996 Code)

1. Hitch Or Lead Animals: To hitch, fasten, lead, drive or let loose any animal or fowl of any kind; provided, that this shall not apply to dogs when led by a cord or chain, not more than six feet (6') long.
2. Animals, Bicycles Restricted: To ride or drive any horse or animal, or to propel any vehicle, cycle or automobile except in designated areas. Bicycles must be parked in racks therefor provided.
3. Injuring Plants, Other Property: To cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, enclosure, pen, monument, fence, bench or other structure, apparatus, or property; or to pluck, pull up, cut, take or remove any shrub, plants, bush or flower; or to mark or write upon, paint or deface in any manner, any building monument, fence, bench or other structure.
4. Woodcutting; Soil Removal: To cut or remove any wood, turf, grass, soil, rock, sand, gravel or fertilizer.
5. Fires Restricted: To make or kindle a fire except in picnic stoves, braziers or fire pits provided for that purpose.
6. Vehicle Parking Restricted: To park or leave standing or cause to be parked or left standing any vehicle whatsoever any place in the park designated by the public works director or the chief of police as places where parking is prohibited.
7. Swimming Or Fishing: To swim, fish, bathe, wade or pollute in any manner the waters of any pond, fountain, pool or lake except as specifically permitted in designated areas.
8. Waste Liquids: To wash dishes or to empty salt water or other waste liquid elsewhere than in the sinks provided for such purposes.
9. Garbage Debris: To leave garbage, cans, bottles, papers or other refuse elsewhere than in the receptacles provided therefor.
10. Riotous Or Indecent Conduct: To indulge in riotous, boisterous, threatening or indecent conduct or abusive, threatening, profane or indecent language.
11. Arrows And Crossbows: To use, throw or release any arrows or crossbows, except as specifically permitted in designated areas.
12. Hunting: To take, seize or hunt any bird or animal.
13. Disturbing Assemblages: To disturb, in any manner, any picnic, meeting, service, concert or exercise.
14. Selling Merchandise: To sell or offer for sale any merchandise, article or thing whatsoever without written permission from the city.
15. Loitering After Hours: To remain, stay or loiter in any public park other than during the hours of operation as established by resolution of the city council. (Ord. 505, 1-19-1993)
16. Alcohol Possession; Permit: To drink or have in their possession an open container of any alcoholic beverage unless a special (written) use permit has been obtained from the chief of police of the city. Sale of alcoholic beverages in the city parks shall be subject to council resolution establishing fees and regulations for beer garden fencing and fees for the sale of alcoholic beverages. (Ord. 505, 1-19-1993; amd. 1996 Code)
17. Obstruct Free Passage Of Persons: To assemble, collect or gather together in any walk, passageway or pathway in or through any park or to occupy the same so that the free passage or use thereof by persons passing along the same shall be obstructed in any manner.
18. Camping Prohibited: No person shall camp or lodge in city parks.
19. Obey Directions Of City Officials: To fail to obey the direction of the public works director or other city employees or agents to cease and desist from any activities prohibited.
20. Leaving Park When So Directed: To fail to leave the park premises when directed to do so by the public works director or other city employees or agents thereof or to return to the park in the same calendar day after having complied with a direction to leave the park pursuant to this subsection. (Ord. 505, 1-19-1993)
21. Roller Skates And Skateboards: The use of roller skates, skateboards, rollerblades, or other nonmotorized devices shall be prohibited on all walkways, paths, etc., during those times when officially sanctioned athletic events, concerts or other community events are in progress. (Ord. 506, 6-7-1993, eff. 7-7-1993)

C. Use By Groups; Permission Required: It shall be unlawful to occupy any part of any park within the city in a group, or as part of a group, except as described herein, in excess of twenty five (25) persons without first obtaining written permission of the city.

D. Conducting Business Or Activity: It shall be unlawful for any person, firm, corporation or association, charitable or otherwise, to use a park for the purpose of conducting thereon any carnival, exhibition, theater (tent or open air), public dance or other business or activity, for which an entrance fee will be collected or a cash donation will be requested, without first securing permission of the city council. The city council may delegate this regulatory authority to city staff by resolution.

E. Restrooms: No male person over age four (4) years shall enter or use any restroom designated for women in a park; nor shall any female person over age four (4) years enter or use any restroom designated for men in a park.

F. Special Areas: Special areas of a park may be reserved by obtaining a written permit from the city. All areas not specifically reserved under written permit from the city shall remain open to the public. (Ord. 505, 1-19-1993)

#### **7-3-2: USE OF PARK; FEES:**

Use of a city park for carnivals, circuses, circus parades, transient amusement, trained animal shows or merry-go-rounds shall be approved by the city council and shall be subject to payment of deposit and fees set by council resolution. The activities enumerated herein shall comply with all regulations of section 7-3-1 of this chapter. (1996 Code)

#### **7-3-3: DRUG FREE ZONES:**

The city parks and playgrounds set forth below are declared to be drug free zones pursuant to California Health and Safety Code section 11380.5, which sets forth enhanced penalties for specific offenders involving the possession or sale of controlled substances which occur upon the grounds of city parks, including adjacent public parking lots and sidewalks. The parks declared to be drug free zones are as follows:

- A. John Maroot Park.
- B. Cesar Chavez Park.
- C. Father Wyatt Park.
- D. J. G. Boswell Community Park.



- E. Burnham Smith Park.
- F. Municipal swimming pool.
- G. PAL building.
- H. Christmas Tree Park. (Ord. 539, 12-21-1998)

CHAPTER 4

TREES AND SHRUBBERY

SECTION:

- 7-4-1: Title
- 7-4-2: Power Of Public Works Director
- 7-4-3: Permission To Plant Trees
- 7-4-4: Prohibited Trees
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- 7-4-6: Dangerous Trees; Nuisance; Removal
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- 7-4-8: Trimming Or Removal Of Trees
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- 7-4-10: Mistletoe

7-4-1: TITLE:

This Chapter shall be known as the *TREE CHAPTER* and may be cited as such. (Ord. 163, 11-5-1956)

7-4-2: POWER OF PUBLIC WORKS DIRECTOR:

The Public Works Director or the Director's duly authorized representative shall be charged with the enforcement of this Chapter. (Ord. 163, 11-5-1956; 1996 Code)

7-4-3: PERMISSION TO PLANT TREES:

No trees or shrubs shall hereafter be planted in or removed from any public parking strip or other public place in the City without the permission of the Public Works Director. (Ord. 163, 11-5-1956; 1996 Code)

7-4-4: PROHIBITED TREES:

It shall be unlawful to plant in any public parking strip the following trees: eucalyptus, fruitless mulberry, conifers, sycamore, and poplar. (Ord. 163, 11-5-1956)

7-4-5: REMOVAL OF TREES:

The Public Works Director or the Director's duly authorized representative may cause to be trimmed, pruned or removed any trees, shrubs, plants or vegetation in any parking strip or other public place, or may require any property owner to trim, prune or remove any trees, shrubs, plants or vegetation in any parking strip abutting upon the owner's property, and failure to comply therewith after fifteen (15) days' notice by the Public Works Director shall be deemed a violation of this Chapter. (Ord. 163, 11-5-1956; 1996 Code)

7-4-6: DANGEROUS TREES; NUISANCE; REMOVAL:

A. Public Nuisance; Removal: Any tree or shrub growing in a parking strip or 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 hereby declared to be a public nuisance, and the City may remove or trim such trees, 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.

B. Failure To Remove; Abatement By City; Lien: Failure of the property owner or his/her duly authorized agent to remove or trim such tree after fifteen (15) days' notice by the Public Works Director shall be deemed a violation of this Chapter and the Public works Director may then remove or trim the tree. The cost of such removal, if not paid by the owner of record, shall constitute a lien against the property 1 .

C. Right Of Public Utility: Nothing contained in this Chapter shall be construed as limiting the right of any public utility to remove or trim trees which, in its opinion, endanger the safe operation of its wires, poles and appurtenances. (Ord. 163, 11-5-1956; 1996 Code)

Notes

1 See subsection 9-6-2B of this Code.

7-4-7: APPEALS:

A. Notice Filed With Clerk: Appeals from directions and orders made hereunder may be made by filing written notice thereof with the Clerk within fifteen (15) days after such direction and order is received, stating in substance that appeal is being made from such direction and order of the Council. The Clerk shall thereupon call such appeal to the attention of the Council at their next regular meeting next succeeding, at which meeting the appellant and the Public Works Director may present evidence. Action by the Council after such hearing shall be conclusive, and in the event the Council shall uphold the decision of the Public Works Director, the property owner or his/her duly authorized agent shall have fifteen (15) days thereafter to comply with such notice.

B. Liability: Nothing contained herein shall be deemed to impose any liability upon the City or its officers and employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon his/her property or under his/her control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, pleasure ground, boulevard, alley or public place within the City. (Ord. 163, 11-5-1956; 1996 Code)

7-4-8: TRIMMING OR REMOVAL OF TREES:

No person shall cut, trim, prune, plant, remove, injure or interfere with any tree, shrub or plant upon any street, park, pleasure ground, boulevard,

alley or public place of the City without prior permission and approval therefor from the Public Works Director. The Public Works Director is hereby authorized to grant such permission in his/her discretion and where necessary, subject to the stated policy of the Council 1. No such permission shall be valid for a longer period than thirty (30) days after its issuance. (Ord. 163, 11-5-1956; 1996 Code)

Notes

1. See subsection 7-5-2B of this Title.

#### **7-4-9: ABUSE OR MUTILATION OF TREES:**

It shall be a violation of the provisions of this Chapter for any person to abuse, destroy or mutilate any tree, plant or shrub in a public parking strip or any other public place, or to attach or place any rope, wire, (other than one used to support a young or broken tree), sign, poster, handbill or other things to or on any tree growing in a public place, or to cause or permit any wire charged with electricity to be placed or attached to any such tree, or allow any gaseous, liquid or solid substance which are harmful to such trees to come in contact with their roots or leaves. (Ord. 163, 11-5-1956)

#### **7-4-10: MISTLETOE:**

A. Removal Of Mistletoe: Every owner of real property within the corporate limits of the City shall keep such real property free and clear of all mistletoe.

B. Notice To Remove: Upon failure of the owner of any real property in the City to remove and destroy mistletoe from said property, such owner shall be notified by the City Clerk's office to remove and destroy the same within a period of fifteen (15) days. If at the end of said period, designated in said notice, said owner has failed to comply with such notice, the Public Works Director shall cause the mistletoe to be removed and destroyed from said property and the expense of said work shall be charged to the owner of said property.

C. Right To Abate: The Public Works Director, his/her assistants and designated employees of the City or a private contractor employed for the purpose, may enter upon private property to perform the duties of eradication of mistletoe imposed by subsection A of this Section.

D. Collection: Upon completion of the work of removal and destruction of mistletoe, the City Clerk shall notify the owner of said real property in writing of the expense of such work and request payment therefor within sixty (60) days of the date of the notice. If such owner fails or refuses to pay to the City the amount of such expense within said period of sixty (60) days from the date of such notice, the amount shall become a charge against the real property involved and shall be in the nature of a special assessment collectable by the City, if necessary, through small claims courts or judicial district court action. (Ord. 300, 1-21-1974; 1996 Code)

E. Owner/City Agreements: Any owner of property within the City and the City may enter into an agreement in writing for the removal and destruction of mistletoe for a predetermined amount. In the event that such property owner, after entering into such an agreement and after the performance thereof by the City, refuses to pay for said work as provided in the agreement, then the amount promised to be paid shall be collectable in the same manner as that provided in subsection D of this Section. (Ord. 300, 1-21-1974)

## **CHAPTER 5**

### **ENCROACHMENTS**

SECTION:

**7-5-1: Public Way Defined**

**7-5-2: Permit Required**

**7-5-3: Application For Permit; Contents**

**7-5-4: Agreement To Work Specifications**

**7-5-5: Permit; Fees**

**7-5-6: Bond Or Deposit Required**

**7-5-7: Exception For Public Utility Or Agency**

**7-5-8: Standards, Terms And Conditions**

**7-5-9: Referral Of Permit Application To Director Of Public Works**

**7-5-10: Appeals For Permit Denial**

**7-5-11: Determination By Council**

**7-5-12: Permit Issuance Not Mandatory**

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**7-5-17: Notice Of Commencement Of Work**

**7-5-18: Additional Conditions Of Work**

**7-5-19: Safety Precautions**

**7-5-20: Removal Of Debris**

**7-5-21: Restoration Of Public Way**

**7-5-22: Notice Of Completion**

**7-5-23: Failure To Comply**

**7-5-24: Awnings**

#### **7-5-25: Performance Of Obligation By Agent Or Employee**

#### **7-5-26: Other Remedies**

##### **7-5-1: PUBLIC WAY DEFINED:**

"Public way", when used in this Chapter, means the space between the right-of-way lines and includes, but is not confined to, any street, alley, parking zone, sidewalk, City park or other City owned property or right of way. (Ord. 500 N.S., 10-5-1992)

##### **7-5-2: PERMIT REQUIRED:**

A. Encroachment, Excavation Or Improvement: It is unlawful for any person to make or cause to be made any encroachment, excavation or improvement in or along any public way in the City without first obtaining a permit to do so from the City and unless in accordance with provisions of this Chapter.

B. Tree Topping Or Trimming: It is unlawful for any person to remove, top or trim any trees standing in any public way without first obtaining a permit to do so from the City and unless in accordance with the provisions of this Chapter. This provision shall not apply to minor trimming and pruning which does not involve the placing of ladders or equipment in a public way other than according to parking regulations or the falling or piling of debris in a public way <sup>1</sup>.

C. Overwidth Vehicle: It is unlawful for any person to operate any overwidth vehicle, including house moving equipment, on the City streets, alleys or rights of way without first obtaining a permit to do so from the City and unless in accordance with the provisions of this Chapter. (Ord. 500 N.S., 10-5-1992)

Notes

<sup>1</sup> 1. See also Title 7, Chapter 4 of this Code.

##### **7-5-3: APPLICATION FOR PERMIT; CONTENTS:**

Each person desiring issuance of a permit shall file with the Building Inspector a signed application or request, describing the nature of the encroachment, excavation, improvement or other work to be done and the location thereof, the names and addresses of the parties to any contract for the doing of the work, the license number of any contractor and such plans, profiles and specifications for the improvement as the Director of Public Works may require. (Ord. 500 N.S., 10-5-1992)

##### **7-5-4: AGREEMENT TO WORK SPECIFICATIONS:**

Before such permit may be issued, an agreement shall be signed and filed with the Building Inspector wherein the signator shall agree with the City as follows:

A. That the signator shall observe and conform with all of the applicable provisions of this Chapter and shall perform all work in strict accordance with this Chapter and applicable ordinances of the City and laws of the State and in conformity to the plans, profiles and specifications on file with and approved by the Director of Public Works and in accordance with such standards, terms and conditions mentioned in Section 7-5-8 of this Chapter and as may be determined and specified by the Director of Public Works.

B. That such work shall be commenced and diligently prosecuted within sixty (60) days after issuance of such permit, and that the Building Inspector shall be notified of the day work shall commence and substantially completed within the time designated by the Building Inspector in such permit, and that such work shall be forthwith terminated upon any revocation or suspension of the permit as provided in this Chapter.

C. To complete, repair or replace, and indemnify the City against any faulty or improper workmanship or materials or damage to any adjacent public improvement that may be discovered during the performance of the work and for a term of one year after the completion of the work.

D. That the signator shall defend, indemnify and hold the City, its officers, agents and employees harmless from any and all liabilities, claims, suits, judgments, losses or expenses resulting from any claim or court action arising out of any accident, loss or damage to persons or property, or death alleged to arise from any work carried out pursuant to such permit or condition resulting from such work.

E. Authorizing the City to deduct from any cash deposit, the amount of any expense incurred by the City, including a reasonable amount for overhead and supervision, in the completion of any work or the performance of any other act required of the signator, if the signator fails to properly and timely perform the same. (Ord. 500 N.S., 10-5-1992)

##### **7-5-5: PERMIT; FEES**

A. The agreement mentioned in Section 7-5-4 of this Chapter shall be signed by the person causing the work or excavation to be done, or if such work is to be done by a licensed contractor, then it may be signed by such contractor.

B. The signator of the agreement shall pay to the City, prior to the issuance of any permit, a fee in the amount of fifteen dollars (\$15.00) and two percent (2%) of the reasonable value of the improvement of work to be done. The determination of such value shall be made by the Building Inspector. Failure to undertake the work shall not be grounds for refund of any part of such fee.

C. No fee shall be required of any public agency or public utility company operating under a franchise issued by the City or State. (Ord. 500 N.S., 10-5-1992)

##### **7-5-6: BOND OR DEPOSIT REQUIRED:**

A. The signator of such agreement shall deposit with the Director of Finance a bond issued by a corporation licensed to transact business in the State, which shall guarantee the faithful performance of the agreement mentioned in subsections 7-5-4A, B and C of this Chapter.

B. In lieu of such bond, the signator of such agreement may deposit with the Director of Finance cash to secure the faithful performance of the agreement mentioned in subsections 7-5-4A, B and C of this Chapter and the City shall be entitled to deduct from such deposit the expense of the City of completion of the work or repair of such damage by the City if the signator fails to so perform the same. (Ord. 500 N.S., 10-5-1992)

C. The amount of such bond or deposit shall be such reasonable sum as the Building Inspector or City Engineer shall determine to be the probable expense to the City of completion of the work if the signator fails to fully perform the work and repair of any probable damage, in accordance with the terms of the agreement and permit. (Ord. 500 N.S., 10-5-1992; 1996 Code)

D. Such bond or deposit shall not be deemed to be in the nature of a labor and material bond.

E. On expiration of one year from the date of completion of the work, the bondsman may apply to the Director of Public Works for release or exoneration of the bond, or any depositor of such fund or such depositor's assigns may apply to the Director of Public Works for release of deposit, subject however, to the claims of the City for failure to faithfully perform said agreement; provided further, that in the case of cash deposits, that upon completion of the work to the satisfaction of the Building Inspector and certification of such fact to the Director of Public Works and the amount required in his/her opinion to protect the City against any faulty or improper workmanship or materials or damage to any adjacent public works that may be discovered within one year after completion, the Director of Public Works shall withhold such amount and release the balance of the deposit

to the depositor thereof or his/her assigns.

F. Persons who frequently undertake activities which are the subject of this Chapter and who find it convenient to do so, may enter into a general agreement with the City in the form required by Section 7-5-4 of this Chapter which applies to all such activities which are the subject of this Chapter carried on by the signator of such agreement while such agreement is in effect, and who shall furnish the City and deposit with the Director of Finance a bond deposit which guarantees the faithful performance of the agreement mentioned in subsections 7-5-4A, B and C of this Chapter with respect to all such activities undertaken while such agreement remains in effect. The amount of such bond or deposit shall be such reasonable sum as the Building Inspector determines to be the probable expense to the City on completion of any work which the signator may fail to fully perform and the repair of any probable damage to any adjacent public work and to protect the City against any faulty or improper workmanship or materials or damage to any adjacent public works that may be discovered within one year after completion and from time to time, the Building Inspector may require additional bonds or deposits if he determines that the extent or nature of the work carried on by such person reasonably requires increased protection for any of the foregoing purposes. No further permits shall be issued under such general agreement and bond until the additional bond or deposit is furnished to the Director of Finance. Such bond or deposit is subject to release or exoneration as provided in subsection E above.

G. For work which does not exceed one thousand dollars (\$1,000.00), the Director of Public Works, within his/her sole discretion, may, in lieu of the abovementioned bond or cash deposit, enter into a written agreement without security with the permittee. Said agreement, which shall be in addition to the agreement mentioned in subsections 7-5-4A, B and C of this Chapter, shall provide that permittee undertake improvements upon the encroached property after written notification from the City. The agreement shall further provide that the work must be completed within ninety (90) days of such other date specified by the Director of Public Works, or the City may cause the work to be done and the cost assessed as a lien against the property.

H. For work in excess of one thousand dollars (\$1,000.00) and for good cause shown, the Public Works Director may, at his/her sole discretion, enter into an agreement without security as provided in subsection G above. (Ord. 500 N.S., 10-5-1992)

#### **7-5-7: EXCEPTION FOR PUBLIC UTILITY OR AGENCY:**

The following exceptions and special provisions shall apply with respect to public agencies and public utility companies operating under a franchise issued by the City or State:

- A. No bond or deposit is required.
- B. Annual permits may be issued, in which case the agreement provided in Section 7-5-4 of this Chapter shall be modified accordingly.
- C. The provisions of subsection 7-5-8C1 of this Chapter shall not apply to public agencies or such public utility companies.
- D. No permit is required for the placement or replacement of utility poles and/or anchors; provided, that no public improvement is likely to be disturbed or damaged thereby. (Ord. 500 N.S., 10-5-1992)

#### **7-5-8: STANDARDS, TERMS AND CONDITIONS:**

A. Except as may be otherwise provided in this Chapter, the standards of design and materials and the method of doing the work for any curb, gutter, sidewalk, pavement, ramp, subgrade or drainage facility are as set forth in the City improvement standards.

B. The Director of Public Works may, in his/her discretion, permit modifications of the standards mentioned in the preceding subsection to conform with prevailing standards of other improvements in the area of the proposed improvement if the Director finds that such modification will not be detrimental to the public interest.

C. The Director of Public Works shall have the authority to determine and specify:

- 1. The standards of design, materials and method of doing work for any improvement for which no standard is provided by this Section.
- 2. The location and grade of all improvements.
- 3. The days or hours and conditions on or under which, such work may be done, if necessary to conform to any public work in progress and about to be undertaken, or as may be necessary to prevent any undue interference with traffic or to protect the public safety.
- 4. Devices and precautions necessary for the protection of the public way, or public improvements or public utilities standing or lying therein, and the safety of the persons using the public way and to prevent any undue interference with traffic thereon.

D. Conformity with the standards, terms and conditions mentioned in this Section shall be deemed to be a condition of the permit and part of the agreement mentioned in Section 7-5-4 of this Chapter. (Ord. 500 N.S., 10-5-1992)

#### **7-5-9: REFERRAL OF PERMIT APPLICATION TO DIRECTOR OF PUBLIC WORKS:**

If the Building Inspector determines that unusual circumstances make it advisable, he may refuse to grant the permit and submit the application to the Director of Public Works. (Ord. 500 N.S., 10-5-1992)

#### **7-5-10: APPEALS FOR PERMIT DENIAL:**

If the Building Inspector denies an application or imposes terms or conditions which the applicant believes to be unreasonable or sets the amount of bond or deposit which the applicant believes to be unreasonable, the applicant may appeal to the Director of Public Works for issuance of the permit. If the appeal is denied by the Director of Public Works, applicant may appeal to the City Council. (Ord. 500 N.S., 10-5-1992)

#### **7-5-11: DETERMINATION BY COUNCIL:**

Upon appeal to the City Council, the City Council shall determine whether the permit shall be issued and/or the terms and conditions thereof and/or the amount of bond or deposit, and the decision of the City Council shall be final. (Ord. 500 N.S., 10-5-1992)

#### **7-5-12: PERMIT ISSUANCE NOT MANDATORY:**

Nothing in this Chapter shall be deemed to make it mandatory that the Building Inspector or the Director of Public Works issue any such permit. (Ord. 500 N.S., 10-5-1992)

#### **7-5-13: CONSENT OF PROPERTY OWNER:**

The issuance of any permit shall not be deemed to imply or guarantee in any way that the City owns fee title to the real property on which the work is to be done, nor that the City has sufficient title to the real property to grant the permittee the right to do work under the surface of the public way. It is the sole responsibility of the permittee to secure such consent as may be necessary from the owner of public way or any other property upon which such work or excavation is done. (Ord. 500 N.S., 10-5-1992)

#### **7-5-14: DISPLAY OF PERMIT:**

The permit shall be shown on demand to all authorized representatives or peace officers of the City. (Ord. 500 N.S., 10-5-1992)

#### **7-5-15: PERMIT NONTRANSFERABLE:**

No permit may be assigned, and upon any attempted assignment or transfer thereof, the permit shall be rendered null and void. (Ord. 500 N.S., 10-5-1992)

**7-5-16: REVOCATION OR SUSPENSION OF PERMIT:**

A. If the Building Inspector determines that the work has not been commenced within sixty (60) days after issuance of the permit or has not been diligently prosecuted, he/she may revoke the permit.

B. If the Building Inspector determines that the work has not been diligently prosecuted or is not being carried out in accordance with the agreement and/or terms and conditions of the permit, he/she may suspend the permit.

C. Such revocation or suspension shall be accomplished by the mailing of written notice thereof by ordinary mail to the address shown upon the application or agreement or by personal delivery of such written notice to the permittee. (Ord. 500 N.S., 10-5-1992)

**7-5-17: NOTICE OF COMMENCEMENT OF WORK:**

Immediately prior to commencement of any part of the work, the permittee shall notify the Building Inspector of the time thereof. If the work stops for a period of more than ten (10) days, the permittee shall notify the Building Inspector of the time of resumption thereof. (Ord. 500 N.S., 10-5-1992)

**7-5-18: ADDITIONAL CONDITIONS OF WORK:**

At any time prior to completion of the work, the Building Inspector may prescribe such additional conditions as he may deem necessary for the protection of any public way improvements or any public utilities standing or lying therein and the safety of the persons using the public ways and to prevent any undue interference with traffic. (Ord. 500 N.S., 10-5-1992)

**7-5-19: SAFETY PRECAUTIONS:**

The permittee shall take all precautions necessary to protect the safety of the traveling public. Barricades, lights, warning signs and flagmen shall be provided and maintained by the permittee whenever necessary, at his/her expense, until any excavation is refilled or obstruction removed, and the public way is safe for the use of the traveling public. The Building Inspector may specify in the permit the safety devices and precautions to be used by the permittee; provided, however, failure of the Building Inspector to specify such safety devices or precautions shall not relieve the permittee of any obligation to furnish all of the safety devices or precautions which may be necessary. Warning signs, lights and devices shall conform to the requirements of the Vehicle Code of the State. All safety requirements involving trench work shall conform to CAL OSHA specifications. (Ord. 500 N.S., 10-5-1992)

**7-5-20: REMOVAL OF DEBRIS:**

The permittee shall not allow unreasonable amounts of debris to accumulate upon the public way, and if the Building Inspector determines that the accumulation of debris is such as to be a hazard to the safety of the persons using the public way or to prevent any undue interference with the traffic thereon, the Building Inspector may order the permittee to remove the debris, and failure of the permittee to do so shall constitute a grounds for revocation or suspension of the permit, as provided in Section 7-5-16 of this Chapter, and/or the City may remove the debris at the expense of the permittee. (Ord. 500 N.S., 10-5-1992)

**7-5-21: RESTORATION OF PUBLIC WAY:**

Immediately upon completion of the work authorized by the permit, the permittee shall refill any and all excavations or remove any obstructions in the public way in a good and workmanlike manner. All excavations shall be refilled in a manner to ensure against settlement. Saturated or unsuitable materials shall be removed from the excavation, and the excavation shall be backfilled with suitable materials and thoroughly tamped. If a treated or modified subgrade of a public way has been removed and destroyed as a result of the excavation, the permittee shall replace the subgrade to a thickness of not less than that of the adjacent subgrade. If a treated or modified surface of a public way has been removed or destroyed as a result of an excavation, the permittee shall replace the surface to a thickness and width not less than that of the original surface and he/she shall use the same type of material as the original surface. All work performed pursuant to this Section shall be to the satisfaction of the Building Inspector. If the permittee fails or refuses to repair and restore the public way or any subgrade to the satisfaction of the Building Inspector within a reasonable time, the Building Inspector shall cause the damaged portion of the public way or subgrade to be repaired and restored, and the permittee shall reimburse the City for the full cost of such work. If at any time subsequent to the first repair of the surface or subgrade, it becomes necessary to again repair the surface or subgrade due to settlement or any other cause directly attributed to such excavation or construction, the Building Inspector shall cause such repairs to be made, and the permittee shall reimburse the City for the full cost of the additional repairs. (Ord. 500 N.S., 10-5-1992)

**7-5-22: NOTICE OF COMPLETION:**

Upon completion of the work authorized by the permit, the permittee shall file with the Building Inspector the notice of completion of work on a form prescribed by the Building Inspector. (Ord. 500 N.S., 10-5-1992)

**7-5-23: FAILURE TO COMPLY:**

It is unlawful for the permittee to make or cause to be made any excavation, encroachment or construction or to place upon, maintain or leave any obstruction or impediment to travel, or to pile or place any material in or upon any highway or to install or maintain, or to cause to be installed or maintained, any tank, pipe, conduit, duct, tunnel, curb, gutter, sidewalk or other structure in, upon or under the surface of any public way at any location or in any manner other than as set forth in the application for the permit or the agreement or contrary to the standards provided in this Chapter or any terms or conditions imposed by the Building Inspector as in this Chapter provided. (Ord. 500 N.S., 10-5-1992)

**7-5-24: AWNINGS:**

A. Kinds: No awning, except folding or rolling canvas awnings, shall be constructed over the sidewalks within the fire limits without permission of the Council. (Ord. 500 N.S., 10-5-1992)

B. Height: All such awnings shall be at least seven feet (7') from the sidewalk at the lowest point. (Ord. 500 N.S., 10-5-1992)

**7-5-25: PERFORMANCE OF OBLIGATION BY AGENT OR EMPLOYEE:**

Performance of any of the duties and obligations imposed upon a permittee by the permit or this Chapter by an agent, employee or independent contractor employed by the permittee shall be deemed to constitute performance of such duties and obligations by the permittee. (Ord. 500 N.S., 10-5-1992)

**7-5-26: OTHER REMEDIES:**

No provision of this Chapter shall be deemed to bar any legal, equitable or summary remedy to which the City or any person may otherwise be entitled. (Ord. 500 N.S., 10-5-1992)

## CHAPTER 6

### CABLE TELEVISION

**SECTION:****7-6-1: Authority; Intent****7-6-2: Definitions**

**7-6-3: Franchise To Install And Operate**

**7-6-4: Term Of Franchise; Area**

**7-6-5: FCC Or California Public Utilities Commission Jurisdiction**

**7-6-6: Franchise Transfer**

**7-6-7: Geographical Coverage**

**7-6-8: Nonexclusive Franchise**

**7-6-9: Rights Reserved To Grantor**

**7-6-10: Application For And Granting Of Franchises; Hearing**

**7-6-11: Franchise Requirements; Fee**

**7-6-12: Reporting Requirements; Right To Inspect**

**7-6-13: Enforcement; Appeals; Restrictions**

**7-6-14: Performance Standards And Review; Billing Procedures**

**7-6-1: AUTHORITY; INTENT:**

The City Council finds that the development of cable television and communications systems has the potential of having great benefit and positive impact upon the people of the City. Because of the complex and rapidly changing technology associated with cable television, the City Council further finds that the public convenience, safety and general welfare can best be served by establishing regulatory powers which should be vested in the City or such persons as the City shall designate. (Ord. 514 N.S., 1-17-1995)

**7-6-2: DEFINITIONS:**

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. Words not defined shall be given their common and ordinary meaning.

**BASIC CABLE SERVICE:** The lowest priced level of service which includes the retransmission of local television broadcast signals (as authorized) and public, educational and governmental access channels.

**CABLE SERVICE:** The transmission to subscribers of video programming or other programming services and subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

**CABLE SYSTEM OR SYSTEM:** A system of antennas, cables, wires, lines, fiber optic cables, towers, waveguides or other conductors, converters, pedestals, equipment or facilities, used for distributing video programming to home subscribers, and/or producing, receiving, amplifying, storing, processing, or distributing audio, video, digital or other forms of signals.

**CHANNEL OR CABLE CHANNEL:** A portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering either one National Television Standards Committee (NTSC) video signal, a number of audio, digital or other nonvideo signals, or some combination of such signals.

**CITY:** The City of Corcoran.

**COUNCIL:** The City Council of Corcoran.

**DWELLING UNIT:** Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family, or a congregate residence for ten (10) or less persons.

**FRANCHISE:** An initial authorization, or renewal thereof issued hereunder which authorizes the construction or operation of a cable system.

**GRANTEE:** Any person receiving a franchise pursuant to this Chapter and under the granting franchise agreement, and its successors, transferees or assignees.

**GRANTOR:** The City of Corcoran as represented by the City Council or any delegate acting within the scope of its jurisdiction and authority.

**GROSS REVENUE:** All cash, credits, property of any kind or nature, or other consideration received directly or indirectly by the grantee, its affiliates, subsidiaries, parent and any person in which grantee has a financial interest, or from any source whatsoever, arising from or attributable to the sale or exchange of cable services by grantee. Gross revenues shall include but not be limited to basic service monthly fees, pay tiers, premium channels, pay-per-view, leased channel fees, converter rental or sales, advertising revenue, any other payments by subscribers or users of the grantee's cable system made directly or indirectly to any person who has contracted to provide cable services on the cable system, and such other revenues as agreed to in the franchise agreement. These gross revenues shall not include:

- A. The amount of any refunds, credits, or other payments made to subscribers or users;
- B. Any taxes on services furnished by the grantee imposed directly or indirectly on any subscribers or users by any Municipal corporation, political subdivision, State or other governmental unit and collected by the grantee for the governmental unit;
- C. The sale or transfer of tangible property;
- D. The sale or transfer of the franchise;
- E. The issuance, sale, or transfer of corporate stocks, bonds, or other securities;
- F. Equipment deposits;
- G. Uncollected bad debt; and
- H. Such other revenues expressly excluded in the franchise agreement. These gross revenues shall not be reduced for any purposes other than provided herein.

**INSTALLATION:** The connection of the system from feeder cable to subscribers' terminals.

**LOCAL ORIGINATION PROGRAMMING:** Programming, created, produced, purchased, or otherwise acquired by grantee for distribution to subscribers.

**OTHER PROGRAMMING SERVICE:** Information that a cable operator makes available to all subscribers generally.

**PERSON:** An individual, partnership, association, joint stock company, trust, corporation or governmental entity.

**PUBLIC, EDUCATIONAL AND GOVERNMENTAL ("PEG") ACCESS PROGRAMMING:** Programming created and produced by members of the public who are residents of the City, programming created, produced, or acquired by representatives of the educational community acting in their official capacity, or programming created, produced, or acquired by representatives of the City acting in their governmental capacity.

**PUBLIC PROPERTY:** Any real property owned by the City other than a street.

**SERVICE AREA OR FRANCHISE AREA:** The entire geographic area within the City designated in a franchise agreement as the area in which the grantee is authorized to offer cable service.

**STATE:** The State of California.

**STREET:** The surface of and the space above and below any public street, road, highway, freeway, lane, path, public way, alley, court, sidewalk, boulevard, parkway, drive or any easement or right of way now or hereafter held by the City, or dedicated for use by the City, use by the general public, or use compatible with cable system operations.

**VIDEO PROGRAMMING:** Programming provided by, or generally considered comparable to programming provided by, a television broadcast station. (Ord. 514 N.S., 1-17-1995)

#### **7-6-3: FRANCHISE TO INSTALL AND OPERATE:**

A. A franchise granted by the City under the provisions of this Chapter shall permit constructing, operating and maintaining a system in the service area, including the right to erect, install, construct, repair, replace, reconstruct and retain in, on, over, under, upon, across and along the streets and public property such lines, cables, fiber optics, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, pedestals, attachments and other property and equipment as are necessary and appropriate to the operation of the system.

B. It shall be unlawful for any person to construct, install or operate a cable system in the City within any street or within any other right of way within the City without a properly granted franchise awarded pursuant to the provisions of this Chapter, which franchise is in full force and effect, or to construct, install or operate a cable system other than in accordance with the provisions of this Chapter. (Ord. 514 N.S., 1-17-1995)

#### **7-6-4: TERM OF FRANCHISE; AREA:**

A. Term: A franchise granted hereunder shall be for a term established in the franchise agreement.

B. Renewal: The City may establish by resolution a process for renewing any franchise, which process must be subject to applicable law.

C. Area: The franchise area shall include all areas within the territorial limits of the City, and within any area henceforth added to the territorial limits of the City during the term of the franchise. (Ord. 514 N.S., 1-17-1995)

#### **7-6-5: FCC OR CALIFORNIA PUBLIC UTILITIES COMMISSION JURISDICTION:**

This Chapter shall be construed in a manner consistent with all applicable Federal and State laws. Whenever the Federal Communications Commission (FCC) or Public Utilities Commission (PUC) of the State or any other Federal or State agency shall now or hereafter exercise any paramount jurisdiction over any specific provisions of this Chapter, such paramount jurisdiction shall preempt or preclude the exercise of like jurisdiction by the Grantor only if the action by such jurisdiction specifically preempts Grantor's exercise of jurisdiction. (Ord. 514 N.S., 1-17-1995)

#### **7-6-6: FRANCHISE TRANSFER:**

A. The franchise shall not be sublet or assigned, nor shall any of the rights or privileges therein granted or authorized be leased, assigned, sold or transferred, either in whole or in part, nor shall title thereto, either legal or equitable, or any right, interest or property therein, pass to or vest in any person, except the grantee, either by act of the grantee or by operation of law, without the prior written consent of the Grantor, which consent shall not be unreasonably withheld. Such consent shall not be required for: 1) assignments or transfers between or among wholly-owned subsidiaries of grantee, or affiliates of Grantee which are controlled or wholly-owned by the same parent or 2) assignments in trust, mortgage or other hypothecation, in whole or in part, to secure indebtedness. The granting of such consent shall not render unnecessary any subsequent consent. Upon the receipt of all reasonably necessary requested information the Grantor shall approve, disapprove, or conditionally approve said request within a reasonable period of time, in accordance with applicable law.

B. The requirements of subsection A of this Section shall also apply to a transfer in the control of grantee. The word "control" as used herein shall mean actual working control in whatever manner exercised.

C. The transferee shall be required to establish that it possesses the legal, financial and technical qualifications to operate and maintain the system and comply with all franchise requirements for the remainder of the term of the franchise.

D. Any financial institution having a pledge of the grantee or its assets for the advancement of money for the construction and/or operation of the cable system shall have the right to notify the Grantor that it or its designee satisfactory to the Grantor shall take control of and operate the cable system and assume all obligations of the franchise and the franchise agreement, in the event of a grantee default in its financial obligations. Further, said financial institution shall also submit a plan for such operation within thirty (30) days of assuming such control that will ensure continued service and compliance with all franchise requirements during the term the financial institution exercises control over the system. (Ord. 514 N.S., 1-17-1995)

#### **7-6-7: GEOGRAPHICAL COVERAGE:**

All dwelling units within residential and commercial areas within the franchise area will be provided with access to service from the system, subject to any line extension requirements in the franchise agreement. (Ord. 514 N.S., 1-17-1995)

#### **7-6-8: NONEXCLUSIVE FRANCHISE:**

Any franchise granted hereunder shall be nonexclusive. Grantor may grant at its sole option one or more franchises in accordance with applicable law. Nothing herein shall be construed to require Grantor to grant a franchise. (Ord. 514 N.S., 1-17-1995)

#### **7-6-9: RIGHTS RESERVED TO GRANTOR:**

A. There is hereby reserved to Grantor every right it may have in relation to its power of eminent domain over grantee's franchise and property.

B. Except as otherwise provided in the franchise agreement, neither the granting of any franchise, nor any provisions hereof, shall constitute a waiver or bar to the exercise of any governmental right or power by Grantor.

C. Any right or power in, or duty retained by or imposed upon Grantor, or any commission, officer, employee, department, or board of Grantor, may be assigned or transferred by Grantor to any officer, employee, department or board of Grantor.

D. The Grantor shall have the right to inspect all construction or installation or other physical work performed by grantee in connection with the franchise, and to make such tests as Grantor shall find necessary to ensure compliance with the terms of the Franchise and other pertinent provisions of law, so long as said inspection and testing does not unreasonably interfere with grantee's operations.

E. Consistent with applicable law, at the expiration of the term or any renewal term or extension for which the franchise is granted, or upon its lawful revocation, expiration, or termination, the Grantor shall have the right to require the grantee to remove, at grantee's expense, all portions of the system and any other property used or useful in the system from all streets and public ways within the franchise area within a reasonable period



of time.

F. Grantor shall have the right of intervention in any suit, proceeding or other judicial or administrative proceeding in which Grantor has any material interest, to which grantee is a party.

G. Grantor shall have the right to inspect, obtain copies (except as provided below) of and audit all relevant information that is reasonably necessary for the exercise of Grantor's regulatory authority upon reasonable notice on grantee's local premises at any time during normal business hours, and any grantee records kept at another place shall, upon reasonable notice be made available at grantee's premises within Kings County for Grantor's inspection or copying, so long as said inspection does not unreasonably interfere with grantee's operations, and provided further that Grantor may copy grantee's confidential trade secrets or proprietary information only when it is essential, in Grantor's sole discretion, to its regulatory function. Grantor shall pay all reasonable costs for copying any relevant information needed. Grantor shall maintain as confidential and shall not disclose grantee's proprietary information to the extent permitted by law.

H. Grantor shall have the right to amend any or all portions of this Chapter or other regulations so long as such amendment does not increase the material burden nor diminish the rights of grantee. (Ord. 514 N.S., 1-17-1995)

#### **7-6-10: APPLICATION FOR AND GRANTING OF FRANCHISES; HEARING:**

A. Grant Of Franchise: The terms of this Section shall not apply to applications for renewal of a franchise unless required by the franchise renewal process resolution as adopted by the City Council pursuant to subsection 7-6-4B of this Chapter.

1. Grantor may grant a franchise to any person who offers to provide a cable system under and pursuant to this Chapter.
  2. Consistent with applicable law, no provision of this Chapter shall require the granting of a franchise when, in the sole opinion of Grantor, it is in the public interest not to do so.
  3. The purpose of a franchise and franchise agreement shall be to identify and authorize its specific grantee and to identify and specify those terms, conditions, definitions, itemizations, specifications and other particulars of the agreement between the Grantor and grantee which it represents. In so doing, a franchise or franchise agreement may clarify, extend and interpret the provisions of this Chapter. Where a franchise or franchise agreement and this Chapter conflict, both shall be liberally interpreted to achieve a common meaning or requirement. In the event this is not possible within reasonable limits, the terms of this Chapter shall prevail.
  4. The award of a franchise authorizing the use of public property or public rights for private purposes shall be denied consideration by the grantee in the form of agreement to provide the system and services offered in accordance with the provisions hereof and of the franchise and franchise agreement.
  5. Neither this Chapter nor a franchise granted under it relieves grantee of any requirement of Grantor or of any ordinance, rule, regulation or specification of Grantor now or hereafter in effect, including, but not limited to, the payment of all normal permit and inspection fees so long as said ordinance, rules, regulations or specifications do not materially conflict with or alter the express terms of this Chapter, the franchise and the franchise agreement.
  6. No privilege shall be granted or conferred by a franchise except those specifically prescribed herein or in the franchise agreement.
  7. Any person who provides a system or services as defined herein shall be deemed a grantee and shall not do so except in accordance with a franchise granted hereunder. If such grantee uses distribution channels furnished by a telephone company or other public utility, said grantee shall be required to comply with all of the provisions hereof.
- B. Application Required: Any person desiring a Franchise shall file an application with the City. A nonrefundable application fee established by the City shall accompany the application to cover all costs associated with processing and reviewing the application, including without limitation costs of administrative review, financial, legal and technical evaluation of the applicant, consultants (including technical and legal experts and all costs incurred by such experts), notice and publication requirements with respect to the consideration of the application and document preparation expenses. In the event such costs exceed the application fee, the applicant shall pay the difference to the City within thirty (30) days following receipt of an itemized statement of such costs from the City. In the event such application fee exceeds the amount of such costs, the City shall refund the amount of the excess to the applicant within thirty (30) days following completion of the proceedings relating to such application.

C. Application Contents: An application for a franchise shall contain, where applicable:

1. Designation of the specific area to be served;
2. Resume of prior history of applicant, including the expertise of applicant in the cable television field;
3. List of the partners, general and limited, if the applicant is a partnership and a list of the persons and/or entities involved if the applicant is a joint venture;
4. List of the names and addresses of stockholders of applicant and percentage of stock owned or controlled by each shareholder. List shall include all persons having a legal or equitable interest in five percent (5%) or more of its voting stock;
5. List of officers, directors and managing employees of applicant, together with a description of education and business background of each such person;
6. A current financial statement of applicant verified by a CPA audit or otherwise certified to be true, complete and correct to the reasonable satisfaction of the City;
7. A proposed construction schedule;
8. A street map of area to be served showing the location of proposed or existing head-end site (antenna site) and business office;
9. Proposed rates and charges;
10. Itemized electronic equipment to be used, channels to be provided, pay TV, or additional services and type of converter;
11. Market survey of area and financial projections for operation of the cable system covering a period of at least ten (10) years;
12. The names and addresses of any parent or subsidiary of applicant or any other business entity owning or controlling applicant in whole or in part, or owned or controlled in whole or in part by applicant;
13. A signed statement by an officer indicating whether any principal, officer, director or managing employee:
  - a. Has ever been convicted of a felony or held liable for acts involving violation of any tax or securities law, or is presently under any indictment for any such acts;
  - b. Has ever had a judgment in an action for bankruptcy, fraud, deceit or misrepresentation entered against him/her or them by any court of competent jurisdiction; or

c. Has pending any legal claim, lawsuit or administrative proceeding arising out of or involving any cable television system; and

14. Any reasonable additional requirements or information that the City deems to be applicable.

**D. Setting For Public Hearing:**

1. The Grantor may, by advertisement or any other means, solicit and call for applications for franchises, and may determine and fix any date upon or after which the same shall be received by the Grantor, or the date before which the same must be received, or the date after which the same shall not be received, and may make any other determinations and specify the soliciting, calling for, making and receiving of such applications.

2. Upon receipt of any application for a franchise, the Council shall refer the same to the City Manager, who shall prepare a report and make his/her recommendations respecting such application.

3. The City Clerk shall set applications for hearing at a time and date approved by the Council.

E. Notice Of Hearing: Not less than fifteen (15) days before the hearing, the City Clerk shall give notice to the applicant in writing of the time, date and place of hearing. The City Clerk shall serve such notice upon the applicant either by first class mail, postage prepaid, or by personal delivery thereof to the applicant.

F. Posting And Publishing Notice: The City Clerk shall cause notice to be given in accordance with the applicable requirements of the Grantor and of State law.

G. Comments By Interested Persons: Any time after the filing of an application as provided in this Chapter, and prior to the hearing thereon, any person interested may file with the City Clerk written comments, protests, and/or suggestions, either for or against the granting of the franchise or to suggest any terms and conditions which should be included in the franchise.

H. Conduct Of Hearing: At the time and place set for the hearing or at the time and place to which the hearing may be continued by the Council, the Council shall hear the applicant, who may present any relevant evidence to show why the franchise should be granted, why certain terms or conditions should be imposed or not imposed on such franchise if granted, and also shall hear testimony or statements of other persons who may attend the hearing.

I. Decision After Hearing: Within sixty (60) days after the close of the hearing, the Council shall make a decision based on the evidence received at the hearing as to whether or not the application should be granted, and, if granted, subject to what conditions. The Council may grant one or more franchises, or may decline to grant any franchise. The Council shall send a copy of its decision to the applicant. (Ord. 514 N.S., 1-17-1995)

**7-6-11: FRANCHISE REQUIREMENTS; FEE:**

**A. Minimum Service Standards And Programming Requirements:**

1. Minimum service standards, programming requirements (for both local origination programming and for PEG access programming) and standards governing consumer protection and response by grantee to subscriber complaints not otherwise provided for in this Chapter may be established in the franchise agreement as permitted by applicable law, and grantee shall comply with such standards in the operation of the cable system.

2. The selection, creation, production, purchase, or other acquisition of local origination programming shall be exclusively within the editorial discretion of grantee, except as may be provided otherwise in the franchise agreement.

3. Grantee shall not exercise any editorial control over PEG access programming except as otherwise required by law, and Grantor may exercise control over such programming as is permitted under applicable law.

4. At such time as it is allowable by law, Grantor may by resolution require grantee to add a fee, separate and apart from the franchise fee established in the franchise agreement, to its monthly rates for basic cable service for the purpose of providing operational support for public access programming. Grantor may set this fee in an amount consistent with the City's public access needs. Grantee shall be given thirty (30) days' advance written notice prior to the introduction of the resolution and shall have the right to appear before the City Council on the matter. Grantee may petition the Grantor for reduction or elimination of this public access operational support fee if grantee is suffering a competitive disadvantage or undue financial burden.

**B. Franchise Fee:**

1. Beginning with the effective date of the franchise, the grantee shall pay to the Grantor the franchise fee set forth in the franchise agreement, or in the absence thereof, the maximum amount permitted by applicable law.

2. Payments due to Grantor under this provision shall be computed quarterly for the preceding quarter, and shall be paid within thirty (30) days of the close of each calendar quarter. The payment shall be accompanied by a report showing the basis for the computation and such other relevant facts as may be required by Grantor to determine the accuracy of said payment.

3. No acceptance of any payment by Grantor shall be construed as a release or as an accord and satisfaction of any claim Grantor may have for further or additional sums payable as a franchise fee under this Chapter or for the performance of any other obligation of grantee. All amounts paid shall be subject to audit and recomputation by Grantor as subject to conditions specified in the franchise agreement.

4. In the event that any payment or recomputed amount under this Section is not made on or before the due date, grantee shall pay as additional compensation:

a. An interest charge on the amount due, computed from such due date, at an annual rate equal to the maximum interest rate allowed by law.

b. In the event that the amount of the underpayment as identified by Grantor's audit is ten percent (10%) or more than the original amount due to Grantor, then Grantor shall be entitled to an additional sum of money equal to ten percent (10%) of the underpayment.

**C. Bond And Letter Of Credit:**

1. Grantee shall, at all times during the term of the franchise, maintain in effect and keep on file with the Grantor a bond running to the Grantor in such amount established in the franchise agreement with sureties and other terms to be approved by the Grantor. The bond shall be available to Grantor to satisfy an amount due Grantor from grantee which arises in accordance with the terms and conditions of this Chapter, the franchise or the franchise agreement. Grantor shall have the right to suspend the franchise during any period that grantee fails to maintain said bond in full force and effect and to invoke any other remedies, including the assessment of monetary damages under subsection 7-6-13G of this Chapter.

2. At the option of Grantor, grantee may be required in the franchise agreement to post an irrevocable letter of credit in lieu of the bond. Such letter of credit must be issued by a bank or other credit agency approved by Grantor, in the amount specified in the franchise agreement. Said letter of credit shall incorporate wording approved by Grantor so that Grantor is able to draw such sums from time to time as Grantor may find necessary to satisfy any defaults of grantee or to meet any payments due Grantor under or in connection with this Chapter, the franchise or the franchise agreement upon ten (10) days' written notice. Said letter of credit shall further provide for sixty (60) days' written notice by certified mail by its issuer

to Grantor of any pending expiration or cancellation, or other language acceptable to Grantor. Said notice shall without further cause constitute reason for Grantor to withdraw the full sum under said letter of credit to be held in the accounts of Grantor until such letter of credit is re-established to the satisfaction of Grantor.

3. Grantee shall pay all fees or other charges required to keep such letter of credit in full force and effect. Within thirty (30) days of any withdrawal by Grantor under said letter of credit, grantee shall restore said letter of credit to its original amount.

4. All provisions herein applicable to a bond shall also apply to a letter of credit.

D. Construction And Maintenance Requirements:

1. The system shall be constructed, maintained and/or rebuilt in accordance with the provisions of the franchise agreement and all construction standards and requirements of Grantor. Construction components and techniques, system technical and performance standards shall be in accordance with this Chapter, the franchise agreement and applicable law.

2. Grantee shall adhere to all building and zoning requirements currently or hereafter in effect and shall obtain all required permits. Grantee shall arrange the facilities of its system, on both public and private property, in such a manner as to cause no unreasonable interference with the use of said property to any person. Grantee shall provide at least forty eight (48) hours' notice to all affected property owners and Grantor prior to installing any facilities of the system upon easements located on private property. Grantor shall not modify its construction requirements subsequent to the completion of construction so as to require reconstruction or retrofit unless the public health and safety so requires.

3. Cable and related facilities shall be installed underground at grantee's cost where all existing utilities are already underground. Previously installed aerial cable and related facilities shall be installed underground at grantee's pro rata cost in concert with other utilities when all such other utilities convert their facilities in the same area from aerial to underground.

4. Any and all streets and public ways disturbed or damaged by grantee or its contractors, during the term of the franchise shall be restored within the time limits specified by Grantor, at grantee's expense, to a condition comparable to their condition prior to the disturbance or damage unless otherwise authorized in writing by Grantor.

5. Methods of construction, installation, and maintenance of the grantee's cable system shall comply with the National Electrical Safety Code to the extent that such Code is consistent with local law affecting the construction, installation, and maintenance of electric supply and communication lines.

6. Grantee may cut or trim trees and vegetation interfering with National Electrical Safety Code and other clearance requirements.

7. Upon order by Grantor, grantee shall relocate its facilities at grantee's sole expense in order to accommodate the widening, relocation, change of grade, or any other work or improvement of a public street or right of way. Nothing in a franchise shall prevent Grantor from constructing, repairing or altering any public work. If any property of grantee interferes with the construction, maintenance or repair of any public improvement, all such property shall be removed or replaced in such manner as directed by Grantor so that the same shall not interfere with the said public work. Such removal or replacement shall be at the sole expense of grantee.

8. In the event it is necessary to temporarily move or remove any property of grantee at Grantor's direction for a public purpose in order lawfully to move a large object, vehicle, building or other structure, grantee shall move, upon reasonable notice and at its sole expense, its property as may be required by Grantor to facilitate such movements. No such movement shall be deemed a taking of grantee's property. Nothing herein shall limit the right of grantee to seek reimbursement from any person other than Grantor.

9. In the event it is necessary temporarily to move or remove any of grantee's property, in order for any person other than Grantor lawfully and for a nonpublic purpose to move a large object, vehicle, building or other structure over the streets of Grantor, upon thirty (30) days' prior notice by said person to grantee, grantee shall move at the expense of the person requesting the temporary removal such of his/her facilities as may be required to facilitate such movement.

10. Grantee shall at all times take reasonable precautions for preventing failures and accidents which are likely to cause damage or injury to the public, to employees of Grantor or grantee, and to public or private property.

11. All lines, equipment, and facilities within the service area shall at all times be kept and maintained in a safe and suitable condition and in good order and repair. In the event that grantee's facilities create an unsafe condition, grantee shall upon notice correct such unsafe condition. The Grantor shall be the sole judge of an unsafe condition.

12. In all other cases, grantee shall be eligible for relocation compensation to the same extent as the Grantor compensates any utility companies.

13. Upon the failure, refusal or neglect of grantee to cause any construction, repair, or other work necessary to comply with the terms of this Chapter, the franchise agreement or any other requirement of the Grantor, Grantor may, but is not required, to cause such work to be completed in whole or in part. Grantor shall give grantee reasonable notice of its intent to exercise this power and fifteen (15) days thereafter to cure. After completion of the work in whole or in part, Grantor shall cause to be submitted to grantee an itemized statement of the costs thereof. Grantee shall pay to Grantor the costs in the itemized statement within thirty (30) days of presentment.

E. Technical Standards:

1. The grantee shall construct, install, operate and maintain its system in accordance with all FCC technical standards as set forth in the franchise agreement.

2. The Grantor may specify additional technical requirements in the franchise agreement.

F. Rates: Grantor may regulate any rate charged by grantee as permitted by applicable law.

G. Indemnity: Grantee shall indemnify, defend, and hold harmless the Grantor, its officers, officials, employees, and agents from and against any and all liability, loss, damage, expense, costs (including without limitation costs and fees in litigation) of every nature arising out of or in connection with grantee's performances of work or its failure to comply with any of the obligations, under this Chapter and the franchise agreement, except such loss or damage which is caused by the sole negligence or wilful misconduct of Grantor, its officers, officials, employees, or agents. The indemnity provisions of this Chapter shall be implemented pursuant to the terms of the franchise agreement.

H. Insurance:

1. On or before commencement of any activity by grantee pursuant to a franchise, the grantee shall obtain policies of liability, worker's compensation, property and defamation insurance from companies authorized to transact business in California by the Insurance Commissioner of California.

2. The policies of liability and property insurance shall:

- a. Be issued to grantee and name Grantor, its officers, officials, agents, and employees as additional insureds;
  - b. Indemnify for all liability for personal and bodily injury, death and damage to property arising from activities conducted and premises used pursuant to this Chapter by providing coverage therefor, including but not limited to coverage for:
    - (1) Negligent acts or omissions of grantee or its employees, or
    - (2) Use of motor vehicles;
  - c. Provide a combined single limit for comprehensive general liability and comprehensive automobile liability insurance in the amount provided for in the franchise agreement; such insurance policy shall be subject to the review and approval of Grantor's legal counsel;
  - d. Be noncancelable and nonamendable without thirty (30) days' prior written notice thereof directed to Grantor; and
  - e. Contain such other provisions as required by the franchise agreement.
3. The policy of Worker's Compensation Insurance shall:
- a. Have been previously approved as to substance and form by the California Insurance Commissioner;
  - b. Cover all employees of grantee who in the course and scope of their employment are to conduct the franchise operations;
  - c. Provide for every benefit and payment presently or hereinafter conferred by division 4 of the Labor Code of the State upon an injured employee, including vocational rehabilitation and death benefits;
  - d. Contain such other provisions as required by the franchise agreement.
4. The dollar amounts of all insurance policies shall be those specified in the franchise agreement.
5. Grantee shall file with the City Clerk prior to commencement of operations either certified copies of these insurance policies or a certificate of insurance for each of the required policies executed by the company issuing the policy or by a broker authorized to issue such a certificate, certifying that the policy is in force and providing the following information with respect to said policy:
- a. The policy number;
  - b. The date upon which the policy will become effective and the date upon which it will expire;
  - c. The names of the named insureds and any additional insured required by this Chapter or the franchise agreement;
  - d. The subject of the insurance;
  - e. The type of coverage provided by the insurance; and
  - f. Amount or limit of coverage provided by the insurance.
6. Grantee shall not commence operations until grantee has complied with the aforementioned provisions of this Section and with the specific insurance provisions in the franchise agreement.
7. In the event grantee fails to procure and maintain any of the abovedescribed insurance policies in full force and effect, it shall be deemed a material default of the franchise agreement. Grantor shall, upon forty eight (48) hours' notice to grantee, have the right to procure the required insurance and recover the cost thereof from grantee. Grantor shall also have the right to invoke any and all remedies, including the assessment of monetary damages under subsection 7-6-13G of this Chapter or institute any revocation procedures pursuant to this Chapter. (Ord. 514 N.S., 1-17-1995)

#### **7-6-12: REPORTING REQUIREMENTS; RIGHT TO INSPECT:**

- A. Records Required:
- 1. Grantee shall at all times maintain:
    - a. A record of all written complaints received and interruptions or degradation of service experienced for the preceding two (2) years; provided, that such complaints result in or require a service call, or concern the conduct of an employee of the grantee.
    - b. A full and complete set of plans, records and "as-built" maps showing the location of the cable system, exclusive of subscriber service drops and equipment provided in subscribers' homes.
    - c. Information regarding all complaints received, the type of complaint, the date of the acknowledgement and summary of action taken. Such information shall be maintained for a period of one year and made available to Grantor within thirty (30) days of a request from Grantor.
  - 2. The Grantor may request additional information, records and documents from time to time, related to the franchise or the franchise agreement.
- B. Grantor's Right To Inspect: Upon reasonable notice from Grantor, grantee shall permit examination by any duly authorized representative of the Grantor, of all property and facilities of grantee used or useful in the construction, rebuild or operation of the cable system, and all records relating to the franchise, the franchise agreement, the cable system and the grantee, subject to subsection 7-6-9G of this Chapter.
- C. Plant Performance Reports: Grantee shall submit to Grantor all FCC proof-of-performance or other technical performance reports and the cumulative leakage index test for the system within thirty (30) days of the due date for the filing of same at the FCC.
- D. Public Reports: If grantee is publicly held, a copy of grantee's annual and other periodic reports, including but not limited to 10-K reports, and those of its parent, shall be submitted to Grantor within forty five (45) days of the due date for the filing of such reports.
- E. Reports Provided To Grantor:
- 1. All reports, filings, documents or responses required of the grantee under this Chapter or the franchise agreement shall be provided by the grantee to the Grantor within the period required therefor and shall contain the information specified.
  - 2. The wilful refusal, failure, or neglect of grantee to file any of the reports required as and when due under this Chapter, may be deemed a material breach of the franchise agreement and may subject the grantee to all remedies, legal or equitable, which are available to Grantor under this Chapter, the franchise agreement or otherwise.
  - 3. Any materially false or misleading statement or misrepresentation made knowingly and wilfully by the grantee in any report required under this Chapter or under the franchise agreement may be deemed a material breach of the franchise and may subject grantee to all remedies, legal or equitable, which are available to Grantor under this Chapter, the franchise agreement or otherwise. (Ord. 514 N.S., 1-17-1995)

#### **7-6-13: ENFORCEMENT; APPEALS; RESTRICTIONS:**

A. Notice Of Violation: Grantor shall provide grantee with written notice of violation(s) by grantee of this Chapter or franchise agreement upon which Grantor proposes to take corrective action. The notice shall specifically describe the nature and scope of the alleged violation by grantee. Grantee shall have sixty (60) days from receipt of such written notice to respond by correcting the violation to Grantor's satisfaction, or in the alternative, by demonstrating to Grantor's satisfaction that such violation has not in fact occurred or by submitting in writing a plan acceptable to Grantor to correct the violation. If Grantor fails to object within sixty (60) days after receiving grantee's response to the notice of violation, the matter shall be deemed resolved.

B. Default: If grantee fails to disprove or to correct the violation or to submit to Grantor a plan to correct the violation as provided in subsection A of this Section, Grantor may declare grantee to be in default, which declaration of default shall be in writing and shall specify the nature of the violation and any proposed remedy to be sought by Grantor as provided in subsection G of this Section. Upon receipt of declaration of default, grantee may request additional time in which to cure the violation, which extension of time may be granted by Grantor at its sole discretion.

C. Dispute Resolution; Appeal Of Declaration Of Default: Grantee may appeal a declaration of default by Grantor directly to the Council pursuant to subsection F of this Section or may elect to invoke advisory arbitration pursuant to subsection D of this Section. A notice of appeal from declaration of default under subsection F of this Section or a notice of appeal to advisory arbitration under subsection D of this Section shall be in writing and shall state the grounds for the appeal, the nature of the dispute between the parties, the remedy or relief sought by grantee and shall include a copy of the declaration of default. Grantee's notice of appeal shall be filed with Grantor within thirty (30) calendar days of receipt by the grantee of declaration of default as provided in subsection B of this Section.

##### **D. Advisory Arbitration Procedure:**

1. Within thirty (30) days of grantee's election to arbitrate, the parties shall jointly select an arbitrator to hear the dispute. The parties shall use their best efforts to obtain an arbitrator who is an individual knowledgeable in the area of cable television. If the parties are unable to agree on an arbitrator within thirty (30) days, a list of three (3) arbitrators shall be provided by the American Arbitration Association (AAA) to the parties, and each shall have the right to strike one name within twenty (20) days of receipt of the list. The remaining arbitrator shall hear the dispute.

2. Within thirty (30) days following selection of the arbitrator, the arbitration hearing shall commence unless the time for hearing is extended by mutual agreement of the parties. Said hearing shall be conducted so as to afford the parties full due process rights, including the right to introduce evidence, call witnesses on their behalf, and to cross-examine adverse witnesses.

3. The hearing shall be recorded by audio taping or by a certified court reporter. Either party may request preparation of a transcript of the proceedings which transcript shall be deemed by the parties to be a legally sufficient record of the arbitration hearing for any and all purposes. Cost of transcript preparation shall be borne by the requesting party.

4. Within thirty (30) days following the conclusion of the hearing, the arbitrator shall prepare and submit to the parties written findings and conclusions to include the arbitrator's recommendation for relief, remedy or resolution to the dispute.

5. The decision of the arbitrator shall be advisory only and shall not be binding upon the parties. Either party may appeal the arbitrator's decision to the Council pursuant to subsection E of this Section.

6. Costs of the arbitration shall be borne equally by the parties. The costs of arbitration shall include the fees of the arbitrator and the costs of the court reporter or audio recording costs.

##### **E. Appeal Of Arbitrator's Decision:**

1. Within thirty (30) days of issuance of the arbitrator's written decision, either party may file a notice of appeal from the arbitrator's decision seeking administrative review by the Council. Said notice shall be in writing and shall state the grounds for the appeal, the nature of the dispute between the parties, the remedy or relief sought by the appellant and shall include a copy of the arbitrator's findings and conclusions and may include a transcript of the hearing. Within thirty (30) days of filing of such notice of appeal by either party, the Council shall schedule an administrative review which shall be held within thirty (30) days thereof.

2. An administrative review pursuant to this Section shall be conducted in a manner set forth in the franchise agreement.

3. An administrative review before the Council pursuant to this Section shall constitute the final level of administrative review by Grantor provided herein and shall represent the exhaustion of administrative remedies by the parties. The written decision of the Council shall be served by Grantor upon grantee by certified mail.

##### **F. Appeal To City Council:**

1. In lieu of electing advisory arbitration, the grantee may appeal the declaration of default directly to the Council by submitting a notice of appeal from declaration of default for a hearing before the Council. Said notice of appeal shall be in writing and shall state the grounds for the appeal, the nature of the dispute between the parties, the remedy or relief sought by grantee and shall include a copy of the declaration of default.

2. Within thirty (30) days of the filing of such notice of appeal, the Council shall schedule an evidentiary hearing at which the parties shall be afforded full due process rights, including the right to introduce evidence, call witnesses on their behalf and cross-examine adverse witnesses. The hearing shall be held within sixty (60) days of the filing of the notice of appeal. The parties shall receive written notice of the scheduled hearing no later than thirty (30) days in advance of the hearing date.

3. Within thirty (30) days following the conclusion of the evidentiary hearing, the Council shall issue its written findings and decision to the parties. The written decision shall be served by Grantor upon grantee by certified mail.

4. An evidentiary hearing before the Council pursuant to this Section shall constitute the final level of administrative review provided herein and shall represent the exhaustion of administrative remedies by the parties.

G. Available Remedies: Following completion of the proceedings pursuant to this Section, Grantor may proceed to take all necessary steps to obtain the remedy sought, which may include:

1. Liquidated Damages: Liquidated damages as provided for in the franchise agreement may be assessed against grantee as the exclusive remedy under this Section.

2. Collection From Performance Bond Or Letter Of Credit: Grantor may proceed against grantee's performance bond or letter of credit to collect its actual or liquidated damages.

3. Revocation Of Franchise: The Council may revoke grantee's franchise pursuant to the procedures set forth in Section 7-6-13 of this Chapter only if the Council makes a specific finding that grantee committed a material violation of this Chapter or franchise agreement as the term "material" is defined in the franchise agreement. Upon the revocation of the franchise by the Council, Grantor may require grantee:

a. To forthwith remove its structures and facilities from Grantor's streets and rights of way and to restore them to their prior condition within a reasonable time at grantee's expense. If grantee fails to comply with such requirements, Grantor may cause the removal and restoration to be

completed, in which case Grantor shall be entitled to collect all costs thereof from grantee. Any such cost shall constitute a lien upon all structures, facilities or other property of grantee within the franchise area;

- b. To abandon its structures and facilities in place; or
- c. To sell the cable system to an unaffiliated third party.

4. Other Relief: Initiate any action or proceeding in law or equity (including a suit for injunctive relief or actual damages) which Grantor deems appropriate to enforce the City's rights under this Chapter or franchise agreement.

H. Judicial Review: Final decisions of the Council following administrative review shall be subject to judicial review.

I. Unauthorized Use:

1. It is unlawful for any person to make or use any unauthorized connection to, or to monitor, tap, receive or send any signal or cable service on the system, or to enable any person to receive or use any signal or cable service without payment to grantee. Violation of this Section is a misdemeanor punishable pursuant to the provisions of local ordinances of Grantor. The term "enable" in this Section includes the manufacture or distribution of equipment intended by the manufacturer or distributor for unauthorized reception of signals, channels or cable service over the system.

2. It is unlawful for any person to wilfully attach to, tamper with, modify, remove or injure any part of the cable system without the express consent of the grantee. Violation of this Section is a misdemeanor punishable pursuant to the provisions of local ordinances of the Grantor.

J. Abandonment Or Removal Of Franchise Property:

1. In the event that the use of any portion of the system is discontinued, or grantee fails to operate any portion of the system, for a period of thirty (30) consecutive days, grantee shall be deemed to have abandoned that portion of the system.

2. Grantor, upon such terms as Grantor may impose, may: a) order grantee to maintain such portion of the system; or b) give grantee permission to abandon, without removing, any system facility or equipment laid, directly constructed, operated or maintained under the franchise. Unless such permission is granted or unless otherwise provided in this Chapter, the grantee shall remove all abandoned facilities and equipment upon receipt of written notice from Grantor and shall restore the street to its former state at the time such facilities and equipment were removed, as near as may be, so as not to impair its usefulness. In removing its plant, structures and equipment, grantee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles, or attachments. Grantor shall have the right to inspect and approve the condition of the public rights of way prior to and after removal. The liability, indemnity and insurance provisions of this Chapter and the performance bond as provided herein shall continue in full force and effect during the period of removal and until full compliance by grantee with the terms and conditions of this Section.

3. Upon abandonment of any portion of the system in place, the grantee, if required by the Grantor, shall submit to the Grantor an instrument, satisfactory in form to the City Attorney, transferring to the Grantor the ownership of the portion of the system.

4. At the expiration of the term for which the franchise is granted, or upon its revocation or earlier expiration, as provided for herein, in any such case without renewal, extension or transfer, the Grantor shall have the right to require grantee to remove, at its own expense, all aboveground portions of the cable system from all streets and public ways within the City within a reasonable period of time, which shall not be less than one hundred eighty (180) days, or within such reasonable additional period as may be required therefor.

5. Notwithstanding anything to the contrary set forth in this Chapter, in any removal of facilities due to abandonment or franchise revocation, the grantee shall not be required to remove conduit from under ground, where Grantor may determine that no damage to the surface of any streets, rights of way or structures may result from such nonremoval.

K. Receivership And Foreclosure:

1. A franchise granted hereunder shall, at the option of Grantor, cease and terminate one hundred twenty (120) days after appointment of a receiver or receivers, or trustee or trustees, to take over and conduct the business of grantee, whether in a receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, or unless: a) such receivers or trustees shall have, within one hundred twenty (120) days after their election or appointment, fully complied with all material terms and provisions of this Chapter and the franchise granted pursuant hereto, and the receivers or trustees within said one hundred twenty (120) days shall have remedied all material defaults under the franchise or provided a plan for the remedy of such defaults which is satisfactory to the Grantor; and b) such receivers or trustees shall, within said one hundred twenty (120) days, execute an agreement duly approved by the court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the franchise.

2. In the case of a foreclosure or other judicial sale of the system, or any material part thereof, Grantor may serve notice of termination upon grantee and the successful bidder at such sale, in which event the franchise herein granted and all rights and privileges of the grantee hereunder shall cease and terminate thirty (30) days after service of such notice, unless: a) Grantor shall have approved the transfer of the franchise, as and in the manner that this Chapter provides; and b) such successful bidder shall have covenanted and agreed with Grantor to assume and be bound by all terms and conditions of the franchise.

L. Waivers: The Grantor may waive in its sole discretion any provision of the franchise, subject to applicable law.

M. Rights Of Individuals:

1. Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, channel users, or general citizens on the basis of race, color, religion, national origin, age, gender, marital status, or disability. Grantee shall comply at all times with all other applicable Federal and State laws and regulations, and all executive and administrative orders, relating to nondiscrimination, including without limitation section 51 of the California Civil Code and section 53066.2 of the Government Code.

2. Grantee shall adhere to the applicable equal employment opportunity requirements of the Federal Communications Commission and applicable State regulations, as now written or as amended from time to time.

N. Tenant Rights:

1. Definitions:

DEVELOPER: Each party responsible for the acquisition, ownership, construction, management, or operation of a residential subdivision.

EASEMENT: The streets, highways, alleys, rights of way, easements and riser paths of any subdivision which are dedicated or to be designated for public utility use, whether by formal instrument of dedication or by actual use in the delivery of utility services to residents.

SUBDIVISION:

- A. A real estate development.
- B. A condominium, or cooperative, mobile home or multi-unit apartment.
- C. Any other multiple unit dwelling.

2. Access To Subdivisions:

a. Grantee has the right to use the easements of any subdivision for the construction, installation, maintenance and repair of a cable system.

b. The developer of each subdivision for which a tentative map or parcel map is required pursuant to State law shall identify on the map land dedicated or to be dedicated to public utility and cable system use so as to provide grantee a path from which to extend cable service to each residential parcel in the subdivision.

c. Each developer shall assure that grantee is provided timely access to:

(1) Jointly-used trenches, at the time that the trenches are opened for utility and/or cable system installation. Access shall be provided on a cost shared basis, without discrimination among users.

(2) Underground easements and all riser paths used for the installation of utility and/or cable system facilities. Access shall be provided prior to the paving or sealing of any pertinent road (if within the road right of way) and shall be offered at all other locations no later than the time of installation of telephone or power.

3. Procedures:

a. A developer shall assure delivery of reasonable advance notice to the grantee of intended subdivision construction; and timely notice (within 14 days) of the issuance of work permits related to use of subdivision easements by utilities or the cable system.

b. A developer shall assure delivery to the grantee of thirty (30) days' advance notice of the opening of joint-use trenches by utilities and the use of underground easements and of riser paths by utilities or the cable system.

c. All notices sent to the grantee hereunder by a developer shall be sent registered mail, return receipt requested, to the general manager, system manager, or to the address on file with the Grantor. No developer may omit notice without written confirmation from the Grantor that there is no grantee able to provide cable service to that subdivision.

d. If the grantee fails to install its conduit within a shared trench within five (5) working days of the date trenching is available, as designated in the developer's notice, the grantee shall be responsible for all costs of reopening the trench. Separate trenches created by the grantee for distribution plant shall be installed during any period of installation by multiple grantees, and as contiguous as reasonably practicable to other utility trenches.

4. Residents' Choice Of Grantee:

a. Each resident of a subdivision shall be provided with the continuing option to receive cable service from any grantee.

b. No developer shall enter into an agreement which has the purpose or effect of interfering with a resident's free and complete exercise of the rights hereunder, or enter into any arrangement with a third party to do so.

5. Remedies: Any developer who violates this Chapter shall be subject to all remedies available to Grantor under any permit or authorization received or held by developer from Grantor.

O. Poles: The franchise shall not relieve grantee of any obligations involved in obtaining pole or conduit space from any department of Grantor, utility company, or from other persons who maintain facilities in streets or rights of way. Subject to applicable law, grantee shall negotiate the lease of pole space and facilities from the existing pole owners for all aerial construction. Grantee shall not erect any pole on or along any street or public right of way in an area in which there are aerial utility facilities. If additional poles in such an area are necessary, grantee shall negotiate with a public utility for their installation. Any such installation shall require the advance written approval of Grantor. If poles or facilities are not made available, consistent with section 767.5 of the Public Utilities Code, grantee may erect its own poles subject to Grantor's approval.

P. Separability: If any provision of this Chapter is held by any court or by any Federal or State agency of competent jurisdiction, to be invalid as conflicting with any Federal or State law, rule or regulation now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such law, rule or regulation, such provision shall be considered a separate, distinct, and independent part of this Chapter, and such holding shall not affect the validity and enforceability of all other provisions hereof. (Ord. 514 N.S., 1-17-1995)

**7-6-14: PERFORMANCE STANDARDS AND REVIEW; BILLING PROCEDURES:**

A. Customer Service:

1. The grantee shall provide each new customer with the following written information at the time any cable service is initiated for that customer:

- a. The time allowed to pay outstanding bills.
- b. Grounds for termination of service and steps grantee must take before terminating service.
- c. How the customer can resolve billing or service disputes.
- d. The steps necessary to have service reconnected after involuntary termination.
- e. The fact that customers shall have the right to speak with a supervisor, and if none is available, a supervisor shall return the customer call within one working day.
- f. How to contact the appropriate regulatory authority.
- g. Any other information required by applicable law.

2. In addition, at least once each calendar year, grantee shall notify each customer that information concerning each above item is available from grantee upon request.

3. Grantee shall maintain at least one office in Kings County or at such other location approved in writing by Grantor. The office shall be open during all normal business hours, but in no case less than forty eight (48) hours per week, including at least three (3) hours per weekend. Grantor shall have a publicly listed nontoll-charge telephone number operated so as to receive and record customer complaint and requests on a twenty four (24) hour basis.



4. Grantee shall maintain sufficient maintenance personnel to respond to repairs relating to outages or other requests for installation or service within the time periods specified in the franchise agreement.

5. Grantee shall provide a telephone system and a sufficient number of office personnel to handle customer calls within the requirements of the franchise agreement.

**B. Billing Procedures:**

1. Grantee's billing procedures for residential customers shall meet the following minimum requirements:

a. Bills for cable service shall be rendered monthly, unless otherwise authorized by the customer and grantee. The bill shall be mailed on or shortly after its date. All bills shall include a telephone number, street address and mailing address for billing inquiries or disputes.

b. In the event of a dispute between the customer and grantee regarding a bill, grantee shall promptly make such investigation as is required by the particular case and report the results to the customer. In the event the dispute is not resolved to the satisfaction of customer, grantee shall inform the customer of the complaint procedures set forth in the franchise agreement.

c. Bills shall be presented in a clear, concise, accurate and understandable fashion, consistent with Federal law.

d. Grantee may establish an arrangement, for those customers that consent in writing, to pay their bills by electronic funds transfers.

2. Grantee may establish separate billing procedures for commercial accounts. Such billing procedures shall be set out in the written agreement between grantee and the commercial establishment.

3. Grantee shall comply with such other billing requirements as are mutually agreed to in the franchise agreement.

**C. Complaint Procedures:**

1. Grantee shall receive and acknowledge any customer complaint made in person, by telephone or mail, or referred by Grantor within the time period established in the franchise agreement.

2. Grantee shall make available to the complainant information regarding his/her ability to take the complaint to Grantor's representative if it is not resolved by grantee.

3. Grantor may determine, adjust, settle or compromise any complaint, controversy, dispute or charge arising from the franchise, the franchise agreement or the cable system. Grantor may delegate this authority to the City Manager or his/her designee. If any person is dissatisfied with the decision of such official or officials, such person may appeal the decision to the City Council within ten (10) days of such decision for a final determination, adjustment, settlement or compromise.

**D. System Audit:**

1. Grantor may require that performance audits of the grantee and grantee's cable system be conducted at intervals specified in the franchise agreement. The purpose of the audit is to verify grantee's compliance with all requirements of this Chapter and the franchise agreement.

2. Upon completion of the audit, grantee shall meet with Grantor to review the results of the audit within thirty (30) days of Grantor's request. Within thirty (30) days of that meeting, Grantor may issue findings with respect to the adequacy of the performance of grantee. If inadequacies are found, Grantor may direct grantee to correct them within specified time periods.

3. The participation by Grantor and grantee in the audit and review process shall not waive any rights they may have under applicable law. (Ord. 514 N.S., 1-17-1995)

## **CHAPTER 7**

### **UNDERGROUND UTILITY INSTALLATIONS**

**SECTION:**

**7-7-1: Definitions**

**7-7-2: Public Hearing By Council**

**7-7-3: Report Of City Manager**

**7-7-4: Council May Designate Underground Districts By Resolution**

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**7-7-11: Responsibility Of City**

**7-7-12: Extension Of Time**

**7-7-1: DEFINITIONS:**

Whenever in this Chapter the word or phrases hereinafter in this Section defined as used, they shall have the respective meanings assigned to them in the following definitions:

COMMISSION: The Public Utilities Commissions of the State of California.

PERSON: Shall mean and include individuals, firms, corporations, partnerships and their agents and employees.

POLES, OVERHEAD WIRES, AND ASSOCIATED OVERHEAD STRUCTURES: Poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above ground within a district and used or useful in supplying electric, communication or similar or associated service.

UTILITY: Shall include all persons or entities supplying electric or communication or similar or associated services by means of electrical materials or devices. (Ord. 262 N.S., 12-2-1968, eff. 1-2-1969)

**7-7-2: 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 fifteen (15) 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. 262 N.S., 12-2-1968, eff. 1-2-1969; 1996 Code)

**7-7-3: REPORT OF CITY MANAGER:**

Prior to holding such public hearings the City Manager shall consult with all affected utilities and shall prepare a report for each such hearing for the Council containing, among other information, the extent of each utility's participation and estimates of the total cost to the City and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities. (Ord. 262 N.S., 12-2-1968, eff. 1-2-1969; 1996 Code)

**7-7-4: COUNCIL MAY DESIGNATE UNDERGROUND DISTRICTS BY RESOLUTION:**

If, after any such public hearing, the council finds that the public necessity, health, safety, or welfare required such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an Underground Utility District and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property shall be allowed for such removal and underground 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. 262 N.S., 12-2-1968, eff. 1-2-1969)

**7-7-5: UNLAWFUL 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 7-7-4 hereof, 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 such 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 7-7-10 hereof, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this Chapter. (Ord. 262 N.S., 12-2-1968, eff. 1-2-1969)

**7-7-6: EXCEPTION, EMERGENCY OF UNUSUAL CIRCUMSTANCES:**

Notwithstanding the provisions of this Chapter, overhead facilities may be installed and maintained for a period, not to exceed sixty (60) days, without authority of the City Manager in order to provide emergency service. The City Manager may grant special permission, of unusual circumstances, without discrimination to any person or utility, to erect, construct, install, maintain, use, or operate poles, overhead wires, and associated overhead structures. (Ord. 262 N.S., 12-2-1968, eff. 1-2-1969; 1996 Code)

**7-7-7: OTHER EXCEPTIONS:**

This Chapter and any resolution adopted pursuant to Section 7-7-4 hereof 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 specifications of the Public Works Director.
- 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. When a temporary service of thirty four thousand five hundred (34,500) volts or more is required to be installed, the Public Works Director, City Manager or Police Chief shall be notified prior to installation. (Ord. 262 N.S., 12-2-1968, eff. 1-2-1969; 1996 Code)
- E. Overhead wire 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.
- F. Antennas, associated equipment and supporting structures, used by a utility for furnishing communications 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 in providing power or communications to construction projects. (Ord. 262 N.S., 12-2-1968, eff. 1-2-1969)

**7-7-8: NOTICE TO PROPERTY OWNERS AND UTILITY COMPANIES:**

A. Within ten (10) days after the effective date of a resolution adopted pursuant to Section 7-7-4 hereof, the City Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution of the adoption thereof. Said 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 the 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 7-7-4 together with a copy of this Chapter, to affected property owners as such are shown on the last equalized assessment rolls and to the affected utilities. (Ord. 262 N.S., 12-2-1968, eff. 1-2-1969)

**7-7-9: RESPONSIBILITY OF UTILITY COMPANIES:**

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 7-7-4 hereof, 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. 262 N.S., 12-2-1968, eff. 1-2-1969)

**7-7-10: RESPONSIBILITY OF PROPERTY OWNERS:**

A. Construction Required: Every person owning, operating, occupying, or renting a building or structure within a district shall construct and provide that portion of the service connection of his/her property between the facility referred to in Section 7-7-9 and the termination facility on or within said building or structure being served, all in accordance with the applicable rules, regulations, and tariffs of the respective utility or utilities on file with the Commission. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 7-7-4 hereof, the City Manager shall give notice in writing to the person in possession of such premises and a notice in writing to the owner thereof

as shown on the last equalized assessment roll to provide the required underground facilities within ten (10) days after receipt of such notice.

B. Notice To Owner: The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, City of Corcoran. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty eight (48) hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the City Manager shall, within forty eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by ten inches (8" x 10") in size, to be posted in a conspicuous place on said premises.

C. Work Done By City; Costs A Lien: The notice given by the City Manager to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of such notice, the City Manager shall provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

D. Removal Of Overhead Service: If upon the expiration of the thirty (30) day period, the said required underground facilities have not been provided, the City Manager shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the City Manager, in lieu of providing the required underground facilities, shall authorize the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the City Manager, the City Manager shall file a written report with the City Council setting forth the fact that required underground facilities have been provided and the cost thereof, together with a legal description of the property against which the cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall be not less than ten (10) days thereafter.

E. Hearing Of Protests: The City Manager shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the Council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

F. Council Decision: Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify, or reject the assessment.

G. Assessment; Lien: If any assessment is not paid within five (5) days after its confirmation by the Council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the City Manager, and the City Manager is directed to turn over to the County Assessor and Tax Collector a notice of lien on each of said properties on which the assessment has not been paid, and said County Assessor and Tax Collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable and if not paid when due and payable, shall bear interest at the established rate. (Ord. 262 N.S., 12-2-1968, eff. 1-2-1969; 1996 Code)

#### **7-7-11: RESPONSIBILITY OF CITY:**

The City shall remove at its own expense all City owned equipment from all poles required to be removed hereunder 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 7-7-4 hereof. (Ord. 262 N.S., 12-2-1968, eff. 1-2-1969)

#### **7-7-12: EXTENSION OF TIME:**

In the event that any act required by this Chapter or by a resolution adopted pursuant to Section 7-7-4 hereof 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. 262 N.S., 12-2-1968, eff. 1-2-1969)

## **TITLE 8**

## **WATER AND SEWER**

### **CHAPTER 1**

### **WATER USE AND SERVICE**

#### **SECTION:**

##### **8-1-1: Purpose**

##### **8-1-2: Authorization**

##### **8-1-3: Application**

##### **8-1-4: Prohibition Of Water Waste**

##### **8-1-5: Outdoor Water Use, Water Conservation Stages**

##### **8-1-6: Implementation Of Mandatory Compliance Conservation Stages**

##### **8-1-7: Violations; Enforcement**

##### **8-1-8: Exceptions**

##### **8-1-9: Water Rates**

##### **8-1-10: Current Service Charges; When Due**

##### **8-1-11: Connections, Size Of**

##### **8-1-12: Installation Of Water Meters**

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**8-1-21: Deposit**

**8-1-22: Basic Separation Requirements**

**8-1-23: Special Provisions And Restrictions**

**8-1-24: Cross-Connection Control Program**

**8-1-25: Violations; Penalty**

**8-1-1: PURPOSE:**

It is the purpose and intent of this Chapter to minimize outdoor water use and to control unnecessary consumption of the available potable water supply of the City. (Ord. 487 N.S., 4-1-1991)

**8-1-2: AUTHORIZATION:**

The City Manager is hereby authorized and directed to implement the applicable provisions of this Chapter upon his determination that such implementation is necessary to protect the public welfare and safety. (Ord. 487 N.S., 4-1-1991)

**8-1-3: APPLICATION:**

The provisions of this Chapter shall apply to all persons, customers and properties within the service area of the City domestic water system. (Ord. 487 N.S., 4-1-1991)

**8-1-4: PROHIBITION OF WATER WASTE:**

It shall be unlawful for any person to, in any manner, waste water supplied by the City. If the City Manager determines a water user receiving water from the City domestic water system is permitting water to be wasted, the City Manager may require the property owner and/or water user, at their own expense, to install a water meter and backflow prevention device upon the premises occupied by the water user and thereafter charge the property for water service at the rate established. The following uses of water are defined as a waste of water and are thereby prohibited:

A. Irrigation: The use of domestic water which allows water to run off the premises or onto other areas of the premises not requiring irrigation. Every water user is deemed to have his/her water distribution lines and facilities under control at all times and know the manner and extent of his/her water use and excess runoff.

B. Leaks: Excessive use, loss or escape of water through breaks, leaks or malfunctions in the water user's plumbing or distribution facilities for any period of time after such escaped water should reasonably have been discovered and corrected. It shall be presumed that a period of forty eight (48) hours after discovery is a reasonable time within which to correct such leak or break. (Ord. 487 N.S., 4-1-1991)

**8-1-5: OUTDOOR WATER USE, WATER CONSERVATION STAGES:**

No one within the domestic water system of the City shall knowingly make, cause, use or permit the use of domestic water for residential, commercial, industrial, governmental or any other purpose in a manner contrary to the provisions of this Chapter or in an amount in excess of that use permitted by the water conservation stage in effect pursuant to action taken by the City Manager in accordance with provisions of this Chapter:

A. Water Conservation Stage 1: Voluntary Compliance-Water Alert. The following restrictions shall apply to all persons year-round unless and until public notification of implementation of Water Conservation Stage 2 or Water Conservation Stage 3 is made. Upon public notification of termination of Water Conservation Stage 3, then Water Conservation Stage 2 shall be in effect. On public notification of termination of Water Conservation Stage 2, then Water Conservation Stage 1 shall be in effect.

1. All outdoor irrigation of lawn, gardens, landscaped areas, plants, trees, shrubs or other greenscape areas is prohibited between the hours of ten o'clock (10:00) A.M. and six o'clock (6:00) P.M. from April 1 through September 30 and then from ten o'clock (10:00) A.M. to two o'clock (2:00) P.M. from October 1 through March 31. Irrigation of lawns, gardens, landscaped areas, plants, trees, shrubs or other greenscape areas is permitted at any time if:

- a. A hand held hose equipped with a positive shut-off nozzle is used, or
- b. A drip irrigation system is used.

Exception: Commercial nurseries, and public parks are exempt from Stage 1 irrigation restrictions but will be requested to curtail all nonessential water use.

2. The washing of automobiles, trucks, trailers, boats, airplanes and other types of vehicles, building exteriors, sidewalks, driveways, parking areas, courts, patios and other paved areas is permitted only when using a hand held hose equipped with a positive shut-off nozzle for quick rinses.

3. The operation of any ornamental fountain or other structure making similar use of water is prohibited unless the fountain uses a recycling system.

4. All restaurants are requested to serve water to customers only when specifically requested by customers.

B. Water Conservation Stage 2: Mandatory Compliance-Water Warning. Upon implementation by the City Manager, and publication of notice, the following restrictions shall apply to all persons: All elements of Water Conservation Stage 1 shall remain in effect in Water Conservation Stage 2 except that: (Ord. 487 N.S., 4-1-1991)

1. All outdoor irrigation of lawns, gardens, landscaped areas, plants, trees, shrubs or other greenscape areas shall occur only between the hours of twelve o'clock (12:00) midnight to ten o'clock (10:00) A.M. and eight o'clock (8:00) P.M. to twelve o'clock (12:00) midnight on designated days. Dwellings or establishments with even numbered street addresses shall water only on Monday, Wednesday and Friday, subject to the time restrictions set forth above. Dwellings or establishments with odd numbered street addresses shall water only on Tuesdays, Thursdays and Saturdays, subject to the time restrictions set forth above. Anyone may water on Sundays subject to the time restrictions set forth above. (Ord. 487 N.S., 4-1-1991; 1996 Code)

2. The washing of sidewalks, driveways, parking areas, courts, patios and other paved areas is absolutely prohibited.

C. Water Conservation Stage 3: Mandatory Compliance-Water Emergency. Upon implementation by the City Manager and publication of notice, the following restrictions shall apply to all persons: All elements of Water Conservation Stage 2 shall remain in effect in Water Conservation Stage 3 except that: (Ord. 487 N.S., 4-1-1991)

1. All outdoor irrigation of lawns, gardens, landscape areas, plants, trees, shrubs or other greenscape areas shall be allowed only between the hours of twelve o'clock (12:00) midnight to seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M. to twelve o'clock (12:00) midnight on designated days. Exception; City Parks may water during the hours of eight o'clock (8:00) A.M. to six o'clock (6:00) P.M. to protect the investment in public parks. (Ord. 487 N.S., 4-1-1991; 1996 Code)

2. The washing of automobiles, trucks, trailers, boats, airplanes, and other vehicles not occurring upon the immediate premises of car washing and commercial service stations and not in the immediate interest of public health, safety and welfare shall be prohibited.

3. Use of water from fire hydrants shall be limited to fire fighting and/or other activities when necessary to maintain the health, safety and welfare of the customers of the domestic water service area of the City.

4. Commercial nurseries and similar establishments shall water only on designated days and shall use only hand held hose, drip irrigation systems and hand held buckets.

5. The operation of any ornamental fountain or similar structure is prohibited. (Ord. 487 N.S., 4-1-1991)

#### **8-1-6: IMPLEMENTATION OF MANDATORY COMPLIANCE CONSERVATION STAGES:**

The City Public Works Department shall monitor the projected supply and demand for water within the City domestic water system and shall recommend to the City Manager the extent of the conservation requirements necessary. In order to ensure the water supply, the City Manager shall implement and/or terminate the particular Water Conservation Stage necessary. Thereafter, the City Manager may order that the appropriate phase or stage of conservation be implemented or terminated in accordance with the applicable provisions of this Chapter. Said notice shall be published in a newspaper of general circulation within the City at least once prior to its effective date. Said Water Conservation Stage shall remain in full force and effect until such time as the City Manager finds or determines that the condition which generated the need for the declaration of the Water Conservation Stage in effect is no longer in existence. At that time, the City Manager shall terminate the prevailing Water Conservation Stage in effect with an effective date identified. (Ord. 487 N.S., 4-1-1991)

#### **8-1-7: VIOLATIONS; ENFORCEMENT:**

In accordance with section 836.5 of the Penal Code of the State of California, the City Manager, the Finance Director, and the Public Works Director, all of the City, are hereby authorized to make arrests without warrants and issue citations for violation of this Chapter. (Ord. 487 N.S., 4-1-1991; 1996 Code)

#### **8-1-8: EXCEPTIONS:**

Consideration of written application for exceptions regarding the regulations and restrictions on water use, not otherwise set forth in this Chapter, shall be as follows:

A. Written application for exception may be granted by the City Manager, upon recommendation of the Public Works Department.

B. Exceptions may be granted if:

1. Compliance with this Chapter would cause unnecessary and undue hardship to the applicant, including but not limited to adverse economic impacts such as loss of production or jobs; or,

2. Compliance with this Chapter would cause a condition adversely affecting the health, sanitation, fire protection or safety of the applicant or the public. (Ord. 487 N.S., 4-1-1991)

#### **8-1-9: WATER RATES:**

The rates for all charges for the use of water supplied by the City shall be set by the Council by resolution and shall include such charges as the Council shall deem proper and shall include, along with rates for current service, deposit requirements, connection fees, capacity charges, late charges and any other applicable fees and charges. (Ord. 487 N.S., 4-1-1991)

#### **8-1-10: CURRENT SERVICE CHARGES; WHEN DUE:**

A. Delinquency: All bills for water shall be paid when rendered, and all water bills shall be delinquent on the fifteenth day of the month rendered. Any consumer remaining delinquent on the first of the succeeding month shall be subject to having water service discontinued until the consumer pays all delinquent water charges and any applicable penalties.

B. Allowance Or Rebate: No allowance or rebate shall be made for water service charged against any land or premises except when vacant, so long as the water remains connected therewith. A written notice must be filed with the Clerk to discontinue the service. (Ord. 487 N.S., 4-1-1991)

#### **8-1-11: CONNECTIONS, SIZE OF:**

The size of connections for service shall be minimum one inch (1"). For those services that require larger connections, application therefor shall be made to the Public Works Director and the granting thereof and fees therefor shall be discretionary with the City. (Ord. 487 N.S., 4-1-1991)

#### **8-1-12: INSTALLATION OF WATER METERS:**

A water meter and an approved backflow prevention device may be installed at existing properties found to be in violation of this Chapter and as directed by the City Council at the sole cost and expense of the property owner. All newly developed and/or occupied properties shall be required to have a meter and approved backflow prevention device installed at the sole cost and expense of the property owner and/or developer. Buildings of four (4) or less units shall have a separate meter for each unit. (Ord. 495, 8-17-1992)

#### **8-1-13: TAPPING OF MAINS:**

No person shall tap any main, and no additions or alterations whatsoever shall be made in or about any tap, pipe, main or service pipe, either upon public or private property without the written permission of the City, and any plumbing or water service connections contemplated shall be first reported to the Clerk for proper checking by the Public Works Department. (Ord. 487, 4-1-1991)

#### **8-1-14: RIGHT OF ENTRY:**

A. City Officials: Employees of the Public Works Department shall have access to all parts of any premises for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used.

B. Hindering City Employees: It shall be unlawful for any person to hinder, delay or molest or attempt to hinder, delay or molest any employee of the City in the course of his employment in the installation, repair, inspection or reading of any meter. (Ord. 487, 4-1-1991)

#### **8-1-15: OBSTRUCTION OF FIRE HYDRANTS:**

No person shall place near any fire hydrant, or other facility intended for firefighting purposes and connected with the water system, any obstruction of any kind or nature, including all kinds of vehicles, that would prevent free access to the same at all times. Compliance with section 22514 of the California Vehicle Code is required. (Ord. 487, 4-1-1991; amd. 1996 Code)

**8-1-16: TAMPERING WITH EQUIPMENT:**

No person, other than a firefighter in the discharge of his/her duty or an employee of the Public Works Department in the discharge of his/her duty, shall, without written permit from the proper authorities, open or in any way tamper with any fire hydrant or other facility intended for firefighting purposes and connected with the water system of the City. (Ord. 487, 4-1-1991)

**8-1-17: TURNING WATER ON:**

Any plumber or other person desiring to connect an individual property service pipe with the City water system must, in all cases, contact the City whereby water will then be supplied or discontinued by an authorized employee of the City. It shall be unlawful for any person to attempt to operate a meter stop, curb stop, or other such supply valve to supply or discontinue water service to any property. This Section shall not apply to the operation of a water valve specifically installed and intended for a plumber or other person to temporarily interrupt the water supply to a property. (Ord. 487, 4-1-1991)

**8-1-18: CROSSING FIRE HOSE:**

It shall be unlawful for any person to drive or cause to be driven any kind of vehicle or machine over any fire hose stretched across any street, alley or lot or to any way interfere or obstruct the work of the Fire Department. (Ord. 487, 4-1-1991)

**8-1-19: METERS PROPERTY OF CITY:**

All water meters, two inches (2") and smaller, meter boxes, valve boxes, and covers installed by the City shall be and remain at all times the property of the City, and shall be maintained and repaired when rendered unserviceable by reasonable wear and usage and renewed by the City; provided, where replacements, repairs, or adjustments of such equipment are rendered necessary through the carelessness or negligence of the consumer any expense caused to the City thereby shall be charged and collected from the owner or consumer responsible therefor. (Ord. 529, 10-6-1997)

**8-1-20: TESTING OF METERS:**

A. Application Required: Any consumer shall be authorized to request that the meter, through which water is being furnished, be examined and tested by the Public Works Department for the purpose of ascertaining whether it is registering correctly the amount of water being delivered through it; provided, that when any consumer shall desire to have any meter tested, the consumer shall make application therefor in writing to the Public Works Department. Upon such application being made, it shall be the duty of the Department to cause such meter to be examined and tested for correct measurements, and if upon such examination such meter is found to be registering over three percent (3%) more water than actually passes through it, another meter will be substituted therefor at the sole cost of the City.

B. Incorrect Reading: Whenever a meter is found to be registering incorrectly, the consumer shall be charged with an average consumption, as determined by the Finance Director based on meter readings from the six (6) months prior to replacement. (Ord. 487 N.S., 4-1-1991)

**8-1-21: DEPOSIT:**

The City shall have the right to demand and require that upon making application for water service said consumer shall deposit an amount of money, as established by Council resolution, as security for payment of any charge for water furnished, the payment of which is in arrears. No connection shall be made or service provided until such demand has been complied with. (Ord. 487 N.S., 4-1-1991)

**8-1-22: BASIC SEPARATION REQUIREMENTS:**

Water mains and sewers shall be separated by one foot (1') vertical and ten foot (10') horizontal directions with the sanitary sewer main always lower than the water main.

A. Parallel Construction: The horizontal distance between pressure water mains and sanitary sewer mains shall be at least ten feet (10').

B. Perpendicular Construction (Crossing): Pressure water mains shall be at least three feet (3') above sanitary sewer mains where these lines must cross. (Ord. 487 N.S., 4-1-1991; 1996 Code)

**8-1-23: SPECIAL PROVISIONS AND RESTRICTIONS:**

A. Sewer Force Mains: Sanitary sewer force mains are not permitted to be constructed over water mains. Force mains constructed parallel to water mains must have the required separation as given in Section 8-1-22 regardless of construction. When sanitary sewer force mains must cross under water mains, special approval of the County Health Department is required in advance. (Ord. 487 N. S., 4-1-1991; 1996 Code)

B. Sewer Main Crossing Water Main: Where a sanitary sewer main must cross over a water main, it should cross at a ninety degree (90°) angle, if possible, and the length of sewer pipe shall be centered on the water pipe so the sewer joints are the maximum distance from the water pipe.

C. Pressure Testing: In pressure testing new water mains and/or sanitary sewer mains, special attention should be given to those areas where the lines are in close proximity. (Ord. 487 N.S., 4-1-1991)

D. Special Circumstances; County Review: The basic separation requirements given are for the normal conditions found with sewage collection lines and water distribution mains. More stringent requirements may be necessary for special circumstances such as water mains buried deeper than normal, unstable soil conditions, high ground water, etc. These situations must be reviewed with the County Health Department and the Public Works Director in advance. (Ord. 487 N.S., 4-1-1991; 1996 Code)

**8-1-24: CROSS-CONNECTION CONTROL PROGRAM:**

A. Established: Pursuant to title 17, sections 7583-7605, inclusive, of the California Code of Regulations, entitled "Regulations Relating to Cross-Connections", the City hereby establishes a cross-connection control program to protect the public water supply system from contamination due to potential and actual cross-connections.

B. Responsibility: The Building Inspector for the City shall be responsible for implementing and enforcing the cross-connection control program. An appropriate backflow prevention assembly shall be installed by and at the expense of the water user at each user connection where required to prevent backflow from the water user's premises to the domestic water system. It shall be the water user's responsibility to comply with the City's requirements.

C. Affected Services:

1. Premises having services over one inch (1") shall have an approved backflow device installed.
2. Premises where substances harmful to health are handled under pressure in a manner which could permit their entry into public water system shall have an approved backflow device installed.
3. Premises that have internal cross-connections which are not abated to the satisfaction of the City shall have an approved backflow device installed.
4. Premises where cross-connections are likely to occur and entry is restricted so that cross-connection inspection cannot be made with sufficient frequency shall have an approved backflow device installed.
5. Premises having a repeated history of cross-connections being established or re-established, the water user shall have an approved backflow device installed.

D. Cross-Connection Protection Requirements: The type of protection that shall be provided to prevent backflow into the public water supply system shall be commensurate with the degree of hazard, actual or potential, that exists on the water user's premises. Unprotected cross-connections with the public water supply are prohibited. The type of backflow prevention assembly that may be required (listed in decreasing level of protection) includes: air-gap separation (AG), reduced pressure principle backflow prevention assembly (RP) and a double check valve assembly (DC). The water user may choose a higher level of protection than required by the City. The minimum type of backflow protection required to protect the approved water supply at the user's water connection to premises with varying degrees of hazard are listed in Table 1 of section 7605, title 17. Situations which are not covered in Table 1 shall be evaluated on a case-by-case basis, and the appropriate backflow protection shall be determined by the water supplier or health agency.

E. Backflow Prevention Assemblies:

1. Only backflow prevention assemblies which have been approved by the City shall be acceptable for installation by a water user. A list of approved backflow prevention assemblies will be provided upon request to any affected customer. Backflow prevention assemblies shall be installed in a manner prescribed in section 7603, title 17. Location of the assemblies shall be as close as practical to the user's connection. The City shall have the final authority in determining the required location of a backflow prevention assembly.

2. Testing of backflow assemblies shall be conducted only by qualified testers, and testing will be the responsibility of the water user. Backflow prevention assemblies must be tested at least annually and immediately after installation, relocation or repair. More frequent testing may be required if deemed necessary by the Building Inspector for the City. No assembly shall be placed back in service unless it is functioning as required. Assemblies shall be serviced, overhauled or replaced whenever they are found to be defective and all costs of testing, repair and maintenance shall be borne by the water user.

3. Approval must be obtained from the City prior to removing, relocating or replacing a backflow prevention assembly.

F. Administration: The cross-connection control program shall be administered by the Building Inspector for the City. The City will establish and maintain a list of approved backflow prevention assemblies as well as a list of approved backflow prevention assembly testers. The City shall conduct necessary surveys of water user premises to evaluate the degree of potential health hazards. The City shall notify user when an assembly needs to be tested. The notice shall contain the date when the test must be completed.

G. Water Service Termination: When the City encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the water service shall be immediately terminated, followed by registered mail of the notice of immediate hazard and of the termination of water service by the City. Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following:

1. Refusal to install or test a backflow prevention assembly or to repair or replace a faulty backflow prevention assembly (perceived risk).
2. Direct or indirect connection between the public water system and a sewer lines (confirmed risk).
3. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants (confirmed risk).
4. Unprotected direct or indirect connection between the public water system and an auxiliary water system (private well) (confirmed risk).

For condition 1, the City will terminate service to a water user's premises after proper notification has been sent by registered mail of intent to terminate water service. If no action is taken within the allowed time period, water service shall be terminated.

For condition 2, 3 or 4, the City shall take the following steps:

- a. Make reasonable effort to advise the water user of the intent to terminate the water service.
- b. Terminate water service and lock service valve. The water service shall remain inactive until correction of violations has been approved by the City. (Ord. 496 N.S., 8-17-1992; 1996 Code)

8-1-25: VIOLATIONS; PENALTY:

Any person, violating any provision of this Chapter shall be guilty of an infraction as provided for in section 36900 of the Government Code. Every violation determined to be an infraction is punishable as provided in Section 1-4-1 of this Code. A person shall be deemed guilty of a separate offense for each day during any portion of which a violation of this Chapter is committed, continued or permitted by the person. (Ord. 487 N.S., 4-1-1991; 1996 Code)

## CHAPTER 2

### WASTEWATER SYSTEM

SECTION:

**8-2-1: Purpose Of Chapter**

**8-2-2: Definitions**

**8-2-3: Sewer Service Charge Review Board**

**8-2-4: Disposal Of Wastes**

**8-2-5: Private Wastewater Disposal Systems**

**8-2-6: Prohibited Discharges**

**8-2-7: Specific Limitations Of Wastes Into Wastewater Sewers**

**8-2-8: Connection And Repair Permits**

**8-2-9: Construction Of Sewer Laterals**

**8-2-10: Users Outside City Limits**

**8-2-11: Industrial Wastes**

**8-2-12: Service Charges**

**8-2-13: Storm Drainage Charges For New Development**



**8-2-14: Collection Of Charges; Delinquencies**

**8-2-15: Sewer Main Extensions**

**8-2-16: Refund Agreement**

**8-2-17: Oversize Lines**

**8-2-18: Ownership Of Sewers**

**8-2-19: Maintenance**

**8-2-20: Discharge From Swimming Pools Into Public Sewers And Streets**

**8-2-21: Violation And Penalty**

**8-2-22: Enforcement; Officials Authorized**

**8-2-23: Disposition Of Revenues**

**8-2-1: PURPOSE OF CHAPTER:**

A. Uniform Requirements Set: This Chapter sets uniform requirements for the use of the City wastewater collection (sanitary sewer), treatment and disposal facilities. These requirements are necessary to protect the health and safety of the citizens of the service area and assure compliance with applicable portions of the Federal Water Pollution Control Act (Clean Water Act), provisions of the Clean Water Grant regulations, and discharge requirements as set by the Regional Water Quality Control Board, Central Valley Region. To do this, the Chapter regulates the use and construction of the wastewater collection system, the quality and quantity of the wastewater discharged to the system, the issuance of permits prior to connection to the system, and reserves to the City the control of additions and expansions to the system.

B. Procedures Established: This Chapter also establishes procedures to assure the equitable distribution of the costs of operating and maintaining the wastewater collection, treatment and disposal system including capital outlay, debt service costs, capital improvements and replacement of equipment. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

**8-2-2: DEFINITIONS:**

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as defined in the American Society of Civil Engineers' Manual of Engineering Practice No. 37, and the current edition of the book, Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. The meaning of additional terms used in this Chapter shall be as follows:

**APPLICANT:** Any person, group of persons, who applies for use of the City wastewater collection, treatment, and disposal system.

**BOD:** Five (5) day biochemical oxygen demand at twenty degrees (20°) Celsius expressed in milligrams per liter, determined according to the current edition of Standard Methods for the Examination of Water and Wastewater.

**CHLORINATED HYDROCARBONS:** Organic compounds containing one or more chlorine atoms per molecule. The group includes, but is not limited to: insecticides, fungicides, and herbicides such as DDT; DDE; DDD; TCDD; 2,4D; 2,4,5-T; PCBs; aldrin; endrin; dieldrin; heptachlor; toxaphene; lindane; chlorodane; mirex; endosulfan; methoxychlor; organophosphorus; benzene hexachloride; pentachlorophenol; and other.

**CITY:** The City of Corcoran, California and/or its designated representatives.

**CITY COUNCIL:** The City Council of the City of Corcoran.

**COMMERCIAL GARBAGE GRINDER:** A mechanical unit for pulverizing large quantities of waste by a commercial user.

**CONNECTION:** The physical attachment of a building premises, fixture, plumbing system, trap, or any other facility discharging wastewater to City sewer.

**CUSTOMER:** Any person, firm, association, corporation, or governmental agency served by the City.

**DIRECTOR OF PUBLIC WORKS:** The Director of Public Works of the City of Corcoran or his/her authorized representative acting within the scope of his/her assigned duties.

**DISCHARGER:** Any person who discharges, causes, or permits the discharge of wastewater into the City wastewater collection or treatment system.

**FIXTURE:** Lavatory, tub, shower, water closet, garbage disposal, or other facility connected by a plumbing system to a sewer.

**FIXTURE UNIT:** The flow producing effect of different fixtures on the collection system as defined by the Uniform Plumbing Code, latest edition.

**GARBAGE:** Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, processing and sale of produce.

**GREASE, OIL AND FATS:** Any material or like material that is soluble in petroleum ether.

**INDUSTRIAL DISCHARGER:** Any nongovernmental, nonresidential user discharging to the City of Corcoran's wastewater collection, treatment and disposal system, and identified in title 40, Code of Federal Regulations, chapter 1, subchapter N, parts 425 to 699 vol, parts 400 to 424 vol., as amended and supplemented, under the following divisions:

- A. Division A. Agriculture, Forestry and Fishing.
- B. Division B. Mining.
- C. Division D. Manufacturing.
- D. Division E. Transportation, Communications, Electric, Gas and Sanitary Services.
- E. Division I. Services.
- F. Food Processing.

A discharger in the Divisions listed may be excluded if it is determined by the Director of Public Works that it will introduce segregated sanitary sewage.

Industrial discharges under Division I, Services shall include, but shall not be limited to, restaurants, commercial laundries, coin operated laundries, industrial laundries, hospitals, car washes, and service stations. Also included shall be water softening regeneration plants.

**INDUSTRIAL WASTEWATER:** The waterborne waste and wastewater from any industrial discharger, including but not limited to, water softening regeneration plants.

**PERMIT:** Written authorization by the Director of Public Works to connect to and discharge to the City wastewater collection and treatment system pursuant to this or any other ordinance of the City.

**PERSON:** Any individual, partnership, firm, company, association, society, municipality, private corporation, institution, enterprise, governmental agency including the State of California and the United States of America, or other entity.

**PROPERLY SHREDDED GARBAGE:** The wastes from the preparation, cooking and dispensing of food that has 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 ( $\frac{1}{2}$ " ) in any dimension.

**RADIOACTIVE WASTE:** Wastes that contain chemical elements that spontaneously change their atomic structure by emitting any particles, rays or energy forms.

**REVENUE PROGRAM:** System of charges and fees established for the use of the City's wastewater collection, treatment and disposal system and all supporting data used in determining these charges and fees. The revenue program shall meet applicable requirements of the State Clean Water Grant Program and the Federal Act.

**REVIEW BOARD:** The Sewer Service Charge Review Board consisting of the City Manager, Public Works Director and Finance Director.

**SEWAGE (WASTEWATER):** A combination of wastes and water, whether treated or untreated, from residences, commercial buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present which are discharged into or permitted to enter a City sewer.

**SEWER:** A pipe or conduit for holding and carrying wastewater, including manholes and all other appurtenant facilities which are necessary or convenient to the holding or carrying of wastewater.

**SLUGS:** Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times its average hourly concentration or flow.

**STORM WATER:** Waters that shall not be discharged into the City sewers and shall include, but not be limited to, rain water street drainage, roof drainage or yard drainage.

**SUSPENDED SOLIDS:** Solids that either float on the surface of, or are in suspension in water, sewage, wastewater or other liquids, and which are removable by laboratory filtration. This is also called suspended matter in Standard Methods for the Examination of Water and Wastewater.

**TRAP:** Any facility designed, constructed and operated for the purpose of removing and retaining dangerous, deleterious or prohibited constituents from wastewater by differential gravity separation or mechanical separation before discharge to a community sewer.

**UNPOLLUTED WATER OR LIQUIDS:** Any water or liquid containing none of the following: free or emulsified grease or oil; acids or alkalis; substances that may impact taste-and-odor or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution. It shall contain not more than five hundred (500) parts per million of dissolved solids, and not more than twenty five (25) parts per million each of suspended solids or biochemical oxygen demand, or meet the most recent requirement for secondary treatment defined by the State Water Resources Control Board. Analytical determination shall be made in accordance with procedures set forth in the current edition of Standard Methods for the Examination of Water and Wastewater. Any water having contact with potential pathogen sources is considered to be polluted.

**WASTEWATER:** The same as sewage. See Sewage.

**WATER SOFTENER:** A unit using the ion exchange process removing hardness from a water supply and requiring sodium chloride to regenerate the exchange bed. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983; 1996 Code)

#### **8-2-3: SEWER SERVICE CHARGE REVIEW BOARD:**

- A. Board Established: The City Council shall establish a Sewer Service Charge Review Board.
- B. Membership; Rules And Procedures: The Sewer Service Charge Review Board shall consist of the City Manager, Public Works Director and Finance Director. The rules and procedures of the Review Board shall be established by the Review Board and approved by the City Council.
- C. Powers And Duties: The Sewer Service Charge Review Board shall have the authority to perform and shall perform all functions as designated by this Chapter. In general, the Sewer Service Charge Review Board shall revise or adjust fees and charges which are not fair and equitable, establish user charges and fees for users not designated in this Chapter, and establish other fees and charges as described in this Chapter. (Ord. 402 N.S., 12-5-1983)

#### **8-2-4: DISPOSAL OF WASTES:**

- A. It shall be unlawful for any person to cause, suffer, or permit the disposal of wastewater, human excrement, or other liquid wastes in any place or manner except through and by means of a plumbing and wastewater collection system which has been approved by the City Public Works Director.
- B. Storm water, ground water, rain water, street drainage, subsurface drainage, or yard drainage shall not be discharged through direct or indirect connections to the wastewater (sanitary sewer). Said waters may be discharged to the storm sewer. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

#### **8-2-5: PRIVATE WASTEWATER DISPOSAL SYSTEMS:**

It shall be unlawful to construct within the City any privy, privy vault, septic tank, cesspool, or other facility designed, or intended to be utilized for the disposal of wastewater, except in those cases where the property line is more than two hundred feet (200') from a City sewer. Existing systems which are functioning properly may be used and pumped, but repairs, additions or alterations are prohibited. At the time a repair, addition or alteration is required, the system shall be abandoned and connection made to the City sewer. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

#### **8-2-6: PROHIBITED DISCHARGES:**

No person shall discharge, deposit, throw, cause, allow or permit to be discharged into any public sewer or plumbing fixture connected to the sewer, any of the following described materials:

- A. Any solids, liquids, or gases which by themselves or by interaction with other substances may cause fire or explosion hazards, or in any other way be injurious to persons, property or the operation of the wastewater system.
- B. Any noxious or malodorous solids, liquids or gases, which either singly or by interaction with other substances, are capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair.
- C. Any solids, greases, slurries or viscous material of such character or such quantity that, in the opinion of the Public Works Director, may cause an obstruction to the flow in the sewer or otherwise interfere with the proper functioning of the wastewater treatment plant.
- D. Any toxic substances, chemical elements or compounds in quantities sufficient to impair the operation or efficiency of the wastewater

treatment plant, or that will pass through the wastewater plant and cause the effluent thereof to exceed regional Water Quality Control Board requirements for the receiving farm land.

E. Any garbage, except properly ground with a mechanical garbage grinder.

F. Any sand, earth, ashes, mud, cement, broken glass, cinders, feathers, straw, shavings, metal, rags, tar, wood, meat processing plant wastes such as animal skins, intestines, fleshings, and paunch materials retained on a screen having eight (8) meshes per inch each way, or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with proper operation or maintenance of the wastewater system. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

G. Any septic tank or cesspool waste except as authorized by the Public Works Director for disposal at the wastewater treatment plant. (Ord. 402 N.S., 12-5-1983; 1996 Code)

H. Any radioactive wastes. In the event of an accidental spill of radioactive material into any public sewer, one person responsible shall:

1. Immediately notify the wastewater treatment plant operator, and
2. Render such technical or other assistance to the City within his/her power to prevent the wastewater treatment plant from becoming contaminated with radioactivity. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

#### 8-2-7: SPECIFIC LIMITATIONS OF WASTES INTO WASTEWATER SEWERS:

A. Quality Of Wastes: The admission into the public wastewater sewers of any waters or wastes having characteristics exceeding any of the following concentration limits shall be subject to the review and approval of the Public Works Director, and where necessary in the opinion of the Public Works Director, the owner shall provide, at his/her own expense, such preliminary treatment as may be necessary to reduce the strength below the listed limits before admission to the public sewers. Plans and specifications for pretreatment works shall be prepared by a registered engineer and must be submitted to the Public Works Director for approval.

Arsenic - .1 mg/l

BOD (Biochemical Oxygen Demand) - 350 mg/l

Baron (elemental) - 2.9 mg/l

Cadmium - 0.2 mg/l

Chlorides - 175 mg/l

Chlorinated hydrocarbons - 0.02 mg/l

Copper - 0.7 mg/l

Chromium - 0.5 mg/l

Cyanide - 1.0 mg/l

Grease or oil of animal or vegetable content - 200 mg/l

Grease or oil of mineral or petroleum origin - 100 mg/l

Hydrogen-ion concentration of pH rating less than 6.0 or more than 9.0

Iron - 3.0 mg/l

Lead - 0.1 mg/l

Mercury - 0.005 mg/l

Nickel - 1.0 mg/l

Phenolic compounds Phenols, cresols (M,O, and P) and pyrogalllic acid - 1.0 mg/l

Selenium - 0.02 mg/l

Silver - 0.1 mg/l

Sulfate - 75 mg/l

Sulfide - 0.5 mg/l

Suspended solids content of 350 mg/l

Temperature - maximum 150° Fahrenheit

Total dissolved solids (TDS) - 1,000 mg/l

Zinc - 3.0 mg/l

Any whey (milk by-product), sand, grease and oil traps shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes, sand or other harmful ingredients. All traps shall be of a type and capacity approved by the Public Works Director, and shall be so located as to be readily and easily accessible for inspection and verification of cleaning.

B. Slugs And Equalized Discharge: No person shall cause the discharge of slugs of water or wastes. Each person producing discharge of a slug into the public sewers shall construct and maintain, at his/her own expense, a suitable storage and flow control facility to ensure equalization of discharge over a twenty four (24) hour period. This facility shall have a capacity of at least one hundred percent (100%) of the total normal volume discharged during a twenty four (24) hour production period unless a small size is approved by the Public Works Director, and the outlet to the sewer shall be equipped with a rate discharge controller or other approved device, the regulation of which shall be directed by the Public Works Director. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983; 1996 Code)

C. Special Agreements: No statement contained in this Chapter shall be construed as prohibiting any special agreement or arrangement between the City and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection system, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment plant by reason of the admission of such wastes, and no extra costs are incurred by the City without recompense by the person. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

#### 8-2-8: CONNECTION AND REPAIR PERMITS:

Any person performing a property improvement or repair requiring issuance of a building permit or a plumbing permit shall be required to connect

the property to the City sewer system. Prior to receipt of permission to connect the property to the City sewer system, the person must demonstrate compliance with each of the following:

- A. The effluent will meet the requirements of this Chapter.
- B. Prior approval for street cut is obtained.
- C. Repairs and connections to existing sewers requiring excavation in the street shall be bonded as required in subsection 1-9-4G of this Code. (Ord. 476, N.S., 10-16-89)

**8-2-9: CONSTRUCTION OF SEWER LATERALS:**

The applicant shall bear all costs necessary for the proper design and installation of laterals in accordance with the City Plumbing Code standards for connecting of private sewer facilities to the City sewer mains. (Ord. 402 N.S., 12-5-1983)

Notes

1. See Title 9, Chapter 2 of this Code.

**8-2-10: USERS OUTSIDE CITY LIMITS:**

- A. Requirements For Connection: Properties within Kings County Service Area No. 2 shall be connected in accordance with County Ordinance 192. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983; amd. Ord. 446 N.S., 11-2-87)
- B. Application For Connection: Applicants must apply for a building permit on the standard application form provided. Included on this form, there will be an inspection report to be filled in and signed by the Building Inspector or other authorized City employee. The Building Inspector shall determine whether the connection is feasible before any sewer lateral construction is started, and shall inspect connecting lines for installation in accordance with the City Plumbing Code and Improvement Standards. (Ord. 402 N.S., 12-5-1983)
- C. Conditions Of Use: The following conditions and requirements shall apply to the use of the City sewer system by outside users:
  1. Use of residential, industrial, or commercial establishments outside the City limits will not be granted if it will impair the usage of the sewer system or any part thereof by property within the City.
  2. Enlargement, extensions, or modifications of the City sewer for use by outside residential, industrial, or commercial establishments shall be solely at the cost of such user. Said enlargements, extensions, or modifications shall be constructed according to plans and specifications approved in advance of construction by the Public Works Director. Upon certification by the Public Works Director that construction is complete and in accordance with approval plans and specifications, the City shall be granted an option to take title and full control of such facilities. Said option shall remain in effect until exercised by the City or as long as the facilities remain connected to the City sewerage system. Until the City exercises its option to take full title, said enlargements shall be operated and maintained at the expense of such users, except by special agreement. All limitations established by this Chapter shall apply to said enlargements, extensions, or modifications whether operated by the City or the user.
  3. Failure or refusal of any outside user to comply with any condition of this Chapter or of any contract granted hereunder shall be sufficient grounds for cutting off its connection with the sewer system after five (5) days' notice thereof by the City.
  4. Existing contracts with outside users for City sewer system usage shall not be modified by the provisions of this Chapter until such time as existing contracts have terminated, or the ownership of the contract changes.
  5. Maximum protection to the City shall be provided in the drafting of any contract and such protection shall include provisions for annexation to the City of the property occupied by user at such time as annexation is feasible in the opinion of the City. All limitations and other provisions of this Chapter shall be implied conditions of the contract. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

**8-2-11: INDUSTRIAL WASTES:**

- A. Permit Required: Before any person shall discharge industrial wastes into the Municipal sewers of the City, it shall be the duty of the person to first obtain from the Public Works Director a permit therefor.
- B. Application For Permit: Application for permit to discharge such waste in the Municipal sewers shall be made in writing and shall contain the following minimum information:
  1. Name and address of applicant.
  2. Location of connection or proposed connection with Municipal sewers.
  3. Industrial processes which produce said wastes.
  4. Statement as to the approximate times of discharge.
  5. Estimated quantity of wastes to be discharged including as a minimum; flow, BOD5, suspended solids, and any constituent which is included in Federal Categorical Pretreatment Standards applicable to processes involved. Information shall be included as to the peak and average loads to be discharged.

If the Public Works Director then determines that additional information is needed for enforcement of this Chapter, said information shall be provided by the applicant prior to issuance of a permit.

- C. Issuance Of Permit: The Public Works Director shall issue to the applicant a permit, as required, in the event that he/she finds and determines:
  1. That there is unused carrying and treatment capacity not necessary for the disposition of domestic sewage of the City.
  2. That the amount and character of the wastes proposed to be discharged by the applicant is such that the same can be transported and treated in such a manner that an effluent will result which complies with all applicable State and Federal laws and regulations, and which will not result in a nuisance nor any objectionable odors along the pipelines or in the vicinity of wastewater treatment plant and other wastewater facilities.
  3. That such wastes will not result in damage to pipelines and other wastewater facilities.
- D. Permit Charges: All industry discharging or proposing to discharge to City sewers shall be subject to permit regulations on the effective date of this Chapter. Existing permits will remain in effect but may be revised and reissued by the Public Works Director according to the limitations of this Chapter. Before granting any permit under the provisions of this Section, the City shall require the payment of fees as adopted by resolution of the Council.
- E. Revocation Of Permit: In the event that after granting a permit, as provided for in this Chapter, it shall develop, by reason of increased waste concentrations, or changes in composition of the effluent, or changes in composition of the wastewater discharge, that the discharge causes a

nuisance or objectionable odors or objectionable conditions along the lines or in the vicinity of the wastewater treatment plant or other facilities, or results in damage to pipelines or other facilities or violates a State or Federal law, then at his/her discretion, the Public Works Director may revoke the permit, or may impose further conditions with respect thereto, toward the end of remedying such conditions.

F. Inspection Facility: A customer responsible for any discharge of industrial wastes shall provide, at his/her own expense, suitable means of inspection to facilitate observation, sampling, and measurement of wastes. Such facility may be a manhole but in all cases shall include a flume and flow meter acceptable to the Public Works Director and shall provide space for an automatic sampler. Such inspection facility shall be maintained in a manner that is safe and accessible to City personnel at all times. Installation, operation and maintenance of the sampling facilities shall be the responsibility of the customer discharging industrial wastewater and shall be subject to the approval of the Public Works Director.

G. Waste Sampling:

1. Industrial wastes discharged into the public sewers shall be subject to periodic inspection, sampling, and a determination of character and concentration of said wastes for billing and ordinance compliance requirements. The determination shall be made by the Public Works Director or his/her representatives as often as may be deemed necessary by the Public Works Director.

2. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Public Works Director, and at his/her discretion.

3. Access to sampling locations for the purpose of periodic sampling shall be granted to the Public Works Director or his/her duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

H. Analysis:

1. Analyses of industrial wastewater as required for the enforcement of this Chapter and the determination of use charges will be conducted at the discretion of the Public Works Director by either the wastewater treatment plant laboratory or another laboratory selected by the Public Works Director. The laboratory performing the analysis shall be certified by the State for the analysis required.

2. Cost of sampling and analysis performed by the wastewater treatment plant laboratory will be billed to the customer when, in the opinion of the Public Works Director because of the quantity or quality of the wastes discharged, a greater number of analyses than normal are required to ensure compliance with this Chapter. Costs for sampling and analysis performed by another laboratory, shall be billed to the customer at cost to the City.

3. At the option of the Sewer Service Charge Review Board, all sampling and analysis performed by the wastewater treatment plant laboratory may be charged to the customer.

4. A schedule of charges for analyses conducted by the wastewater treatment plant laboratory, shall be adopted by the Sewer Service Charge Review Board and approved by the City Council.

5. Self-monitoring (sampling and analyses of waste discharges) by the industrial discharger which is performed by or for the discharger shall be summarized and submitted to the Public Works Director not less than once annually, or more often if required by the Public Works Director. All records of these analyses shall be retained for not less than two (2) years and made available by the customer for inspection by the Public Works Director or his/her duly authorized representatives.

6. Laboratory procedures used in the examination of industrial wastes shall be those set forth in the current edition of Standard Methods for the Examination of Water and Wastewater. However, alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Public Works Director and the customer.

I. Basis For Charges: Determination of the character and concentration of the industrial wastewater and the mass of BOD5 and suspended solids discharged shall be made by the City and these determinations shall be binding as a basis for charges.

J. Admission Of Wastes Into Storm Waters: Industrial cooling water, blow-down from cooling towers or evaporative coolers, wash water waste or waters which are odorless, stable and free from deleterious chemicals shall, where practicable, be discharged into storm drains or storm water channels. For the purpose of this Section, any industrial wastewater, waters, or liquids, containing less than twenty five (25) ppm BOD or which meet the most recent requirement for secondary treatment as defined by State Water Resources Control Board, shall be deemed stable. The admission of such waters into the public storm sewers shall be limited to unpolluted wastewater providing that it does not violate any provision of this Code and providing that it meets Federal or State laws and regulations which may be applicable to said discharge. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

**8-2-12: SERVICE CHARGES:**

A. Purpose:

1. Cost of operation, maintenance, debt service, equipment replacement and administration of the City wastewater collection, treatment, and disposal system shall be levied against all users thereof in proportion to the quantity and quality of the discharge. These charges shall be calculated according to the regulations of the California State Water Resources Control Board (SWRCB) and shall be adopted by resolution of the Council. Separate charges shall be established for storm sewer users.

2. All users shall be assigned to a user class category by the Sewer Service Charge Review Board based on the user's principal activity and typical wastewater constituents and characteristics. The purpose of such classification is to facilitate the regulation of wastewater discharges to provide an effective means of source control, and to establish a system of user charges and fees that ensure equitable distribution of costs among all users. The system of charges to be established must, in accordance with the requirements of the Federal Act PL92-500 and the State Clean Water Grant Program, provide for the following items:

- a. Sufficient financing for an adequate operation and maintenance program including competent operating personnel.
- b. Funds to be reserved for necessary future replacements.

3. The City shall adopt a schedule of charges and fees by resolution to include:

- a. Sewer service charges.
- b. Storm sewer charges.
- c. Other user charges.
- d. Connection fees.
- e. Fees for monitoring.
- f. Fees for permit applications.

The schedule may be amended annually by resolution of the City Council to reflect increases or decreases in costs. The schedule of charges shall be as determined in the annual revision of the Revenue Program.

**B. Sewer Service Charges:** The structure of the charges shall be as follows:

1. Single-family dwellings, multi-family dwellings and duplexes, metered or unmetered, shall pay a flat rate sewer charge per family dwelling unit.
2. Other users may be charged on a flat rate or a metered rate as established by City Council resolution.
3. All wastewater collection, treatment and disposal system users (with the exception of flat rate users) which have unmetered water supplies shall install meters approved by the Public Works Director. Sewer service charges shall be levied based on metered water flow. As an alternative, the Sewer Service Charge Review Board may at their option, estimate water usage and set equitable charges accordingly.
4. Industrial dischargers shall pay a sewer service charge based on separate rates established for volume, mass five (5) day biochemical oxygen demand (BOD5) and mass suspended solids discharged.
5. The City shall have the option of charging users on the basis of volume of wastewater discharged into the wastewater collection and treatment system rather than volume of water used. In such event, the charge for such volume shall be established by the Sewer Service Charge Review Board.
6. An equitable sewer service charge shall be established by the Sewer Service Charge Review Board for user classes which have not been listed on the resolution establishing the rate schedule for each class of user.

**C. Inapplicable Measurements:** For those users of the City wastewater collection, treatment and disposal system for which the amount of water used is not an equitable measure of the amount of wastewater disposal into the City sewer system, the Sewer Service Charge Review Board shall have the authority to establish a fair and equitable sewer service charge in proportion to the amount and strength of the wastewater contributed by the user.

**D. Sewer Connection Charges:**

1. A sewer connection fee shall be charged by the City to all customers connecting to the City sewers. The connection fees shall provide for recovery of capital costs of the City wastewater collection, treatment and disposal system and where applicable recover costs of constructing sewer mains and service connections.
2. There shall be charged and collected by the City from any person requesting or making such connection, upon or prior to the issuance of any permit which involves or contemplates a sewer connection or the addition of any fixture units, a connection fee as established by the City Council.
3. Sewer connection charges shall be established by separate City Council resolution.
4. Cash payment of the connection charges for single-family residences specified by this Chapter may be paid in minimum installments of fifteen dollars (\$15.00) per month which will be included on the utility bill, upon execution by the owner of the property of a written promise to pay the same together with a per annum interest charge to be determined by the City Council and the recording of a lien agreement upon the property to be connected. Such written promise and lien agreement shall be in form approved by the Council and City Attorney. The Council may require proof to its satisfaction that such lien agreement provides ample security. Such lien is to be treated in all respects as is a lien for unpaid ad valorem property taxes. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

**8-2-13: STORM DRAINAGE CHARGES FOR NEW DEVELOPMENT:**

**A. Single-Family Lot:** Any person who increases the runoff from a lot or a subdivision by reason of his/her development or use of the land, will be required to pay a charge per single-family lot. Charges per acre will be set by resolution of the City Council.

**B. Other Than Single-Family Lot:**

1. For other than single-family, the charge per acre based on a "C" factor of .35 used in the rational method formula described in the ASCE Manual of Practice No. 37, chapter 4, shall be as set by resolution of the City Council.
2. Any development or use of land producing a runoff factor greater than .35 coefficient will pay an increased charge in direct proportion to the increase of the coefficient as determined by the Public Works Director, based on the table of average coefficients listed in chapter 4 of the ASCE Manual of Practice No. 37. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983; 1996 Code)

**8-2-14: COLLECTION OF CHARGES; DELINQUENCIES:**

**A. Collections:**

1. Sewer service charges, permit application charges, connection fees, sewer rental charges, monitoring charges, storm drainage charges, and other charges defined in this Chapter shall be collected by the Finance Department. (Ord. 402 N.S., 12-5-1983; 1996 Code)
2. Flat rate sewer service charges shall be paid monthly in arrears with other City utility bills. All sewer service charge revenues collected shall be retained by the City regardless of the date of termination of sewer service, and no rebates shall be for midmonth disconnections.
3. Sewer service charges based on metered water use and student average daily attendance (ADA) shall be billed monthly with other City utility bills following the month of use.
4. All other fees and charges not listed in subsection A2 and A3 of this Section shall be paid as set forth in this Chapter. Fees and charges not requiring prepayment or payment at time of issuance, shall be included on the following monthly City utility bill to the customer. (Ord. 402 N.S., 12-5-1983)

**B. Delinquencies:**

1. **Penalty Fee:** In the event the connected customer to the sewer system shall fail to pay the sewer service charge, connection fee, sewer rental charge, industrial cost recovery, monitoring fees, and other required charges and fees by the fifteenth of the month following presentation of a bill by the City therefor, a penalty for late payment in amounts established by City Council resolution shall be added to such bill, and the Finance Department shall collect such penalty in addition to the delinquent charge. (Ord. 402 N.S., 12-5-1983; 1996 Code)
2. **Discontinuance Of Service:** In the event the customer shall fail to pay any charges or fees described in this Chapter by the first day of the second month following presentation of a bill therefor, the City may, in addition to all other remedies it may have, discontinue furnishing sewer service by disconnecting City water service and shall not resume the same until all delinquent charges, together with any service charge necessitated by the resumption of sewer service, have been fully paid.
3. **Court Action:** In addition to remedies listed above under discontinuance of services, at the option of the City, the City may file a civil action against the customer for the collection of any amounts due and unpaid. Such remedy shall be cumulative and in addition to any other remedy provided in this Chapter.

4. Notice Of Lien: In the event that the customer or premises shall be three (3) months delinquent in payment of any charges and fees included in the ordinance, the City shall notify the owner of the real property of such delinquency in writing and shall further notify such owner that the delinquency shall be subject to collection pursuant to provisions of subsection B5 of this Section.

5. Lien Proceedings: In the alternative, the Council pursuant to sections 5470 through 5473a of the Health and Safety Code of the State may elect to have such delinquent charges collected on the tax roll in such manner and at the same time as its general taxes and shall give the notice, hold the hearing, and prepare and file the report as to such delinquencies as required by the Health and Safety Code of the State. Such delinquent charges shall thereafter, pursuant to said Code, constitute a lien against the lot or parcel of land against which the charges have been imposed. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

6. Restoration Of Service: Water or sewer service shall not be restored until all charges, including the expense of removal, closing and restoration have been paid. (Ord. 402 N.S., 12-5-1983)

7. Ownership And Occupancy: Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

#### **8-2-15: SEWER MAIN EXTENSIONS:**

The service applicant in each instance will be responsible for constructing any needed sewer main, except that in special cases the Council may authorize construction of mains by the City. All such main extensions shall be designed, constructed and tested in accordance with City approved engineering design and City specifications. (Ord. 402 N.S., 12-5-1983)

#### **8-2-16: REFUND AGREEMENT:**

A. Agreement: The Council will approve refund agreements to applicants who construct sewer mains which directly serve off-site property. Such refunds will be made from service connection charges for connections to the sewer main constructed by the applicant. The City will require a connection charge in accordance with the rate schedule adopted by the City Council.

B. Repayment: Repayment costs shall be made by the City to the applicant without interest. Accounts payable are to be rendered annually for a maximum period of twenty (20) years. If the full amount of the cost of the line has not been repaid by the end of the twenty (20) year period, no further refund payment shall be made by the City. In no event shall the total amount refunded exceed the actual amount of construction cost.

C. Reimbursement: No reimbursement will be allowed for either up line or lateral main extensions financed by the City or by others. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

#### **8-2-17: OVERSIZE LINES:**

When an applicant is required by the City to construct an oversized sewer line, the City may pay directly to the installing applicant or developer the cost of oversizing. Such payment will be made from connection fees received by the City for lateral connections to the sewer, including connection fees of the applicant. Only sewers larger than six inches (6") internal diameter shall be considered oversized, however, if the new development requires a sewer line larger than six inches (6") for its own purposes, then oversizing will be considered to be a size requirement larger than that needed to serve the development. The Public Works Director is empowered to make the determination as to how much, if any, oversizing is required and is also empowered to determine the difference in cost between the actual installation and the average cost of a six inch (6") (or larger) sewer line. The finding of the Public Works Director shall be conclusive. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

#### **8-2-18: OWNERSHIP OF SEWERS:**

Laterals on private property belong to the property owner. All sewers in public streets, alleys, and roads, except the lateral serving an individual property, shall become the property of the City when the construction is completed and accepted. Privately owned community systems serving more than one parcel of property are prohibited. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

#### **8-2-19: MAINTENANCE:**

The property owner is responsible for maintenance of the complete lateral connection to the street sewer main, including the portion of said lateral placed in the public right of way or easement. The City will maintain all sewer mains, pump stations, and treatment facilities. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

#### **8-2-20: DISCHARGE FROM SWIMMING POOLS INTO PUBLIC SEWERS AND STREETS:**

A. Backwash Water: Backwash water from swimming pool filters shall be connected to and discharged into a public sewer by an approved connection including a required air gap separation.

B. Pool Water: Pool water may be drained or pumped into either the storm sewer or gutters that drain to the storm sewer provided the rate does not exceed one hundred (100) gpm. Permission of the Public Works Director must be obtained before draining or pumping to the street gutters. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

#### **8-2-21: VIOLATION AND PENALTY:**

Any person found to be violating any provision of this Chapter or the terms of any permit issued under authority of this Chapter shall be served by the City with written notice stating the nature of the violation and providing a time for the satisfactory correction thereof. The offender shall, within the period of time state in such notice, permanently cease all violation and shall be liable to the City for any expense, loss, or damage to the City occasioned by reason of such violation. Violation of this Chapter shall be considered a misdemeanor and the violator shall be subject to penalty as provided in Section 1-4-1 of this Code. Each additional day of violation after the time allowed for satisfactory correction thereof, is considered a new misdemeanor. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983; 1996 Code)

#### **8-2-22: ENFORCEMENT; OFFICIALS AUTHORIZED:**

The Public Works Director is charged with the duty of enforcing this Chapter with the exceptions of the collection of funds. The Finance Department of the City is charged with the duty of enforcing all matters pertaining to fund collection. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983; 1996 Code)

#### **8-2-23: DISPOSITION OF REVENUES:**

A. Wastewater Improvement And Operation Fund: A special fund to be known as the Wastewater Improvement and Operation Fund is hereby established. All funds collected for sewer connection fees, sewer service charges, sewer permits, sewer rental, monitoring fees, permit fees, and other related income shall be deposited in this Fund. This Fund shall be used exclusively for payment of wastewater treatment plant and sanitary sewer maintenance, operation, construction, rebuilding and repair. (Ord. 446 N.S., 11-2-87)

B. Industrial Cost Recovery Fund: A special fund to be known as the Industrial Cost Recovery Fund is hereby established. Funds collected by industrial cost recovery charges shall be deposited in this Fund. Disbursements from this Fund shall be according to Federal Industrial Cost Recovery regulations. (Ord. 395 N.S., 6-6-1983, eff. 7-1-1983)

## **TITLE 9**

## **BUILDING REGULATIONS**



## CHAPTER 1

### BUILDING CODE

#### SECTION:

##### 9-1-1: Adoption

##### 9-1-2: Definitions; Application Of Terms

##### 9-1-3: Fees For Permits And Inspection

##### 9-1-4: Building Code Exemptions And Superseding Provisions

##### 9-1-5: Reserved

##### 9-1-6: Ordinance Repeals

##### 9-1-1: ADOPTION:

The city of Corcoran does hereby adopt by reference as the official building code of the city, the 2001 California Building Code part 1, part 2 volume 2, part 2 volume 2, California Historical Building Code, California Code for Building Conservation, 1997 administrative code, and the 1997 uniform code for the abatement of dangerous buildings. (Ord. 564, 12-3-2002)

##### 9-1-2: DEFINITIONS; APPLICATION OF TERMS:

Whenever any of the names or terms defined in this section are in this chapter or codes adopted herein by reference, each such term or name shall have the meaning ascribed to it in this section.

A. "City" shall mean the city of Corcoran.

B. All other names or terms shall apply to the appropriate officer, board or body of the city of Corcoran.

C. The building official is hereby authorized and directed to enforce all the provisions of this chapter. For such purpose he/she shall have the powers of a police officer. The determination of value or valuation under any of the provisions of this chapter shall be made by the building official. (Ord. 564, 12-3-2002)

##### 9-1-3: FEES FOR PERMITS AND INSPECTION:

Fees for building permits and inspection shall be those contained in table 1-A of the 1997 uniform administrative code, and the current building valuation tables published by the International Conference of Building Officials. (Ord. 564, 12-3-2002)

##### 9-1-4: BUILDING CODE EXEMPTIONS AND SUPERSEDING PROVISIONS:

The following sections of the California Building Codes are deleted, amended, modified or superseded as indicated:

Section 106.4.1 of said Code is hereby amended to read as follows:

When the Building Official issues the permit where plans are required, he shall endorse in writing or stamp the plans and specifications "APPROVED". Such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans.

Section 303(b) of said Code is hereby deleted.

Section 303(f) of said Code is hereby amended to read as follows:

Housing Inspections and Letters of Compliance: Upon a request for a housing inspection, the applicant shall be charged a fee of forty-seven dollars (\$47.00) per hour with a two hour minimum, and a travel fee of fifty cents (\$0.50) per mile each way to be paid to the Building Official to cover the cost of the housing inspection and letter of compliance.

All new construction and remodel shall incorporate into framing a drop top cord truss of 31½" at all gable ends, using 2 x 4 outriggers at 24" O.C. on edge for overhangs exceeding 20".

(Ord. 564, 12-3-2002)

##### 9-1-5: RESERVED:

(Ord. 564, 12-3-2002)

##### 9-1-6: ORDINANCE REPEALS:

All other ordinances or parts of ordinances in conflict herein are hereby repealed, including ordinance 497; except, that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this chapter. (Ord. 564, 12-3-2002)

## CHAPTER 2

### PLUMBING CODE

#### SECTION:

##### 9-2-1: Adoption

##### 9-2-2: Definitions; Application Of Terms

##### 9-2-3: Fees For Permits And Inspection

##### 9-2-4: Plumbing Code Exemptions And Superseding Provisions (Rep. by Ord. 564, 12-3-2002)

##### 9-2-5: Reserved

##### 9-2-6: Ordinance Repeals

##### 9-2-1: ADOPTION:

The city of Corcoran does hereby adopt by reference as the official plumbing code of the city, the 2001 California Plumbing Code and the 2000

uniform swimming pool, spa and hot tub code. (Ord. 564, 12-3-2002)

**9-2-2: DEFINITIONS; APPLICATION OF TERMS:**

Whenever any of the names or terms defined in this section are in this chapter or codes adopted herein by reference, each such term or name shall have the meaning ascribed to it in this section.

A. "City" shall mean the city of Corcoran.

B. All other names or terms shall apply to the appropriate officer, board or body of the city of Corcoran.

C. "Administrative authority" shall mean the building official of the city of Corcoran or inspectors duly authorized to act in his/her behalf. (Ord. 564, 12-3-2002)

**9-2-3: FEES FOR PERMITS AND INSPECTION:**

Fees for permits and inspection shall be those contained in table 3-D of the 1997 uniform administrative code, and the current building valuation tables published by the International Conference of Building Officials. (Ord. 564, 12-3-2002)

**9-2-4: PLUMBING CODE EXEMPTIONS AND SUPERSEDING PROVISIONS:**

(Rep. by Ord. 564, 12-3-2002)

**9-2-5: RESERVED:**

(Ord. 564, 12-3-2002)

**9-2-6: ORDINANCE REPEALS:**

All other ordinances or parts of ordinances in conflict herein are repealed, including ordinance 497; except, that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this chapter. (Ord. 564, 12-3-2002)

## CHAPTER 3

### ELECTRICAL CODE

**SECTION:**

**9-3-1: Adoption**

**9-3-2: Definitions; Application Of Terms**

**9-3-3: Fees For Permits And Inspection**

**9-3-4: Reserved**

**9-3-5: Additional Regulations**

**9-3-6: Ordinance Repeals**

**9-3-1: ADOPTION:**

The city of Corcoran does hereby adopt by reference as the official electrical code of the city, the 2001 California Electrical Code. (Ord. 564, 12-3-2002)

**9-3-2: DEFINITIONS; APPLICATION OF TERMS:**

Whenever any of the names or terms defined in this section are in this chapter or codes adopted herein by reference, each such term or name shall have the meaning ascribed to it in this section.

A. "City" shall mean the city of Corcoran.

B. All other names or terms shall apply to the appropriate officer, board or body of the city of Corcoran.

C. "Chief electrical inspector" shall mean the building official of the city of Corcoran or inspectors duly authorized to act in his/her behalf. (Ord. 564, 12-3-2002)

**9-3-3: FEES FOR PERMITS AND INSPECTION:**

Fees for electrical permits and inspection shall be those contained in the 1997 administrative code, table 3-B, and the current building valuation tables published by the International Conference of Building Officials. (Ord. 564, 12-3-2002)

**9-3-4: RESERVED:**

(Ord. 564, 12-3-2002)

**9-3-5: ADDITIONAL REGULATIONS:**

A. Location: The service disconnecting means shall be installed either inside or outside of a building or other structure at a readily accessible location nearest the point of entrance of the service conductors. Except in "H" occupancies, the main service disconnecting means shall be located outside the building at a readily accessible location in case of fire. (NEC 230-70a)

B. Metal Lighting Fixtures, Lampholders And Faceplates: Underground metal lighting fixtures, lampholders and faceplates shall not be installed in contact with conducting surfaces nor within eight feet (8') vertically or five feet (5') horizontally of laundry tubs, bathtubs, shower baths, plumbing fixtures, steam pipes or other grounded metal work or grounded surfaces.

C. Metal Pull Chains: Metal pull chains used at these locations shall be provided with insulating links. (Ord. 564, 12-3-2002)

**9-3-6: ORDINANCE REPEALS:**

All other ordinances or parts of ordinances in conflict herein are repealed, including ordinance 497; except, that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this chapter. (Ord. 564, 12-3-2002)

## CHAPTER 4

### MECHANICAL CODE

SECTION:

**9-4-1: Adoption**

**9-4-2: Definitions; Application Of Terms**

**9-4-3: Fees For Permits And Inspection**

**9-4-4: Mechanical Code Exceptions And Superseding Provisions**

**9-4-5: Reserved**

**9-4-6: Ordinance Repeals**

**9-4-1: ADOPTION:**

The city of Corcoran does hereby adopt by reference as the official mechanical code of the city, the 2001 California Mechanical Code as published by the International Conference of Building Officials. (Ord. 564, 12-3-2002)

**9-4-2: DEFINITIONS; APPLICATION OF TERMS:**

Whenever any of the names or terms defined in this section are in this chapter or codes adopted herein by reference, each such term or name shall have the meaning ascribed to it in this section.

A. "City" shall mean the city of Corcoran.

B. All other names or terms shall apply to the appropriate officer, board or body of the city of Corcoran.

C. The building official is hereby authorized and directed to enforce all the provisions of this chapter. For such purpose he/she shall have the powers of a police officer. The determination of value or valuation under any of the provisions of this chapter shall be made by the building official. (Ord. 564, 12-3-2002)

**9-4-3: FEES FOR PERMITS AND INSPECTION:**

Fees for mechanical permits and inspection shall be those contained in table 3-C of the 1997 administrative code. (Ord. 564, 12-3-2002)

**9-4-4: MECHANICAL CODE EXEMPTIONS AND SUPERSEDING PROVISIONS:**

The following section of the California Mechanical Code is hereby amended as follows:

Table 3-C of said Code is hereby amended by adding item 22, which reads as follows:

22. In lieu of the foregoing specific fees, a flat rate may be charged for each unit for single-family dwellings, duplexes and multiple-family units in accordance with the current flat rate fees in the 1997 uniform administrative code.

(Ord. 564, 12-3-2002)

**9-4-5: RESERVED:**

(Ord. 564, 12-3-2002)

**9-4-6: ORDINANCE REPEALS:**

All other ordinances or parts of ordinances in conflict herein are hereby repealed, including ordinance 497; except, that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this chapter. (Ord. 564, 12-3-2002)

## CHAPTER 5

### FIRE CODE

SECTION:

**9-5-1: Adoption**

**9-5-2: Establishment And Duties Of Fire Department**

**9-5-3: Definitions; Application Of Terms**

**9-5-1: ADOPTION:**

There is hereby adopted by the city council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the 2001 California Fire Code. (Ord. 564, 12-3-2002)

**9-5-2: ESTABLISHMENT AND DUTIES OF FIRE DEPARTMENT:**

A. The California Fire Code shall be enforced and supervised by the Kings County fire chief or authorized representative.

B. The fire chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The fire chief of the fire department shall recommend to the city manager the employment of technical inspectors or consultants who, when such authorization is made, shall be selected for their special credentials and qualifications. (Ord. 564, 12-3-2002)

**9-5-3: DEFINITIONS; APPLICATION OF TERMS:**

A. Wherever the word "jurisdiction" is used in the California Fire Code, it shall be held to mean city of Corcoran.

B. Wherever the term "corporation counsel" is used in the California Fire Code, it shall be held to mean the attorney for the city of Corcoran.

C. Wherever the word "fire department" is used in the California Fire Code, it shall be held to mean the Kings County fire department.

D. Wherever the word "fire chief" is used in the California Fire Code, it shall be held to mean the fire chief of the Kings County fire department. (Ord. 564, 12-3-2002)

## CHAPTER 6

### NUMBERING BUILDINGS

SECTION:

**9-6-1: Numbers Required**

**9-6-2: Failure To Place Numbers; Lien**

**9-6-1: NUMBERS REQUIRED:**

A. It shall be the duty of every owner of real estate in the city, upon which there is a structure, to place or cause to be placed on or in front of such structure in a conspicuous place from the sidewalk or street as approved by the building official, street numbers in such contrasting color and of such dimensions as to make such numbers clearly legible from the sidewalk or street in front of the building. The numbers are to be corresponding numbers according to the numbering of the lot upon which the building is located as per the official map on file in the city hall.

B. All new structures erected shall have proper numbers placed thereon before a certificate of occupancy will be issued. (Ord. 488, 5-20-1991)

**9-6-2: FAILURE TO PLACE NUMBERS; LIEN:**

A. Failure To Comply: If any owner of an existing structure shall fail or neglect to comply with the provisions of this chapter, the building official is hereby authorized and instructed to purchase and install property numbers. The cost of such numbers, labor for placing them, and administrative cost are set at one hundred dollars (\$100.00). If not paid by the owner of record, such cost shall be, and is hereby declared to constitute, a lien against the property. (Ord. 564, 12-3-2002)

B. Nuisance Abatement Lien; Ordinance; Procedures; Fees:

1. The city council may by ordinance establish a procedure to collect abatement and related administrative costs by a nuisance abatement lien. Said ordinance shall require notice prior to the recordation of the lien to the owner of record of the parcel of land on which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current.

2. The notice shall be served in the same manner as summons in a civil action in accordance with article 3 (commencing with section 415.10) of chapter 4 of title 5 of part 2 of the Code of Civil Procedure. 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 (10) days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to section 6062.

3. A nuisance abatement lien shall be recorded in the county recorder's office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

a. A nuisance abatement lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, 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.

b. In the event that the lien is discharged, released or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection B3a of this section shall be recorded by the governmental agency. A nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

c. A nuisance abatement lien may be foreclosed by an action by the city for a money judgment.

d. Notwithstanding section 6103, section 27383, or any other provision of law, the county recorder may impose a fee on the city to reimburse the costs of processing and recording the lien and providing notice to the property owner. The city may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien. (1996 Code)

## CHAPTER 7

### MOVING BUILDINGS

SECTION:

**9-7-1: Permits Required**

**9-7-2: Denial Of Relocation Permit And Building Permit**

**9-7-3: Removal Of Deficiencies; Issuance Or Denial Of Permit**

**9-7-4: Investigation Of Application**

**9-7-5: Conditions Of Permit**

**9-7-6: Insurance Required; Bond**

**9-7-7: Fees**

**9-7-8: Illegal Moving Of Buildings Or Structures**

**9-7-1: PERMITS REQUIRED:**

No person shall move or cause to be moved, any building or structure within or into the incorporated limits of the City without first obtaining from the Building Official a building permit and a relocation permit. (Ord. 226 N.S., 8-3-1964)

**9-7-2: DENIAL OF RELOCATION PERMIT AND BUILDING PERMIT:**

Except as otherwise provided in Section 9-7-3, the Building Official shall not issue a relocation permit or a building permit for any building or structure which is included within one or more of the following categories:

A. It is so constructed or is in such condition as to constitute a danger of injury or death through collapse of the building, fire, defects in electrical wiring or any other substantial hazard, to the persons who will occupy or enter said building after relocation.

B. It is infested with rats or other vermin or the wood members of the building are infested with rot, decay or termites.

C. It is so unsanitary or filthy that it would constitute a hazard to the health of the persons who will occupy said building after relocation or, if not intended for human beings, would make it unsuitable for its intended use.

D. It is in such condition or is of a type, character, size or value and is so inharmonious with other buildings in the neighborhood of the relocation site, that placing the building at the proposed relocation site would substantially diminish the value of other property or improvements within a radius of five hundred feet (500') from the relocation site.

E. If the proposed use of the building is prohibited at the proposed relocation site under any zoning ordinance or other land use ordinance of the City. (Ord. 226 N.S., 8-3-1964)

F. If the structure does not conform to all applicable provisions of part 1.5 (commencing with section 17910) of division 13 of the Health and Safety Code of the State, and the rules and regulations promulgated thereunder, or does not conform to all applicable provisions of the Uniform Building Code, Uniform Plumbing Code, or National Electrical Code <sup>1</sup>, as adopted by the City, or any other pertinent law or ordinance. (Ord. 226 N.S., 8-3-1964; 1996 Code)

Notes

<sup>1</sup> 1. See Chapters 1, 2 and 3 of this Title respectively for Building, Plumbing and Electrical Codes.

**9-7-3: REMOVAL OF DEFICIENCIES; ISSUANCE OR DENIAL OF PERMIT:**

If the building or structure to be moved fails to meet any of the standards set forth in Section 9-7-2 of this Chapter, but it appears possible and practical for such deficiency to be corrected, the Building Official may issue the relocation permit upon conditions as hereinafter provided. If the building or structure to be moved fails to meet any of the standards set forth in Section 9-7-2, and it does not appear possible or practical for such deficiencies to be corrected, the Building Official shall deny the relocation permit. (Ord. 226 N.S., 8-3-1964)

**9-7-4: INVESTIGATION OF APPLICATION:**

In order to determine any of the matters pertaining to or presented by the application, the Building Official may cause any investigation to be made which he/she believes necessary or helpful, and he/she may refer the matter to the City Council for further investigation. If the City Council deems it necessary or expedient so to do, it may set any such application for hearing before the City Council or representative thereof, and cause such notice of the time, place and purpose of such hearing to be given as the city council may deem appropriate. (Ord. 226, 8-3-1964)

**9-7-5: CONDITIONS OF PERMIT:**

A. Conditions: The building official in granting a relocation permit may impose thereon such terms and conditions as he/she may deem reasonable and proper, including, but not limited to, the requirement of changes, alterations, additions or repairs to be made to or upon the building or structure, so that the relocation of the building or structure will not materially be detrimental or injurious to the public safety or welfare or to the property or improvements in the district to which it is to be moved. The terms and conditions upon which each permit is granted shall be written upon the application or appended thereto in writing. (Ord. 226, 8-3-1964)

B. Time Limit: The terms and conditions shall be fully satisfied within one hundred eighty (180) calendar days of the date of the relocation permit. The building shall not be occupied until all of the terms and conditions have been met to the satisfaction of the building official, and a certificate of occupancy has been issued by the city. (Ord. 226, 8-3-1964; amd. 1996 Code)

**9-7-6: INSURANCE REQUIRED; BOND:**

No permit shall be issued to any person to move any building or structure within the limits of the city until such person shall file an application therefor, and shall establish that he/she or they have a valid insurance policy which lists the city Of Corcoran as an "additional insured" against public liability in the amount of five hundred thousand dollars (\$500,000.00) for injury to one person, and one million dollars (\$1,000,000.00) for injury to more than one person, and twenty five thousand dollars (\$25,000.00) for injury to property; covering all activities of person within the city, and guaranteeing to pay all costs and expenses of the city or any public utility incurred by reason of the moving of the building or structure, and in addition a surety bond in an amount estimated by the building official to be sufficient to pay the cost of any terms and conditions which the building official may impose and are provided pursuant to section 9-7-5 of this chapter. (Ord. 226, 8-3-1964; amd. 1996 Code)

**9-7-7: FEES:**

The fees for relocation investigation service shall be forty nine dollars fifty cents (\$49.50) per hour plus fifty cents (\$0.50) per mile each way in accordance with table 3-A of the uniform administrative code. In the event a relocation permit is issued, the fee for building, plumbing and electrical permits shall be based upon the total value of the improved building or structure at its relocation site as determined by the building official. (Ord. 564, 12-3-2002)

**9-7-8: ILLEGAL MOVING OF BUILDINGS OR STRUCTURES:**

Any person moving a building or structure within the limits of the city without a permit therefor, or moving a building or structure along a route other than that designated on the relocation permit or otherwise failing to comply therewith, shall be guilty of a misdemeanor. (Ord. 226, 8-3-1964)

## CHAPTER 8

### SOIL REPORTS

SECTION:

**9-8-1: Purpose**

**9-8-2: Preliminary Soil Report**

**9-8-3: Soil Investigation**

**9-8-4: Approval Of Soil Investigation**

**9-8-1: PURPOSE:**

The City Council declares that this Chapter is enacted pursuant to the requirements of section 17953 of the Health and Safety Code of the State. (Ord. 237, 12-6-1966)

**9-8-2: PRELIMINARY SOIL REPORT:**

Prior to the submission of the final subdivision map, the subdivider shall file with the Community Development Department a preliminary soil report, prepared by a civil engineer who is registered by the State, based upon adequate test borings or excavations of every subdivision, as defined in the Subdivision Map Act, Government Code section 66424. The preliminary soil report may be waived if the Community Development Department shall determine that, due to the knowledge of such Department as to the soil qualities of the subdivision, no preliminary analysis is necessary. (Ord. 237, 12-6-1966; 1996 Code)

**9-8-3: SOIL INVESTIGATION:**

If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision shall be prepared by a civil engineer who is registered by the State. The soil investigation shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil.

The report shall be filed with the Community Development Department. (Ord. 237, 12-6-1966; 1996 Code)

**9-8-4: APPROVAL OF SOIL INVESTIGATION:**

The Community Development Department shall approve the soil investigation if it determines that the recommended corrective action is likely to prevent structural damage to each dwelling to be constructed on each lot in the subdivision. Appeal from such determination shall be to the Council. The building permit shall be conditioned upon the incorporation of the approved recommended corrective action in the construction of each dwelling. (Ord. 237, 12-6-1966; 1996 Code)

## CHAPTER 9

### FLOODPLAIN MANAGEMENT REGULATIONS

SECTION:

**9-9-1: Statutory Authorization**

**9-9-2: Findings Of Fact**

**9-9-3: Statement Of Purpose**

**9-9-4: Methods Of Reducing Flood Losses**

**9-9-5: Definitions**

**9-9-6: General Provisions**

**9-9-6-1: Lands To Which This Chapter Applies**

**9-9-6-2: Basis For Establishing The Areas Of Special Flood Hazard**

**9-9-6-3: Compliance**

**9-9-6-4: Abrogation And Greater Restrictions**

**9-9-6-5: Interpretation**

**9-9-6-6: Warning And Disclaimer Of Liability**

**9-9-7: Administration**

**9-9-7-1: Designation Of The Floodplain Administrator**

**9-9-7-2: Duties And Responsibilities Of The Floodplain Administrator**

**9-9-7-3: Development Permit**

**9-9-7-4: Appeals**

**9-9-8: Provisions For Flood Hazard Reduction**

**9-9-8-1: Standards Of Construction**

**9-9-8-2: Standards For Utilities**

**9-9-8-3: Standards For Subdivisions And Other Proposed Development**

**9-9-8-4: Standards For Manufactured Homes**

**9-9-8-5: Standards For Recreational Vehicles**

**9-9-8-6: Floodways**

**9-9-9: Variance Procedure**

**9-9-9-1: Nature Of Variances**

**9-9-9-2: Conditions For Variances**

**9-9-9-3: Appeal Board**

**9-9-1: STATUTORY AUTHORIZATION:**

The legislature of the state of California has in Government Code sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city of Corcoran does hereby adopt the following floodplain management regulations. (Ord. 609, 6-1-2009)

**9-9-2: FINDINGS OF FACT:**

A. The flood hazard areas of the city of Corcoran are subject to periodic inundation which may result 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 uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses. (Ord. 609, 6-1-2009)

**9-9-3: 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 legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide (i.e., mudflow) or flood related erosion areas. These regulations are designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 609, 6-1-2009)

#### **9-9-4: METHODS OF REDUCING FLOOD LOSSES:**

In order to accomplish its purposes, this chapter includes regulations to:

A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Control filling, grading, dredging, and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 609, 6-1-2009)

#### **9-9-5: DEFINITIONS:**

Unless specifically defined below, 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.

A ZONE: See definition of Special Flood Hazard Area (SFHA).

ACCESSORY STRUCTURE: A structure that is either:

A. Solely for the parking of no more than two (2) cars; or

B. A small, low cost shed for limited storage, less than one hundred fifty (150) square feet and one thousand five hundred dollars (\$1,500.00) in value.

ACCESSORY USE: A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

ALLUVIAL FAN: A geomorphologic feature characterized by a cone or fan shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

APEX: A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPEAL: A request for a review of the floodplain administrator's interpretation of any provision of this chapter.

AREA OF SHALLOW FLOODING: A designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet (3'); a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: See definition of Special Flood Hazard Area (SFHA).

BASE FLOOD: A flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this chapter.

BASE FLOOD ELEVATION (BFE): The elevation shown on the flood insurance rate map for zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade, i.e., below ground level on all sides.

BUILDING: See definition of Structure.

DEVELOPMENT: 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 or storage of equipment or materials.

ENCROACHMENT: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before November 3, 1997.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): The official map on which the federal emergency management agency or federal insurance administration has delineated both the areas of special flood hazards and the floodway.

FLOOD, FLOODING, OR FLOODWATER: A. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

B. The condition resulting from flood related erosion.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the federal emergency management agency or federal insurance administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.



**FLOOD INSURANCE STUDY:** The official report provided by the federal insurance administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.

**FLOODPLAIN ADMINISTRATOR:** The community official designated by title to administer and enforce the floodplain management regulations.

**FLOODPLAIN MANAGEMENT:** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**FLOODPLAIN MANAGEMENT REGULATIONS:** This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

**FLOODPLAIN OR FLOOD PRONE AREA:** Any land area susceptible to being inundated by water from any source (see definition of Flood, Flooding, Or Floodwater).

**FLOODPROOFING:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA technical bulletins TB 1-93, TB 3-93, and TB 7-93.

**FLOODWAY:** 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 (1'). Also referred to as "regulatory floodway".

**FLOODWAY FRINGE:** That area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

**FRAUD AND VICTIMIZATION:** As related to section 9-9-9 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city of Corcoran will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

**FUNCTIONALLY DEPENDENT USE:** 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, and does not include long term storage or related manufacturing facilities.

**GOVERNING BODY:** The local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

**HARDSHIP:** As related to section 9-9-9 of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The city council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE:** Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the department of the interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
- B. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the secretary of the interior or directly by the secretary of the interior in states without approved programs.

**LEEVE:** A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**LEEVE SYSTEM:** A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area, including basement (see definition of Basement).

A. An unfinished or flood resistant enclosure below the lowest floor that is 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 it conforms to applicable nonelevation design requirements, including, but not limited to:

1. The flood openings standard in subsection 9-9-8-1C3 of this chapter,
2. The anchoring standards in subsection 9-9-8-1A of this chapter,
3. The construction materials and methods standards in subsection 9-9-8-1B of this chapter, and
4. The standards for utilities in section 9-9-8-2 of this chapter.

B. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see definition of Basement). This prohibition includes below grade garages and storage areas.

**MANUFACTURED HOME:** 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 attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**MARKET VALUE:** As defined in the city of Corcoran substantial damage/improvement procedures. See subsection 9-7-2B1 of this chapter.

**MEAN SEA LEVEL:** Means, for purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929, North American vertical datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

**NEW CONSTRUCTION:** For floodplain management purposes, means structures for which the "start of construction" commenced on or after November 3, 1997, and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 3, 1997.

**OBSTRUCTION:** Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**100-YEAR FLOOD:** See definition of Base Flood.

**PROGRAM DEFICIENCY:** A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

**PUBLIC SAFETY AND NUISANCE:** As related to section 9-9-9 of this chapter, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or 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.

**RECREATIONAL VEHICLE:** A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOODWAY:** 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 (1').

**REMEDY A VIOLATION:** 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 state or federal financial exposure with regard to the structure or other development.

**RIVERINE:** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**SHEET FLOW AREA:** See definition of Area Of Shallow Flooding.

**SPECIAL FLOOD HAZARD AREA (SFHA):** An area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1-A30, AE, A99, or AH.

**START OF CONSTRUCTION:** Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. 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. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE:** A walled and roofed building that is principally aboveground; this includes a gas or liquid storage tank or a manufactured home.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. This term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**VARIANCE:** A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

**VIOLATION:** The failure of a structure or other development to be fully compliant with this chapter. 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.

**WATER SURFACE ELEVATION:** The height, in relation to the national geodetic vertical datum (NGVD) of 1929, North American vertical datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**WATERCOURSE:** A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 609, 6-1-2009)

## **9-9-6: GENERAL PROVISIONS:**

**9-9-6-1: LANDS TO WHICH THIS CHAPTER APPLIES:**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Corcoran. (Ord. 609, 6-1-2009)

**9-9-6-2: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD:**

The areas of special flood hazard identified by the federal emergency management agency (FEMA) in the "Flood Insurance Study (FIS) For The City Of Corcoran" dated June 16, 2009, with accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), dated June 16, 2009, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping 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 Corcoran city council by the floodplain administrator. The study, FIRMs and FBFMs are on file at Corcoran city hall, community development department, 832 Whitley Avenue, Corcoran, CA 93212. (Ord. 609, 6-1-2009)

**9-9-6-3: 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. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the city of Corcoran from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 609, 6-1-2009)

**9-9-6-4: 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 another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 609, 6-1-2009)

**9-9-6-5: INTERPRETATION:**

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 609, 6-1-2009)

**9-9-6-6: 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 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 Corcoran, any officer or employee thereof, the state of California, or the federal emergency management agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 609, 6-1-2009)

**9-9-7: ADMINISTRATION:****9-9-7-1: DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR:**

The Corcoran city manager and/or his/her designee is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 609, 6-1-2009)

**9-9-7-2: DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR:**

The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- A. Permit Review: Review all development permits to determine:
  - 1. Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
  - 2. All other required state and federal permits have been obtained;
  - 3. The site is reasonably safe from flooding;
  - 4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot (1') at any point within the city of Corcoran; and
  - 5. All letters of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
- B. Development Of Substantial Improvement And Substantial Damage Procedures:
  - 1. Using FEMA publication FEMA 213, "Answers To Questions About Substantially Damaged Buildings", develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "market value".
  - 2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.
- C. Review, Use And Development Of Other Base Flood Data: When base flood elevation data has not been provided in accordance with section 9-9-6-2 of this chapter, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer section 9-9-8 of this chapter.

Note: A base flood elevation may be obtained using one of two (2) methods from the FEMA publication, FEMA 265, "Managing Floodplain Development In Approximate Zone A Areas - A Guide For Obtaining And Developing Base (100-Year) Flood Elevations", dated July 1995.

- D. Notification Of Other Agencies:

- 1. Alteration Or Relocation Of A Watercourse:
  - a. Notify adjacent communities and the California department of water resources prior to alteration or relocation;
  - b. Submit evidence of such notification to the federal emergency management agency; and
  - c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- 2. Base Flood Elevation Changes Due To Physical Alterations:

a. Within six (6) months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).

b. All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes In Corporate Boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation Of Floodplain Development: Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by subsection 9-9-8-1C1 and section 9-9-8-4 of this chapter (lowest floor elevations);
2. Certification required by subsection 9-9-8-1C2 of this chapter (elevation or floodproofing of nonresidential structures);
3. Certification required by subsection 9-9-8-1C3 of this chapter (wet floodproofing standard);
4. Certification of elevation required by subsection 9-9-8-3A3 of this chapter (subdivisions and other proposed development standards);
5. Certification required by section 9-9-8-6 of this chapter (floodway encroachments); and

6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the federal emergency management agency.

F. Map Determination: Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, 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 section 9-9-7-4 of this chapter.

G. Remedial Action: Take action to remedy violations of this chapter as specified in section 9-9-6-3 of this chapter.

H. Biennial Report: Complete and submit biennial report to FEMA.

I. Planning: Assure community's general plan is consistent with floodplain management objectives herein. (Ord. 609, 6-1-2009)

#### **9-9-7-3: DEVELOPMENT PERMIT:**

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in section 9-9-6-2 of this chapter. Application for a development permit shall be made on forms furnished by the city of Corcoran. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in section 9-9-6-2 or subsection 9-9-7-2C of this chapter;
6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in subsection 9-9-8-1C2 of this chapter and detailed in FEMA technical bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in subsection 9-9-8-1C2 of this chapter.

C. For a crawl space foundation, location and total net area of foundation openings as required in subsection 9-9-8-1C3 of this chapter and detailed in FEMA technical bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in subsection 9-9-7-2E of this chapter. (Ord. 609, 6-1-2009)

#### **9-9-7-4: APPEALS:**

The city council of the city of Corcoran 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. (Ord. 609, 6-1-2009)

#### **9-9-8: PROVISIONS FOR FLOOD HAZARD REDUCTION:**

##### **9-9-8-1: STANDARDS OF CONSTRUCTION:**

In all areas of special flood hazards the following standards are required:

A. Anchoring: All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials And Methods: All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
2. Using methods and practices that minimize flood damage;
3. 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; and
4. Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

### C. Elevation And Floodproofing:

1. Residential Construction: All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- a. In AE, AH, A1-30 zones, elevated to or above the base flood elevation.
- b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet (2') above the highest adjacent grade if no depth number is specified.
- c. In an A zone, without BFEs specified on the FIRM (unnumbered A zone), elevated to or above the base flood elevation; as determined under subsection 9-9-7-2C of this chapter.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

2. Nonresidential Construction: All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with subsection C1 of this section or:

- a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under subsection C1 of this section, so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered civil engineer or architect that the standards of subsections C2a and C2b of this section are satisfied. Such certification shall be provided to the floodplain administrator.

3. Flood Openings: All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- a. For nonengineered openings:
  - (1) Have a minimum of two (2) openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (2) The bottom of all openings shall be no higher than one foot (1') above grade;
  - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
  - (4) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter; or
- b. Be certified by a registered civil engineer or architect.

#### 4. Manufactured Homes:

- a. See section 9-9-8-4 of this chapter.

#### 5. Garages And Low Cost Accessory Structures:

- a. Attached Garages:

(1) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. See subsection C3 of this section. Areas of the garage below the BFE must be constructed with flood resistant materials. See subsection B of this section.

(2) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA technical bulletin TB-6.

- b. Detached Garages And Accessory Structures:

(1) "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low cost sheds), as defined in section 9-9-5 of this chapter may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

- (A) Use of the accessory structure must be limited to parking or limited storage;
- (B) The portions of the accessory structure located below the BFE must be built using flood resistant materials;
- (C) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
- (D) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
- (E) The accessory structure must comply with floodplain encroachment provisions in section 9-9-8-6 of this chapter; and
- (F) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with subsection C3 of this section.

(2) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in this section 9-9-8-1. (Ord. 609, 6-1-2009)

### 9-9-8-2: STANDARDS FOR UTILITIES:

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of floodwaters into the systems; and
2. Discharge from the systems into floodwaters.

B. On site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding. (Ord. 609, 6-1-2009)

### 9-9-8-3: STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT:

A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall:

1. Identify the special flood hazard areas (SFHA) and base flood elevations (BFE).
2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.

3. If the site is filled above the base flood elevation, the following as built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the floodplain administrator:

- a. Lowest floor elevation.
- b. Pad elevation.
- c. Lowest adjacent grade.

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 609, 6-1-2009)

#### **9-9-8-4: STANDARDS FOR MANUFACTURED HOMES:**

A. All manufactured homes that are placed or substantially improved, on sites located: 1) outside of a manufactured home park or subdivision; 2) in a new manufactured home park or subdivision; 3) in an expansion to an existing manufactured home park or subdivision; or 4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

1. Within zones A1-30, AH, and AE on the community's flood insurance rate map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH, and AE on the community's flood insurance rate map that are not subject to the provisions of subsection A of this section will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation; or
2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches (36") in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator. (Ord. 609, 6-1-2009)

#### **9-9-8-5: STANDARDS FOR RECREATIONAL VEHICLES:**

A. All recreational vehicles placed in zones A1-30, AH, and AE will either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to a site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the permit requirements of section 9-9-7-3 of this chapter and the elevation and anchoring requirements for manufactured homes in subsection 9-9-8-4A of this chapter. (Ord. 609, 6-1-2009)

#### **9-9-8-6: FLOODWAYS:**

Since floodways are an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the city of Corcoran.

B. Within an adopted regulatory floodway, the city of Corcoran shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

C. If subsections A and B of this section are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this section 9-9-8. (Ord. 609, 6-1-2009)

#### **9-9-9: VARIANCE PROCEDURE:**

##### **9-9-9-1: NATURE OF VARIANCES:**

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the city of Corcoran to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in this chapter are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. 609, 6-1-2009)

##### **9-9-9-2: CONDITIONS FOR VARIANCES:**

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of sections 9-9-7 and 9-9-8 of this chapter have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in section 9-9-5 of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in significant flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city of Corcoran need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city of Corcoran believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the Kings County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the federal emergency management agency.

G. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;

2. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and

3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

H. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

I. Upon consideration of the factors of subsection A of this section and the purposes of this chapter, the Corcoran city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 609, 6-1-2009)

### 9-9-9-3: APPEAL BOARD:

A. In passing upon requests for variances, the Corcoran city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

1. Danger that materials may be swept onto other lands to the injury of others;

2. Danger of life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;

5. Necessity to the facility of a waterfront location, where applicable;

6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. Safety of access to the property in time of flood for ordinary and emergency vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and

11. 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. 609, 6-1-2009)

## TITLE 10

## GENERAL PLAN

### CHAPTER 1

### GENERAL PLAN

#### SECTION:

#### 10-1-1: Adoption Of Plan



**10-1-1: ADOPTION OF PLAN:**

The General Plan, as amended, for the City of Corcoran is hereby adopted as the long-range plan for future development of the City. (1996 Code)

**TITLE 11**

**ZONING REGULATIONS**

**CHAPTER 1**

**GENERAL**

**SECTION:**

**11-1-1: Adoption**

**11-1-2: Purposes And Objectives Of The Code**

**11-1-3: Short Title**

**11-1-4: Components Of The Zoning Ordinance**

**11-1-5: Interpretation**

**11-1-6: Application**

**11-1-7: Construction And Definitions**

**11-1-1: ADOPTION:**

There is hereby adopted, as provided herein, a Zoning Code for the City of Corcoran, State of California, which is a part of the Corcoran City Code. (Ord. 527, 8-4-1997)

**11-1-2: PURPOSES AND OBJECTIVES OF THE CODE:**

A. The Zoning Code is adopted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the code is adopted to achieve the following objectives:

1. To provide a zone plan to guide the physical development of the City in such a manner as to achieve progressively the general arrangement of land uses described and depicted in the General Plan.
2. To foster a wholesome, serviceable and attractive living environment, the beneficial development of areas which exhibit conflicting patterns of use, and the stability of existing land uses which conform with objectives, policies, principles and standards of the General Plan.
3. To prevent excessive population densities and overcrowding of land with structures.
4. To promote a safe, effective traffic circulation system, the provision of adequate off-street parking and truck loading facilities, and the appropriate location of community facilities.
5. To protect and promote appropriately located commercial and industrial activities in order to preserve and strengthen the City's economic base.
6. To protect and enhance real property values and the City's natural assets.
7. To ensure unimpeded development of such new urban expansion that is logical, desirable and in conformance with objectives and policies of the General Plan.
8. To provide and protect open space in accordance with policies of the open space element of the General Plan. (Ord. 527, 8-4-1997)

**11-1-3: SHORT TITLE:**

This Title shall be known as the *ZONING CODE*; the word "Title" as used herein shall have the same meaning. (Ord. 527, 8-4-1997)

**11-1-4: COMPONENTS OF THE ZONING ORDINANCE:**

The Zoning Code shall consist of a zone plan designating certain districts and a set of regulations controlling the uses of land, not in conflict with the Uniform Building Code as adopted by the City; the density of population; the uses and locations of structures; the height and bulk of structures; the open spaces about structures; the appearance of certain uses and structures; the areas and dimensions of sites; the location, size and illumination of signs; and, requiring the provision of off-street parking and off-street loading facilities. (Ord. 527, 8-4-1997)

**11-1-5: INTERPRETATION:**

A. Interpretation And Application: In their interpretation and application, the provisions of this Title are held to be minimum requirements except where they are expressly stated to be otherwise. No provision of this Title is intended to abrogate, repeal, annul, impair or interfere with any existing ordinance of the City, except as specifically repealed herein, or deed restriction, covenant, easement, or other agreement between parties, provided that where this Title imposes greater restrictions or regulations than are imposed by an existing ordinance, deed restriction, covenant, easement, or agreement between parties, this Title shall control.

B. Allowable Uses Of The Land: If a proposed use of land is not specifically listed in any chapter or section, the use shall not be allowed, except as follows.

1. The Planning Director may determine that a proposed use not listed in any chapter or section is allowable if all of the following findings are made:
  - a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and will not involve a higher level of activity or population density than the uses listed in the district;
  - b. The proposed use will meet the purpose/intent of the zoning district that is applied to the site; and
  - c. The proposed use will be consistent with the goals, objectives and policies of the General Plan.
2. When the Planning Director determines that a proposed, but unlisted, use is equivalent to the listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what other standards and requirements of the

Zoning Code apply.

3. It is within the discretion of the Planning Director to forward questions about equivalent uses directly to the Planning Commission for a determination at a public hearing.

C. Procedure For Interpretations: The Planning Director shall respond in writing to any request for interpretation of the provisions of this Title.

1. Request For Interpretation: The request shall specifically state the provisions(s) in question, and provide any information to assist in their review.

2. Record Of Interpretations: Whenever the Planning Director determines that the meaning or applicability of any of the requirements of this Title are subject to interpretation generally or as applied to a specific case, the Planning Director may issue an official interpretation. Official interpretations shall be:

a. In writing, and shall quote the provisions of this Title being interpreted, and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation; and

b. Distributed to the City Council, Planning Commission, City Manager, City Attorney, City Clerk, and Department staff.

Any provisions of this Title that are determined by the Planning Director to need refinement or revision will be corrected by amending this Title as soon as practical. Until amendments can occur, the Planning Director will maintain a complete record of all official interpretations, available for public review, and indexed by the number of the section that is the subject of the interpretation.

3. Appeals And Referral: Any interpretation(s) of this Title by the Planning Director may be appealed to the Planning Commission as provided in Section 11-17-4 of this Title and the decision of the Planning Commission may be appealed to the City Council as provided in Section 11-20-5 of this Zoning Code. The Planning Director may also refer any interpretation to the Planning Commission for discussion, direction, or approval. (Ord. 527, 8-4-1997)

#### **11-1-6: APPLICATION:**

A. This Title shall apply to all property, whether owned by private persons, firms, corporations or organizations; by the United States of America or any of its agencies; by the State or any of its agencies or political subdivisions; by any city or county, including the City of Corcoran or any of its agencies; or by any authority or district organized under the laws of the State, all subject to the following exceptions:

1. Public streets and alleys.
2. Underground utility lines and facilities.
3. Overhead communication lines.
4. Overhead and underground electric and gas distribution and transmission facilities, subject to the provisions of Chapter 18 of this Title.
5. "Railroad rights of way", as defined in Chapter 2 of this Title.
6. Other exemptions specifically allowed by State law or amendments thereto. (Ord. 527, 8-4-1997)

#### **11-1-7: CONSTRUCTION AND DEFINITIONS:**

A. The definitions of words used in this Title, and the construction of the words and provisions thereof, shall be as set forth in Chapter 2 of this Title.

B. Where there are conflicting provisions in this Zoning Code, the most restrictive shall apply at the discretion of the Planning Director. (Ord. 527, 8-4-1997)

## **CHAPTER 2**

### **DEFINITIONS**

#### **SECTION:**

#### **11-2-1: Construction**

#### **11-2-2: General Terminology**

#### **11-2-3: Definitions**

#### **11-2-1: CONSTRUCTION:**

A. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Title.

1. Gender: The masculine shall include the feminine and neuter.
2. Headings: In the event that there is any conflict or inconsistency between the heading of a chapter, section or paragraph of this Title and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.
3. Number: Words used in the singular include the plural, and words used in the plural include the singular.
4. Shall And May: The word "shall" is mandatory; the word "may" is permissive.
5. Tense: Words used in the present tense include the future tense. (Ord. 527, 8-4-1997)

#### **11-2-2: GENERAL TERMINOLOGY:**

The word "City" shall mean the City of Corcoran, California. The words "City Council" and "Council" shall mean the City Council of the City of Corcoran. The words "Planning Commission" and "Commission" shall mean the Planning Commission of the City of Corcoran. The words "City Clerk, City Engineer and Building Official" shall mean the City Clerk, City Engineer and Building Official, respectively, of the City of Corcoran. The words "Planning Director" and "Planning Department" shall mean the Planning Department of the City of Corcoran as designated by the City Manager or City Council of the City of Corcoran. (Ord. 527, 8-4-1997)

#### **11-2-3: DEFINITIONS:**

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

**ABANDONED:** To cease or suspend from, developing or maintaining a building or use for a stated period of time.

**ABANDONED ACTIVITY:** A business or activity with no reported sales or activity for a period of at least one hundred eighty (180) days. Exceptions

are temporary closures for repairs, alterations, or other similar situations.

**ABUTTING (ADJACENT):** Two (2) or more parcels sharing a common boundary, of at least one point.

**ACCESS:** Safe, adequate, and usable ingress or egress to a property or use.

**ACCESSORY BUILDING:** A. A building or structure which is subordinate to, and the use of which is customarily incidental to that of the main building, structure or use on the same site, including patio covers.

B. Except in the case of garden structures, if any accessory building is attached to the main building by a common wall or a connecting roof, such accessory building shall be deemed to be part of the main building.

**ACCESSORY USE:** A use incidental, related, appropriate and clearly subordinate to the main use of the site or building, which accessory use does not alter the principal use of the site.

**ACTION:** The decision made by the review authority on a land use application, including appropriate findings, environmental determination and conditions of approval, where applicable.

**AGRICULTURE:** The use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including, but not limited to, storage, harvesting, feeding or maintenance of equipment excluding stockyards, slaughtering or commercial food processing.

**AIRPORT OR HELIPORT:** Any area or land designated and set aside for the landing and taking off of any aircraft regulated by federal aviation administration.

**ALLEY:** A public or private way, at the rear of side or property, permanently reserved as an ancillary means of vehicular or pedestrian access to abutting property.

**ALTERATION:** Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

**ANCILLARY USE:** A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

**ANIMAL HOSPITAL:** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short time boarding and shall be only incidental to such hospital use, and within an enclosed soundproof structure.

**ANTENNA:** A device for transmitting or receiving radio, television, or any other transmitted signal.

**APARTMENT:** A portion of a structure designed and used for occupancy by two (2) or more individual persons or families living independently of each other, including duplex, triplex, fourplex, and other multiunit configurations.

**APPLICANT:** Owner(s) or lessee(s) of property, or their agent(s), or person(s) who has contracted to purchase property contingent upon their ability to acquire the necessary permits under this development code, or the agent(s) of such persons.

**AREA PLAN:** A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the city and/or the unincorporated territory which has been adopted by the city, consistent with the general plan and the provisions of Government Code section 65450 et seq.

**AUTOMOBILE SALES LOT:** An open area used for the display, sale or rental of new or used automobiles.

**AUTOMOBILE WRECKING YARD:** A site or portions of a site on which the dismantling or wrecking of used vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or their parts are conducted. The presence on a site of three (3) or more motor vehicles which have not been capable of operating under their own power for thirty (30) days or more, or, in the case of vehicles not self-propelled, which have not been towable or from which parts have been removed for reuse or sales, shall constitute prima facie evidence of a motor vehicle wrecking yard.

**AWNING:** A roof like cover that is attached to and projects from the wall of a building for the purpose of shielding from the elements.

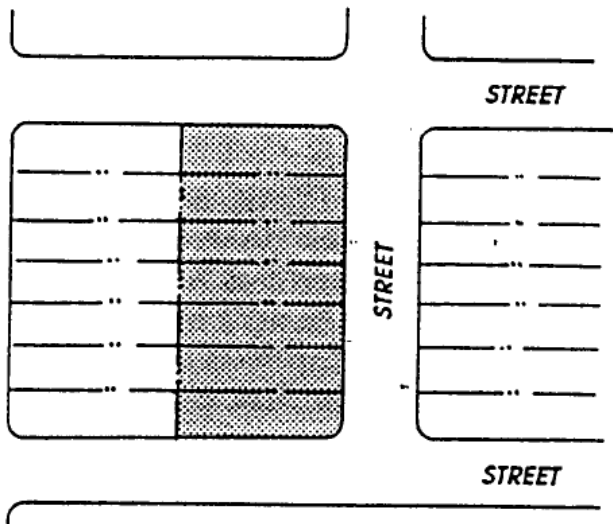
**BED AND BREAKFAST:** A transient lodging establishment primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals to the extent otherwise permitted by law.

**BERM:** A mound or embankment of earth.

**BILLBOARD:** Shall mean the same as "outdoor advertising structure".

**BLOCK:** The properties abutting on one side of a street and lying between two (2) nearest intersecting or intercepting street or railroad right of way, unsubdivided land or watercourse.

**Block face**



**BOARDING OR ROOMING HOUSE:** A building where lodging and meals are provided for compensation for five (5) but not more than fifteen (15) persons, not including rest homes.

**BORROW PIT:** Any place or premises where dirt, soil, sand, gravel or other materials is removed by excavation or otherwise below the grade of surrounding land for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

**BREEZEWAY:** A roofed passageway, open on at least two (2) sides, connecting the main structure on a site with another main structure or accessory use on the same site.

**BUILDING:** A permanently located structure, having a roof, for the housing or enclosure of persons, chattels or property of any kind. Mobile homes, travel trailers and other vehicles, even though permanently immobilized, shall not be deemed to be buildings.

**BUILDING AREA:** The net portion of the lot remaining after deducting all required setbacks from the gross area of the lot.

**BUILDING COVERAGE:** The percent of lot area which may be covered by all the footprints of buildings or structures on a lot.

**BUILDING HEIGHT:** The building height is the vertical distance from the finished grade to the highest point of the structure, excluding chimney and vents.

**BUILDING, MAIN:** A building within which is conducted the principal use permitted on the lot or site as provided by this Title.

**BUILDING SETBACK LINE:** The minimum distance as prescribed by this Title between any property line and the closest point on the foundation or any supporting post or pillar of any building or structure related thereto.

**BUILDING SITE:** The ground area of a building together with all open spaces required by this Zoning Code.

**CARPORT:** An accessory structure or portion of main structure open on two (2) or more sides designed for the storage of motor vehicles, without full enclosure.

**CEMETERY:** Land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such premises.

**CERTIFICATE OF OCCUPANCY:** A permit issued by the Building Official prior to occupancy of a structure to assure that the structure is ready for occupancy with all defects corrected and all construction debris removed and the site graded to final grade. Additionally, all on-site amenities (i.e., paving, landscaping, etc.) shall be in place prior to the issuance of the certificate.

**CITY:** The City of Corcoran.

**CLINIC:** A place for the provision of group medical services.

**CLUB:** An association of persons for some common nonprofit purposes, but not including groups organized primarily to render a service which is customarily carried on as a business.

**COLLEGE:** An educational institution offering advanced instruction in an academic field beyond the secondary level, but not including trade schools or business colleges.

**COLLEGE, TRADE:** Shall mean the same as "school, trade".

**COMMERCIAL OFFICE:** Any administrative or clerical office maintained as a business and any office established by a public service over which this Title has jurisdiction.

**COMMERCIAL VEHICLE:** A vehicle customarily used as part of a business for the transportation of goods or people.

**COMMISSION:** The Planning Commission of the City of Corcoran.

**COMMUNICATIONS EQUIPMENT BUILDINGS:** A building housing electrical and mechanical equipment necessary for the conduct of a public communication business, with or without personnel.

**COMMUNITY CARE FACILITY:** Consistent with Health and Safety Code, an intermediate care facility shall include facilities for developmentally disabled habilitative nursing or congregate living.

**CONDITIONAL USE/DEVELOPMENT PERMIT:** A discretionary entitlement which may be granted under the provisions of this Title and which when

granted authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the entitlement.

**CONDOMINIUM:** A development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.

**CONSTRUCTION COMMENCEMENT:** The start of construction of substantial site and structural improvements after a building permit has been issued, subject to determination by the Director.

**CONVALESCENT HOME:** Shall mean same as "rest home".

**COUNCIL:** The City Council of the City of Corcoran.

**COURT:** An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by the walls of a building.

**COVERAGE; MEASUREMENT:** The percent of the site area covered by structures shall be measured by dividing the number of square feet of horizontal floor area covered by structures, open or enclosed, by the total horizontal area within the property lines of the site.

**DAY CARE FACILITY, CHILDREN:** A facility which provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty four (24) hour basis. Family day care homes are further divided into the following categories: small (up to 6 children) and large (7+ children). Day care facilities include family day care homes, infant centers, preschools, and extended day care facilities.

**DAYS:** Shall always be consecutive calendar days unless otherwise stated.

**DENSITY:** The number of dwelling units per gross acre, unless otherwise stated, for residential uses.

**DESIGN:** Includes the planning and engineering of the following: street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignment and grades thereof; location and size of all required easements and rights of way; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; building and other such specific physical requirements.

**DETACHED:** Any building or structure that does not have a wall or roof in common with any other building or structure.

**DEVELOPMENT:** The placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any soil or materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of size of any structure including any facility of any private, public or Municipal utility; and the removal of any major vegetation. As used in this Title, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. A "project", as defined in Government Code section 65931, is included with this definition.

**DRIVE-IN-RESTAURANT:** An establishment which serves food or beverages to persons while seated in or on a motor vehicle, and/or which serves food or beverages for consumption off the premises of the restaurant.

**DUMP:** A place used for the disposal, abandonment or discarding by burial, incineration or by any other means of any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals.

**DWELLING:** A building or portion thereof, designed exclusively for residential purposes, including one-family, two-family, three-family and multiple-family dwellings; including mobile homes; not including hotels, apartment hotels, boarding and lodging houses, fraternity and sorority houses, rest homes, convalescent homes, nursing homes, child care nurseries, or house trailers even though permanently immobilized.

**DWELLING, MULTIPLE-FAMILY:** A building designed exclusively for occupancy by four (4) or more families, living independently of each other (e.g., fourplex or apartment).

**DWELLING, ONE-FAMILY:** A detached building designed exclusively for occupancy by or occupied by one family for residential purposes.

**DWELLING, THREE-FAMILY:** A building designed exclusively for occupancy by or occupied by three (3) families, living independently of each other (e.g., triplex).

**DWELLING, TWO-FAMILY:** A building designed exclusively for occupancy by two (2) families, living independently of each other (e.g., duplex).

**DWELLING UNIT:** One or more rooms and a kitchen designed for occupancy by one family for living and sleeping purposes.

**EASEMENT:** A grant of one or more property rights by the property owner for the use by the public, a corporation or another person or an entity.

**EDUCATIONAL INSTITUTIONS:** Public or other nonprofit institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, nonprofit research institutions and religious institutions. Such institutions must either: a) offer general academic instruction equivalent to the standards prescribed by the state board of education, or b) confer degrees as a college or university of undergraduate or graduate standing, or c) conduct research, or d) give religious instruction. This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit nor does it include commercial or trade schools.

**ELECTRICAL DISTRIBUTION SUBSTATION:** An assembly of equipment which is part of a system for the distribution of electric power where electric energy is received at a subtransmission voltage and transformed to a lower voltage for distribution for general consumer use.

**ELECTRICAL TRANSMISSION SUBSTATION:** An assembly of equipment which is part of a system for the transmission of electric power where electric energy is received at a very high voltage from its source of generation by means of a network of high voltage lines and where by means of transformers, said high voltage is transformed to a low voltage for purposes of consumers, interchange connections with other distribution substations for transformation to still lower voltages for distributions to smaller individual users.

**ENTERTAINMENT (LIVE):** Any act, play, revue, pantomime, scene, dance act, or song and dance act, or any combination thereof, performed by one or more persons whether or not they are compensated for the performance.

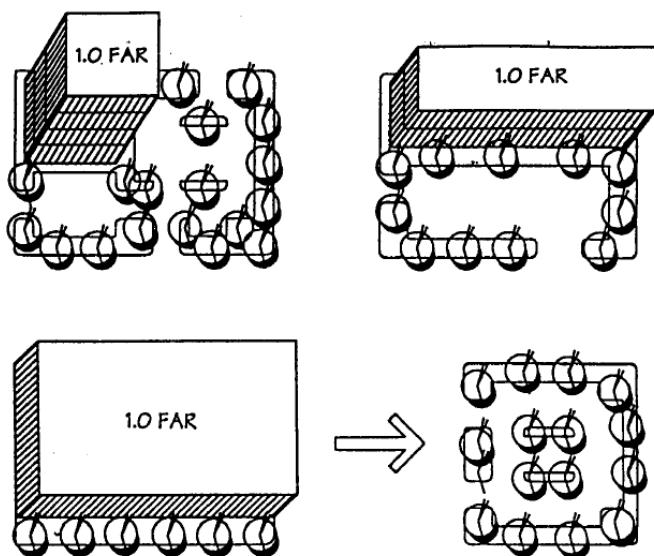
**FAMILY:** One or more persons living as a bona fide single nonprofit relatively permanent housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel or club suitable for group use. A family shall not include a fraternal, social or business group.

**FENCE, OPEN:** A fence, fifty percent (50%) or more of the vertical surface of which is open to the transmission of light, air and vision.

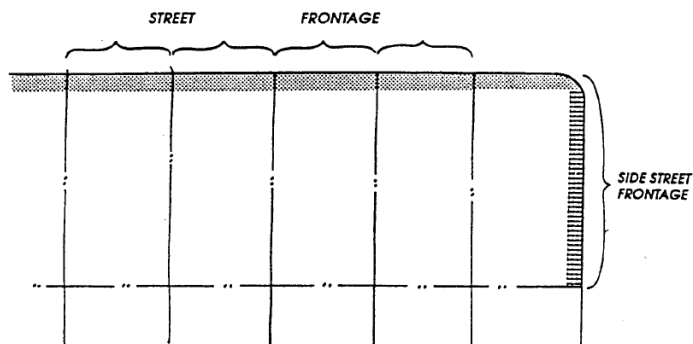
**FENCE, SCREENED:** A fence, ninety percent (90%) or more of the vertical surface of which is closed to the transmission of light, air and vision.

**FLOOR AREA RATIO (FAR):** Floor area ratio (FAR) means a maximum permitted ratio of gross building floor area to lot size. The FAR is intended

to regulate building bulk while allowing flexibility in determining the height and placement of the building on the lot. For example, a ten thousand (10,000) square foot property with a FAR of 1.0 would be permitted to have a maximum ten thousand (10,000) square foot building. Required setbacks, height of structures, parking and landscaping will affect total lot coverage, probably reducing the ultimate FAR below the maximum allowable. The illustration below depicts different FAR configurations considering variables such as landscaping, size of building, and on or off site parking.



**FRONTAGE:** The side of a lot abutting a street (the front lot line), except the side of a corner lot.



**FRONT WALL:** The nearest wall of a structure to the street upon which the structure faces, but excluding cornices, canopies, eaves, or any other architectural establishments.

**GARAGE, PRIVATE:** A detached accessory building or a portion of a main building on the same lot as the dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

**GARAGE, REPAIR:** A structure or part thereof, other than a private garage, where motor vehicles are repaired or painted.

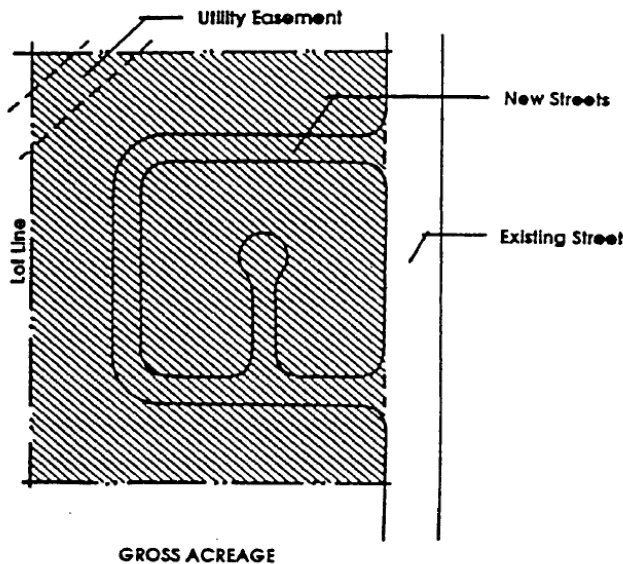
**GARDEN STRUCTURE:** An arbor, deck, fountain, lath cover, lath house, pergola, raised planting bed, trellis or other similar structure intended specifically to enhance the appearance of the garden or which has a function relating to the use of outdoor space, but not including a house, garage, carport or storage building.

**GENERAL PLAN:** The city of Corcoran general plan as adopted by the city council, who may amend the plan from time to time, hereafter referred to as the "general plan".

**GRADE:** The degree of rise or descent of a sloping surface.

**"GRANNY" FLAT:** An additional dwelling unit intended for the sole occupancy of one or two (2) adult persons who are sixty two (62) years or over, and the floor area of the attached "granny" flat dwelling unit does not exceed thirty percent (30%) of the existing living area of the primary residence or the floor area of the detached "granny" flat dwelling unit does not exceed one thousand two hundred (1,200) square feet on a lot designated as residential, as defined in Government Code section 6582.1.

**GROSS ACREAGE:** The total area within the lot lines of a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel, and does not include adjacent lands already dedicated for such purposes.



**GROSS FLOOR AREA:** The area included within the surrounding exterior finish wall surface of a building or portion thereof, exclusive of courtyards.

**GUEST HOUSE:** Living or sleeping quarters within an accessory building for the sole use of occupants of the premises, guests of such occupants or persons employed on the premises. Such quarters shall have no kitchen facilities and shall not be rented.

**HAZARDOUS WASTE:** Means either of the following:

- A. A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may either:
  - 1. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
  - 2. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- B. A waste which meets any of the criteria for the identification of a hazardous waste adopted by the State Department of Health Services pursuant to Health and Safety Code section 25117.
- C. Resource Conservation and Recovery Act hazardous wastes.
- D. Unless expressly provided otherwise, the term "hazardous waste" shall be understood to also include extremely hazardous waste and acutely hazardous waste. (Health and Safety Code section 25117)

**HAZARDOUS WASTE FACILITY:** All contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste, and may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste management units, or combinations of these units. (Health and Safety Code section 25117.1)

**HOME OCCUPATION:** The conduct of an art or profession, the offering of a service or the conduct of a business, or the handcrafted manufacture of products within a dwelling in a residential district, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof, in accordance with the regulations prescribed in Chapter 15 of this Title.

**HOSPITAL:** An institution, designed within an integrated campus setting for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

**HOTEL:** A building in which there are sixteen (16) or more guest rooms where lodging with or without meals is provided for compensation, usually on a transient basis. "Hotel" shall not be construed to include motel, trailer court, sanitarium, hospital or other institutional building, or jail or other building where persons are housed under restraint.

**INFILL DEVELOPMENT:** Development that occurs on up to four (4) contiguous vacant lots scattered within areas that are already largely developed or urbanized. Generally, these sites are vacant because they were once considered of insufficient size for development, because an existing building located on the site was demolished or because there were other, more desirable sites for development.

**JUNKYARD:** A site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, used lumberyards and the like; excepting a site on which uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this Section. An establishment for the sale, or purchase of salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junkyard.

**KENNEL:** Any lot or premises on which four (4) or more dogs and/or cats at least four (4) months of age are kept, boarded or trained, whether in special buildings or runways or not.

**KITCHEN:** Any room used or intended or designed to be used for cooking or the preparation of food.

**LANDSCAPING:** An area devoted to or developed and maintained predominantly with native or exotic plant materials including lawn, ground cover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements.

**LODGE:** An order or society of persons organized for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

**LODGING HOUSE:** A dwelling in which lodging or lodging means are provided for compensation for more than five (5) but not more than fifteen (15) persons other than members of the resident family, excepting a "nursing home" as defined in this Section.

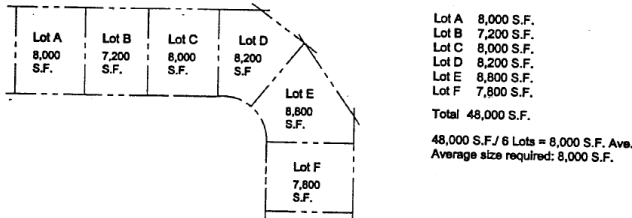


LOT:

- A. A single parcel of land for which a legal description is filed of record, or the boundaries of which are shown on a subdivision map, or record for survey map filed in the office of the County Recorder.
- B. The term "lot" shall include a part of a single parcel of land when such part is used as though a separate lot for all of the purposes and under all the requirements of this Title.
- C. The term "lot" shall include two (2) or more abutting lots when combined and used as though a single lot.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT AVERAGING: The design of individual adjoining lots within a residential subdivision in which the average lot area equals the minimum prescribed area for the RL Low Residential Land Use Zoning District. To maintain an average, some lots may be reduced to a maximum of ten percent (10%) below the minimum lot size, while a corresponding number of lots shall each maintain a lot area of at least ten percent (10%) above the minimum lot size. Allowable density shall be within the prescribed maximums.



LOT, CORNER: A lot situated at the intersection of two (2) or more streets which have an angle of intersection of not more than one hundred thirty five and one-fourth degrees ( $135\frac{1}{4}^\circ$ ).

LOT COVERAGE: That portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy.

LOT DEPTH: The depth of a lot shall be the horizontal length of a straight line connecting the midpoints of the front and rear lot lines.

LOT, DOUBLE FRONTAGE: An interior lot having frontage on and with access on two (2) parallel or approximately parallel streets.

LOT FRONTAGE: The portion of the lot contiguous to the street.

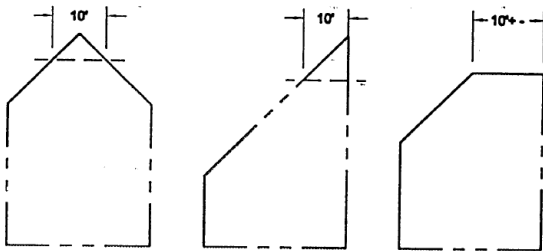
LOT, INTERIOR: A lot abutting only one street.

LOT, KEY: The first lot to the rear of a reversed corner lot, whether or not separated by an alley.

LOT LINE, FRONT: A. In the case of an interior lot, a line separating the lot from the street.

B. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.

LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line, or, in the case of an irregular triangular shaped lot, a line ten feet (10') in length within the lot parallel to and at a maximum distance from the front lot line.

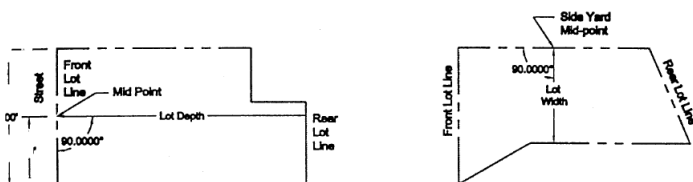


LOT LINE, SIDE: Any lot boundary line not a front lot or a rear lot line.

LOT, REVERSED CORNER: A corner lot, the street side of which is substantially a continuation of the front lot line of the lot upon which it rears.

LOT, THROUGH: See definition of Lot, Double Frontage.

LOT, WIDTH: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a midway point between the front and rear lot lines.



**MANUFACTURED HOME:** A factory-built or manufactured home including mobile homes, as permitted by State of California and Federal laws.

**MEDIAN:** A paved or planted area separating a street or highway into two (2) or more lanes of opposite direction of travel.

**MEDICAL BUILDING:** Clinics or offices for doctors, dentists, oculists, chiropractors, osteopaths, chiropodists or similar practitioners of the healing arts; including accessory laboratories and a prescription pharmacy, but not including offices for veterinarians.

**MIXED USE DEVELOPMENT:** The development of a parcel(s) or structure(s) with two (2) or more different land uses such as, but not limited to, a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

**MOBILE HOME:** A structure having multiple sections equaling or exceeding exterior dimensions of eight feet (8') in width and forty feet (40') in length, having a chassis and designed to be movable, with kitchen, bathroom and living facilities, designed for use as a single-family dwelling when connected to appropriate utility lines, with or without a permanent foundation.

**MOBILE HOME PARKS:** Any parcel or contiguous parcels of land under single ownership, designed or intended to be used to accommodate mobile homes on a permanent or semipermanent basis, in accordance with the provisions of chapter 10 of this title.

**MOTEL:** A building or group of buildings containing individual sleeping or living units, designed primarily for use by automobile tourists or transients, where a majority of such units open individually and directly to the outside. An establishment shall be considered a motel, in any case, when required by the Health and Safety Code of the state of California, to obtain the name and address of the guests and a description of their vehicle and its license. The term "motel" shall include tourist court, auto court and motor lodge.

**MULTI-FAMILY:** A structure or structures designed and used for occupancy by two (2) or more individual persons or families living independently of each other, including duplex, triplex, fourplex and other attached or detached multiunit configurations or two (2) detached single-family dwellings.

**NET SITE AREA:** The total area within the lot lines of a lot or parcel of land after public street easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

**NONCONFORMING BUILDING:** A building or portion thereof lawfully existing at the time of adoption of this title or amendments thereto.

**NONCONFORMING LOT:** A lot, the area, frontage or dimensions of which do not conform to the provisions of this title.

**NONCONFORMING USE:** A use complying with applicable laws when established but does not conform to the provisions of this title.

**NURSERY SCHOOL:** A school or the use of a site or a portion of a site for an organized program devoted to the education or daycare of five (5) or more preelementary school age children, including those in residence on the site.

**NURSING HOME:** A structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

**OFF STREET LOADING FACILITIES:** A site or a portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

**OFF STREET PARKING FACILITIES:** A site or a portion of a site devoted to the off street parking of motor vehicles including parking spaces, aisles, access drives and landscaped areas.

**OUTDOOR ADVERTISING STRUCTURE:** Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertising use is located or on which the advertised product is produced.

**PARCEL:** A parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the latest equalized assessment roll.

**PARKING DISTRICT:** A government parking district maintained by the federal, state, county or city government, or special district.

**PARKWAY:** The area of a public street that lies between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping and/or passive recreational purposes.

**PERMITTED USE:** Any use allowed in a land use zoning district and subject to the provisions applicable to that district.

**PERSON:** Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, state of California, and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver or assignee.

**PHYSICAL CULTURE STUDIOS:** A building or premises used for the development of human anatomical features such as muscles or physique through the use of free weights, mechanical equipment, electrical devices, or other means of individual exercise.

**PLANNING DIRECTOR:** Community development director of the city of Corcoran.

**PUBLIC PARK:** A park, playground, swimming pool, beach, pier, reservoir, golf course or athletic field within the city which is under the control, operation or management of the city, the county, or the state.

**PUBLIC RIGHT OF WAY:** A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public uses.

**PUBLIC UTILITY SERVICE YARD:** A site or portion of a site on which a public utility company may store, house and/or service equipment such as service trucks and other trucks and trailers, pumps, spools of wire, pipe, conduit, transformers, crossarms, utility poles, or any other material, tool or supply necessary for the normal maintenance of the utility facilities.

**QUEUE LINE:** An area for temporary awaiting of motor vehicles while obtaining a service or other activity.

**RAILROAD RIGHT OF WAY:** A strip of land of a maximum width of one hundred feet (100') only for the accommodation of main lines or branch line railroad tracks, switching equipment, and signals, but not including lands on which stations, offices, storage buildings, spur tracks, siding, section gang and other employee housing, yards or other uses are located.

**RECREATIONAL VEHICLE:** A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for recreational human habitation.

**RECYCLING:** The process by which waste products are reduced to raw materials and transformed into new products, including automobiles.

**RELIGIOUS INSTITUTION:** A structure which is used primarily for religious worship and related religious activities.

**RESIDENCE:** A structure containing a dwelling unit designed for occupancy or occupied by one family or more.

**RESIDENTIAL CARE FACILITY:** A family home, group care facility, or similar facility for twenty four (24) hour nonmedical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

**REST HOMES OR HOMES FOR THE AGED:** An establishment or home intended primarily for the care and nursing of invalids and aged persons; excluding cases of communicable diseases and surgical or obstetrical operations. The term shall not include nursing home.

**RESTAURANT:** An establishment which serves food or beverages primarily to persons seated within the building. This includes cafes and tearooms, and outdoor cafes.

**RESTAURANT, DRIVE-THROUGH:** A use providing preparation and retail sale of food and beverages, as defined under "restaurant" with the added provision of one or more drive- thru lanes for the ordering and dispensing of food and beverages to patrons remaining in their vehicles.

**ROUNDING OF QUANTITIES:** The consideration of distances, unit density, density bonus calculations, or other aspects of development of the physical environment expressed in numerical quantities which are fractions of whole numbers; the numbers are to be rounded to the next highest whole number when the fraction is five-tenths (0.5) or more, and to the next lowest whole number when the fraction is less than five-tenths (0.5), except as otherwise provided in this Title.

**SATELLITE DISH ANTENNA:** An apparatus capable of receiving or transmitting communication from a satellite.

**SCHOOL:** An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

**SCHOOL, ELEMENTARY, JUNIOR HIGH OR HIGH:** Public and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State Board of Education.

**SCHOOL, PRIVATE OR PAROCHIAL:** An institution conducting regular academic instruction at kindergarten, elementary or secondary levels, operated by a nongovernmental organization.

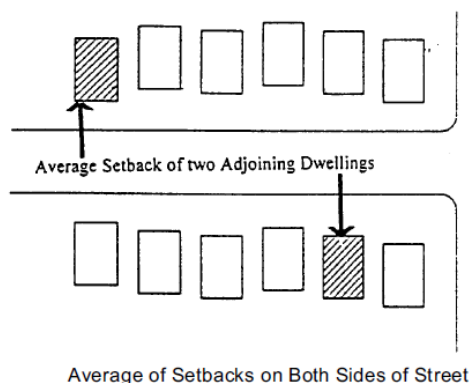
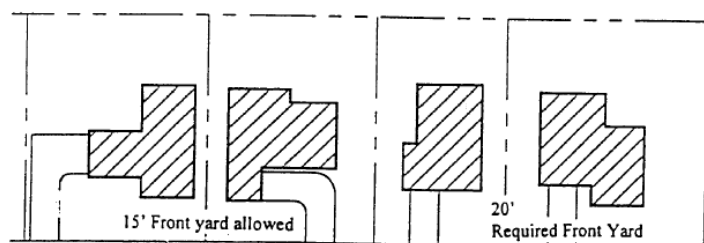
**SCHOOL, TRADE:** Schools offering preponderant instruction in the technical commercial or trade skills, such as real estate schools, business colleges, electronics schools, automotive and aircraft technician schools and similar commercial establishments operated by a nongovernmental organization.

**SECOND DWELLING UNIT:** An additional dwelling unit which may be rented, and the floor area of the attached second dwelling unit does not exceed thirty percent (30%) of the existing living area of the primary residence or the floor area of the detached second dwelling unit does not exceed one thousand two hundred (1,200) square feet on a lot designated as residential, as defined in Government Code section 65852.2.

**SENIOR CONGREGATE CARE HOUSING:** A structure(s) providing residence for a group of senior citizens (60 years of age or more) with central or private kitchen, dining, recreational, etc. facilities with separate bedrooms and/or living quarters.

**SERVICE STATION:** An occupancy engaged in the retail sales of gasoline, diesel or liquefied petroleum gas fuels, oil, tires, batteries and new accessories and which provides for the servicing of motor vehicles and operations, incidental thereto, including: automobile washing, incidental waxing and polishing, tire changing and repairing (but not including recapping), battery service, charging and replacement (but not including repair or rebuilding), radiator cleaning, flushing and repair, installation of minor accessories, lubrication of motor vehicles, rental of utility trailers, the testing, adjustment and replacement of motor parts and accessories.

**SETBACK:** The required distance that a building, structure, parking or other designated item must be located from a lot line.



**SETBACK, FRONT/REAR AVERAGE:** The average front/rear yard setback of a group of five (5) adjacent dwelling units. The setback on any unit may vary up to five feet (5') as long as the average setback of all five (5) units equals the minimum required for the land use zoning district.

**SIDEWALK/PARKING LOT SALE:** A promotional sales event conducted by one or more businesses which is held outside the confines of the commercial or manufacturing structure(s) in which such business is normally conducted and which sale involves the outdoor display within a paved

or concreted area on the same lot as the structure(s) of merchandise which is normally displayed within the structure(s). Sale events shall be conducted solely on private property and not encroach within public right of way.

**SIGN:** Any letter or symbol made of cloth, metal, paint, paper, wood or other material of any kind whatsoever, placed for advertising, identification or other similar purposes, on the ground or on any wall, post, fence, building, structure, vehicle or on any place whatsoever. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

**SITE:** A parcel of land, subdivided or unsubdivided, occupied or to be occupied by a use or structure. See definition of Lot.

**SITE AREA:** The total horizontal area included within the property lines of a site. See definition of Lot Area.

**SITE DEPTH:** The average horizontal distance between the front and rear property lines of a site measured along a line midway between side property lines. See definition of Lot Depth.

**SITE WIDTH:** The average horizontal distance between the front and rear property lines of a site measured along a line midway between side property lines. See definition of Lot Width.

**SOLAR FACILITIES:** The airspace over a parcel that provides access for a solar energy system to absorb energy from the sun.

**SPECIFIC PLAN:** A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the City, consistent with the General Plan and the provisions of Government Code section 65450 et seq.

**STABLE:** A detached accessory structure including, but not limited to, a corral or paddock for the keeping of one or more horses owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

**STABLE, COMMERCIAL:** A structure including, but not limited to, a corral or paddock for the keeping of horses for remuneration, hire or sale.

**STORAGE:** A space or place where goods, materials and/or personal property is put for more than twenty four (24) hours.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

**STREET:** A public or private way permanently dedicated or reserved as a primary means of access to abutting property.

**STREET LINE:** The boundary line between street rights of way and abutting property.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or any change in the exterior dimensions of a building, excepting those changes which may result from providing minor repairs and building maintenance.

**STRUCTURE:** Anything constructed or erected which requires a fixed location on the ground, including a building or sign pole or standard, but not including a fence or wall used as a fence, patio, walk, driveway or raised planting bed.

**STRUCTURE, MAIN:** A structure housing the principal use of a site or functioning as the principal use.

**SWAP MEETS:** Any indoor or outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and, where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

**TEMPORARY USE:** A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

**TRAFFIC SAFETY SIGHT AREA:** A space that is set aside on a corner lot in which all visual obstructions, such as structures and plantings, that inhibit visibility and thus cause a hazard to traffic and pedestrian safety are prohibited.

**TRAILER SALES LOT:** An open area where trailers are sold, leased or rented and where no repairs, repainting or remodeling are done.

**TRAILER, UTILITY:** A vehicle without motive power, designed and constructed to travel on the public thoroughfares in accordance with the provisions of the State Vehicle Code, and to be used only for carrying property.

**TRAVEL TRAILER:** A vehicle with or without motive power, designed and constructed to travel on the public thoroughfares in accordance with provisions of the State Vehicle Code, designed for human habitation, with no footing or foundation other than wheels and temporary stabilizing units with exterior dimensions less than eight feet (8') in width and less than forty feet (40') in length. The terms "camper" and "motor home" are included within the meaning of the term "travel trailer".

**TRAVEL TRAILER PARKS:** A parcel, or contiguous parcels of land under single ownership, designed or intended to be used to accommodate travel trailers on a transient basis (one month continuous occupancy or less).

**USE:** The purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged or for which either a site or structure is or may be occupied or maintained.

**USE, CONDITIONAL:** A use which is listed as a conditional use in any given district in this Title. Conditional uses may be required to meet certain requirements as a condition precedent to the granting of a use permit which will allow the establishing of a conditional use in any given district.

**USE, PERMITTED:** A use which is listed as a permitted use in any given district in this Title. Permitted uses need not meet special requirements as a condition precedent to be allowed to establish in a given district, except as required by the provisions of Chapters 17 and 18 of this Title.

**VARIANCE:** A discretionary entitlement which permits the departure from the strict application of the development standards contained in this Title.

**YARD:** Open and unoccupied space on a lot.

**YARD, FRONT:** An area extending across the full width of the lot between the front lot line or the existing or future street right of way and a structural setback line parallel thereto. On corner lots, the shortest street frontage shall be the front yard in residential land use districts, while the longest street frontage shall be the front yard in commercial/industrial land use districts.

A front yard shall be provided on each frontage of a "through lot", except where a waiver-of- access to none of the frontages applies.

**YARD, REAR:** A yard, the depth of which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

**YARD REQUIREMENTS; EXCEPTIONS:** Architectural features including sills, chimneys, fireplaces, cornices and eaves may extend into a required

side yard, a required rear yard, or a space between structures not more than thirty six inches (36") and may extend into a required front yard not more than six feet (6'), provided that where an architectural feature extends more than twenty four inches (24") into a required side yard, said extension shall be protected by a minimum one hour fire resistant standard. No building or projection thereof may extend into a public easement.

Open, unenclosed, uncovered metal fire escapes and depressed ramps or stairways may project into any required yard or space between buildings not more than four feet (4'); planter boxes attached to a building may be extended into a required front yard by not more than three feet (3').

Fences, walls, hedges, garden structures, walks, driveways and retaining walls may occupy any required yard or other open spaces, subject to the limitations prescribed in the district regulations. However, the provisions of this Title shall not apply to a fence or wall necessary for public safety as erected by a public or quasi-public agency or as required by any law or regulation of the State of California or any agency thereof.

Where more than sixty percent (60%) of such portion of the linear frontage of lots improved with residential buildings within any block is comprised of lots with less than the minimum front yard requirement, the minimum front yard requirement for other residential buildings in such block may be reduced to the average of the actual front yards of all the lots in such block improved with residential buildings, counting those which have front yards greater than the minimum front yard requirement of the district as having the minimum requirement.

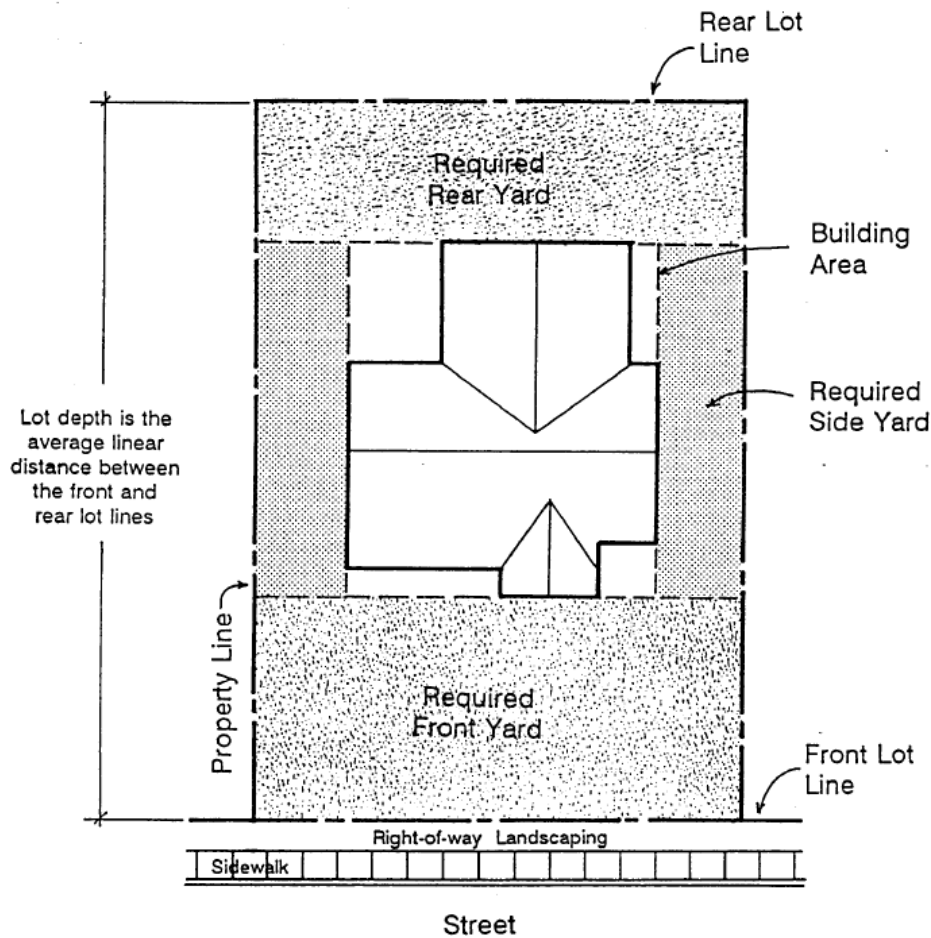
**YARD REQUIREMENTS; MEASUREMENT:** Required yard shall be measured as the minimum horizontal distance from the property line of the site or street line to a line parallel thereto on the site; provided that where a precise street plan has been adopted by the City Council, required front yards shall be measured from the plan line, and no provision of this Title shall be construed to permit a structure or use to extend beyond such line; and provided further that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line representing the boundary of the additional width required for street purposes abutting the site. Where a site abuts a public alley, required yards shall be measured from the center line of the alley, except that garages and carports shall be located a minimum of twenty five feet (25') from the opposite alley which has access perpendicular to the alley right-of-way line.

**YARD, SIDE:** A yard, the width of which is the minimum required horizontal distance between the side lot line and a line parallel thereto on the lot, not including any portion of required front yard or required rear yard.

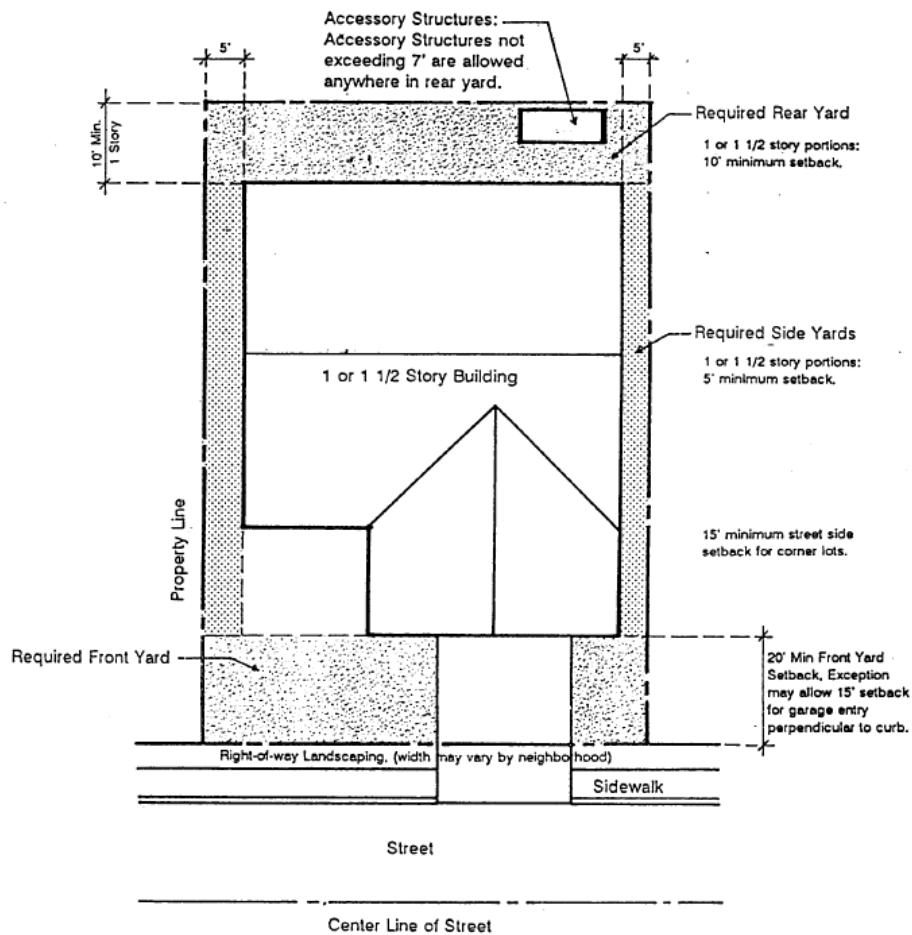
**YARD SPACES:** No yard space about any structure in compliance with the regulations for the district in which it is located shall be deemed to provide a yard for any other structure, and no yard on one site shall be deemed to provide a yard space for a structure on another site.

Where two (2) or more dwellings are located on the same lot, and any one of them has a door facing a side yard, such dwelling shall be located not less than ten feet (10') from the adjacent side lot line. A door shall be deemed to face a side yard if the wall in which the door is set is located at an angle of forty five degrees (45°) or less to the side yard.

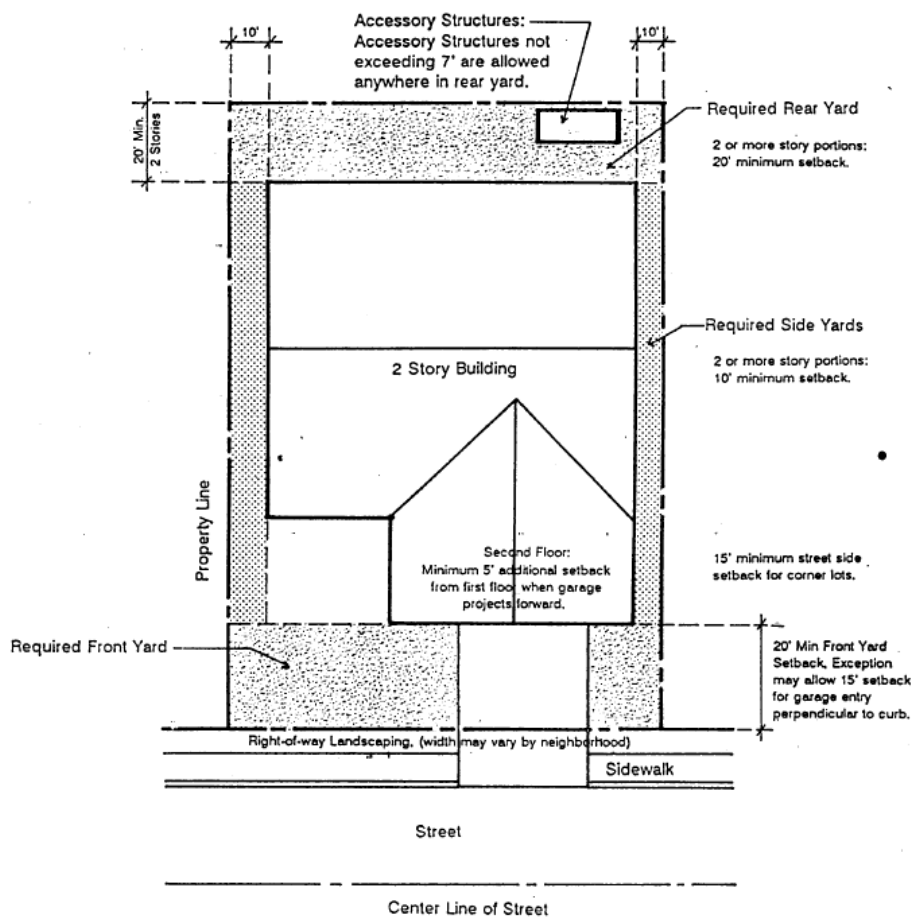
**ZERO LOT LINE:** The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.



Lot Depth and Location of Yards

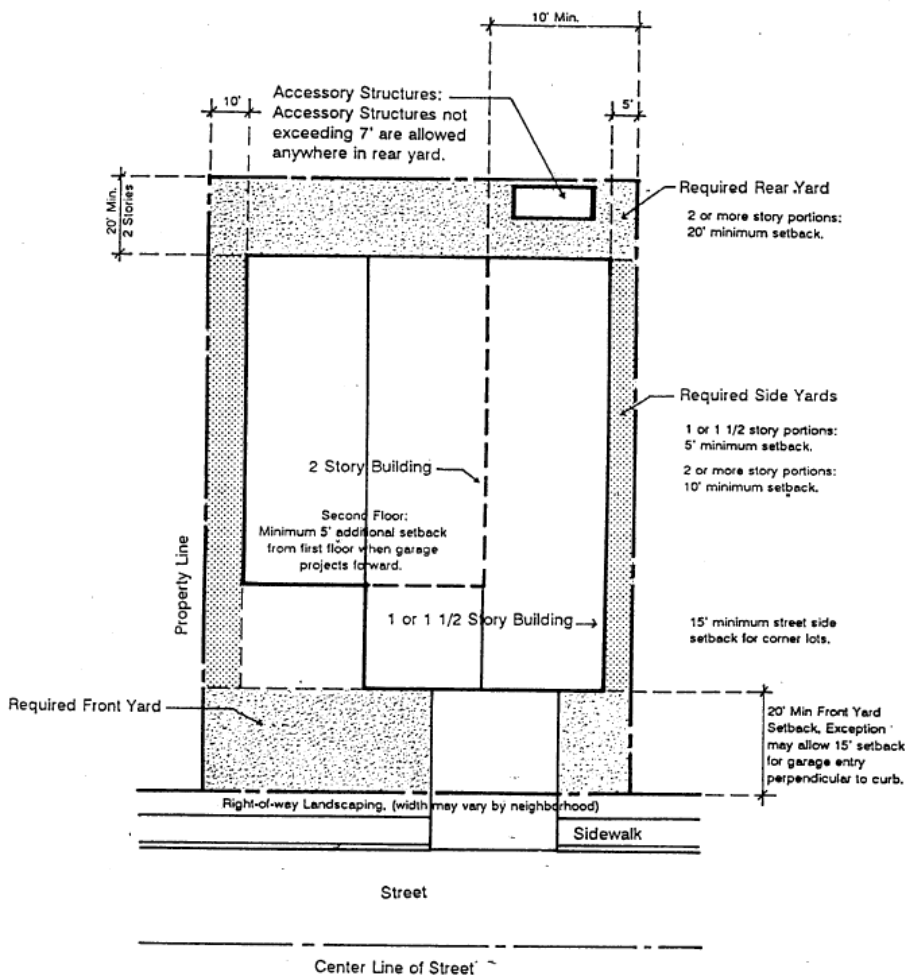


Single-Family Setback Requirements  
Single Story Structure

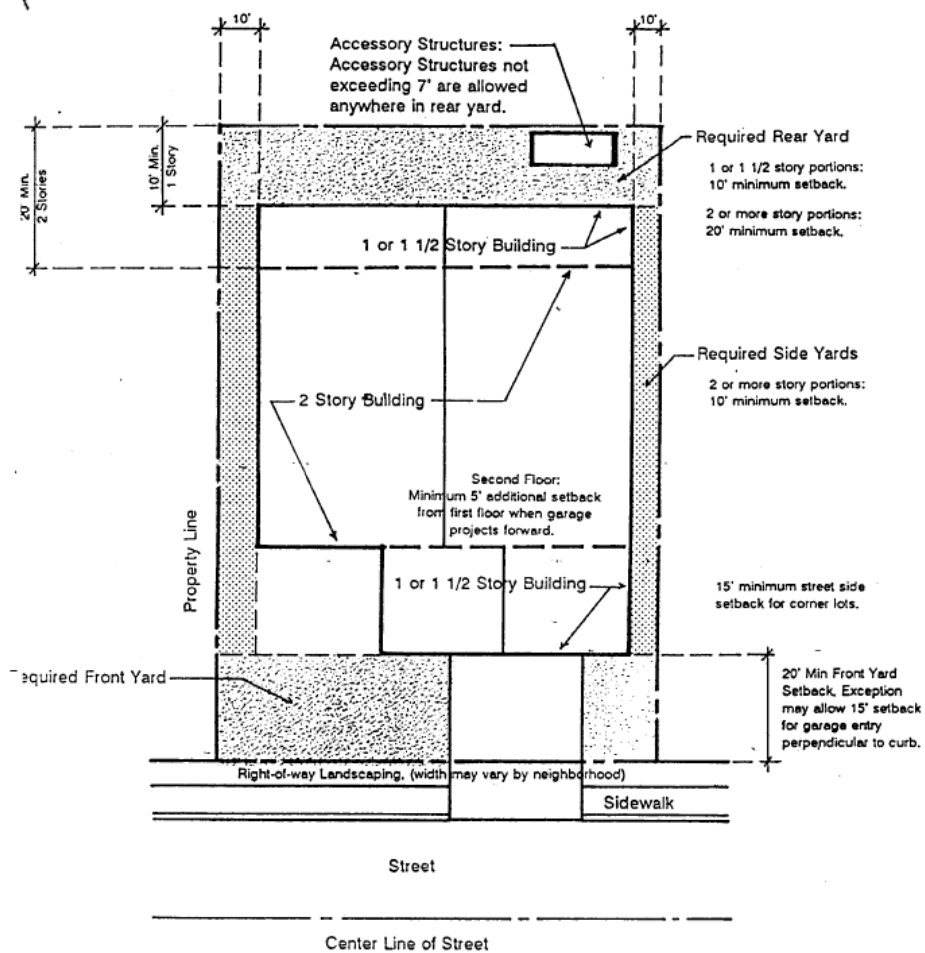


Single-Family Setback Requirements  
Two Story Structure - No Offset

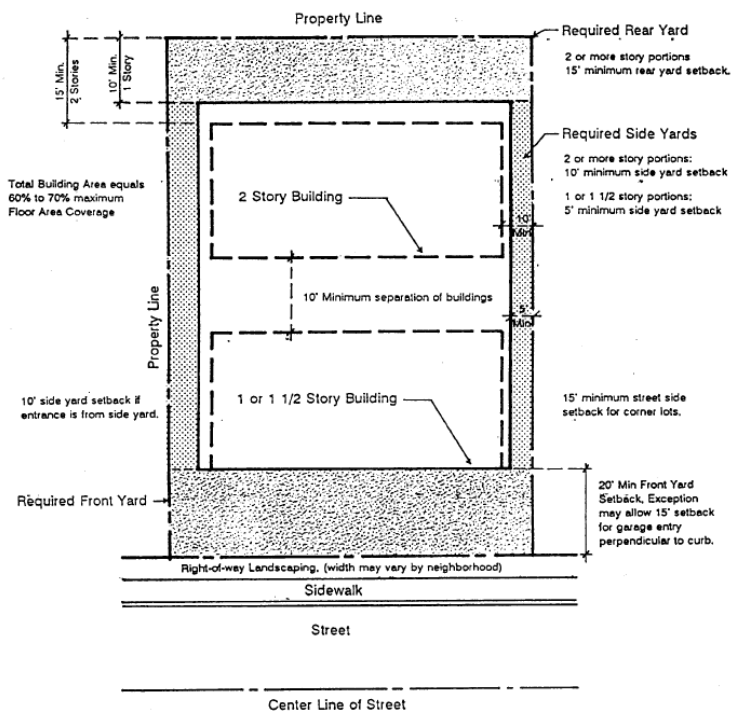




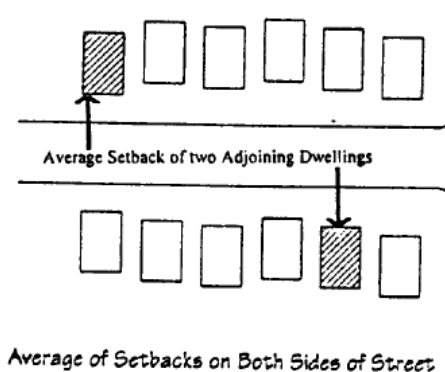
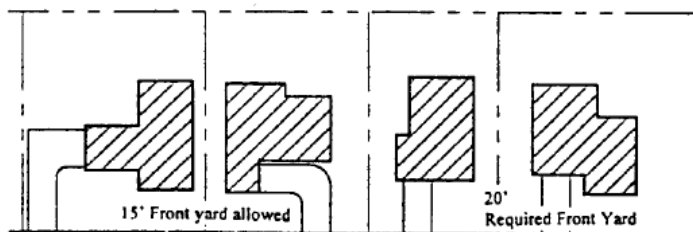
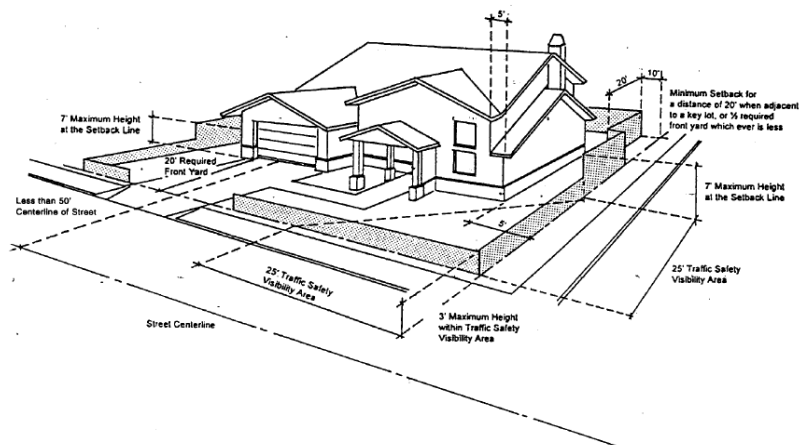
Single-Family Setback Requirements  
Two Story Structure - Side Yard Offset



Single-Family Setback Requirements  
Two Story Structure - Offset Rear Story



Multi-Family Setback Requirements



(Ord. 527, 8-4-1997; amd. Ord. 549, 8-20-2002; Ord. 581, 3-23-2005)

## CHAPTER 3

### ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS

#### SECTION:

#### 11-3-1: Districts

#### 11-3-2: District Boundaries

#### 11-3-3: Effect Of District Regulations

#### 11-3-4: Changes Of District Boundaries Or Regulations

#### 11-3-5: Requirements For Achieving Consistency With General Plan

#### 11-3-1: DISTRICTS:

The base districts establish the basic land use and property development regulations applicable to all property within the City as provided under Section 11-1-6 of this Title. The combining districts provide additional regulations which are to be exercised over certain lands in order to meet special community health, safety, welfare, environmental or development objectives described by the General Plan. Combining district regulations apply in addition to the base zone and other regulations of this Title.

The base and combining districts established by this Title are hereby designated as follows:

#### A. Base Districts:

RCO	RESOURCE, CONSERVATION AND OPEN SPACE DISTRICT	
RA	RESIDENTIAL ACREAGE DISTRICT	
R-1	ONE-FAMILY RESIDENTIAL DISTRICTS	
	R-1-6	6,000 square feet minimum site area
	R-1-10	10,000 square feet minimum site area
	R-1-12	12,000 square feet minimum site area
RM	MULTI-FAMILY RESIDENTIAL DISTRICTS	
	RM-3	3,000 square feet minimum site area per dwelling unit
	RM-2.5	2,500 square feet minimum site area per dwelling unit
	RM-2	2,000 square feet minimum site area per dwelling unit

	RM-1.5	1,500 square feet minimum site area per dwelling unit
PO	PROFESSIONAL OFFICE DISTRICT	
C	COMMERCIAL DISTRICTS	
	CN	Neighborhood Commercial District
	CC	Central Commercial District
	CD	Downtown Commercial District
	CS	Service Commercial District
	CH	Highway Commercial District
	CO	Commercial Office District
I	INDUSTRIAL DISTRICTS	
	IL	Light Industrial District
	IH	Heavy Industrial District
	IP	Planned Industrial District
PUD	PLANNED UNIT DEVELOPMENT DISTRICT	
RMH	RESIDENTIAL MANUFACTURED HOUSING DISTRICT	

(Ord. 527, 8-4-1997)

#### 11-3-2: DISTRICT BOUNDARIES:

Whenever any uncertainty exists as to the boundary of a zoning district as shown on the zone plan, the following regulations shall control:

- A. Where a boundary line is indicated as following a street, alley, railroad right of way, drainage channel or other watercourse, the center line of such street, alley, railroad right of way, drainage channel or other watercourse shall be considered to be the boundary line.
- B. Where a boundary line is indicated as following a lot line or property line, it shall be construed as following such lot line or property ownership line.
- C. Where a boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zone plan.
- D. Where further uncertainty exists, the Planning Commission, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the Zone Plan and the objectives of the Zoning Code and the purposes set forth in the district regulations and the General Plan. (Ord. 527, 8-4-1997)

#### 11-3-3: EFFECT OF DISTRICT REGULATIONS:

Except as otherwise provided in this Title:

- A. No structure or part thereof shall be erected, altered, added to or enlarged, nor shall any site or structure be used, designated or intended to be used for any purpose, or in any manner other than is included among the uses hereinafter listed as permitted or conditional in the district in which such structure, land or premises is located.
- B. No structure or part thereof shall be erected, nor shall any existing structure be altered, enlarged or rebuilt or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, site area and building location regulations hereinafter designated for the district in which such structure or open space is located.
- C. No yard or other open space on one site shall be considered as providing a yard or open space for a structure on any other site.
- D. Two (2) or more contiguous lots may be combined and used as though a single site. Such combination of lots shall be deemed to be a single site for all purposes of this Title, provided that the following do not exist:
  1. No existing structure or any improvement which depends for compliance with this Title shall be located across the lot line without first having obtained a lot line adjustment or merging the parcels to create a single lot as provided for in Title 12 of this Code.
  2. No proposed structure or any improvement which depends for compliance with this Title shall be constructed across the lot line without first having obtained a lot line adjustment or merging the parcels to create a single lot as provided for in Title 12 of this Code.
- E. A lot, or lots, may be divided into parts consistent with Title 12 of this Code provided that each part is equal to or exceeds the minimum lot area requirements of this Title, and so long as such parts are used as though separate lots they shall be deemed to be separate lots under all provisions of this Title.
- F. No deed or conveyance of any portion of a site shall be made which reduces the site area, yards, off-street parking spaces or other minimum requirements of this Title, without the prospective grantor and grantee first recording, in the office of the Kings County Recorder, a covenant for the benefit of the City agreeing that such site shall continue to be maintained, operated and used as though a single site so long as any part thereof depends on the other for compliance with the provisions of this Title. (Ord. 527, 8-4-1997)

#### 11-3-4: CHANGES OF DISTRICT BOUNDARIES OR REGULATIONS:

- A. All territory annexed to the City which was previously classified by the County in a particular zoning district may be retained by the City if such classification is also provided for by this Title and is consistent with the General Plan.
- B. All territory which is annexed to the City which was previously classified by the County as being within the County's UR-Urban Reserve Zoning District shall be classified by the City, upon annexation, in accordance with the following schedule:

Corcoran General Plan Designation	Applicable Zoning District
Corcoran General Plan Designation	Applicable Zoning District
Very Low Density	A, RA, R-1-12
Low Density	R-1-10; R-1-6
Medium Density	RM 2.5; RM-3
High Density	RM-1.5; RM-2

Professional Office - High Density	PO
Neighborhood Commercial	CN
Central Commercial	CC
Downtown Commercial	CD
Service Commercial	CS
Commercial Office	CO
Highway Commercial	CH
Light Industrial	IL
Heavy Industrial	IH
Planned Industrial	IP

C. Where property to be annexed to the City was classified previously by the City under rezoning provisions of State law and this Title such rezoning classification shall become effective at the same time that the annexation becomes effective.

D. All territory which becomes unzoned through abandonment of a public street, alley or railroad right of way shall immediately become classified the same as the property adjoining the street, alley or railroad right of way. (Ord. 527, 8-4-1997)

#### 11-3-5: REQUIREMENTS FOR ACHIEVING CONSISTENCY WITH GENERAL PLAN:

A. Zoning districts shall be applied to all public and private property in a manner that is consistent with applicable policies and land use arrangements set forth in the Corcoran General Plan.

B. All actions and procedures pertaining to the granting or denial of various permits or other entitlements provided for by this Title, including use permits, site plan reviews, planned unit developments, and amendments, shall be consistent with applicable policies and land use arrangements set by the Corcoran General Plan.

C. Where ambiguity or uncertainty exists concerning how best to achieve consistency with the General Plan, the Planning Commission shall make a written determination in accordance with the procedures prescribed in Chapter 17 of this Title. (Ord. 527, 8-4-1997)

## CHAPTER 4

### ZONE PLAN

#### SECTION:

##### 11-4-1: Adoption Of Zone Plan

##### 11-4-2: Division Of The Zone Plan

##### 11-4-3: Amendments To The Zone Plan

##### 11-4-4: Rezoning Of Unincorporated Territory

##### 11-4-1: ADOPTION OF ZONE PLAN:

In order that comprehensive zoning regulations may be applied uniformly to all incorporated territory with the adoption of this Title, Zone Maps are hereto attached and made a part of this Title by reference with the same force and effect as if the boundaries, together with any notations, references and information shown on said Map were specifically set out and described in this Title.

These Maps together with such additional maps as may be adopted in accordance with the provisions of this Chapter and this Title shall be known as the Zone Plan of the City. (Ord. 527, 8-4-1997)

##### 11-4-2: DIVISION OF THE ZONE PLAN:

For purposes of convenience and identification, the Zone Plan may be divided into parts and subparts which may be separately shown or employed for purposes of amending the Zone Plan or any official reference thereto. (Ord. 527, 8-4-1997)

##### 11-4-3: AMENDMENTS TO THE ZONE PLAN:

Amendments to the Zone Plan shall be adopted in the manner prescribed for changing district boundaries under Chapter 25 of this Title. Said amendment shall be recognized by the addition to this Chapter of the Code section adopting said amendment (including any map or maps), and the filing of said amendment, properly attested, in the offices of the City Clerk. Amendments to the Zone Plan shall be identified by consecutive numbers preceded by the last two (2) numbers of the year in which the amendment is adopted. (Ord. 527, 8-4-1997)

##### 11-4-4: PREZONING OF UNINCORPORATED TERRITORY:

The City may prezone unincorporated territory adjoining the City for the purposes of determining the zoning that shall apply to such property in the event of subsequent annexation to the City. The method of accomplishing rezoning shall be the same as that for the zoning of property within the City. (Ord. 527, 8-4-1997)

## CHAPTER 5

### RCO RESOURCE CONSERVATION AND OPEN SPACE DISTRICT

#### SECTION:

##### 11-5-1: Purpose And Application

##### 11-5-2: Permitted Uses

##### 11-5-3: Permitted Uses; Administrative Approval

##### 11-5-4: Conditional Uses; Commission Approval

##### 11-5-5: Fences, Walls And Hedges

**11-5-6: Site Area**

**11-5-7: Frontage, Width And Depth Of Site**

**11-5-8: Coverage**

**11-5-9: Yard Requirements**

**11-5-10: Distances Between Structures**

**11-5-11: Building Height**

**11-5-12: Signs**

**11-5-13: Off Street Parking And Loading Facilities**

**11-5-14: General Provisions And Exceptions**

**11-5-1: PURPOSE AND APPLICATION:**

This district is intended to provide for permanent open spaces in areas of the community which exhibit significant vegetation, scenic qualities, wildlife or recreation potential, and which are designated as open space or school sites by the general plan. Public uses including schools and parks require conditional use permits to ensure that such uses are compatible with the surrounding neighborhood and uses. (Ord. 527, 8-4-1997)

**11-5-2: PERMITTED USES:**

A. Raising of field crops, fruit and nut trees, vines, vegetables and horticultural specialties, the raising of livestock, and rangelands. Such uses shall not be objectionable to persons living or working in the vicinity or injurious to property, crops, livestock or poultry in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any hazard of fire or explosion.

B. Flood control channels; water pumping stations and reservoirs; irrigation ditches and canals, settling and water conservation recharge basins; drainage ponds; and streets and roads necessary for access to permitted uses. (Ord. 527, 8-4-1997)

C. Public uses of an administrative, recreational, public service or cultural type, including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers. (Ord. 608, 2-2-2009)

**11-5-3: PERMITTED USES; ADMINISTRATIVE APPROVAL:**

None. (Ord. 527, 8-4-1997)

**11-5-4: CONDITIONAL USES; COMMISSION APPROVAL:**

The following uses may be permitted in accordance with the provisions of chapter 19 of this title:

A. Recreation areas, parks, playgrounds, wildlife preserves, and such buildings, structures and facilities as are appropriately related thereto.

B. Elementary, junior high and high school sites, and college sites. (Ord. 527, 8-4-1997)

**11-5-5: FENCES, WALLS AND HEDGES:**

No limitation, except as may be required under the provisions of chapter 17 of this title. (Ord. 527, 8-4-1997)

**11-5-6: SITE AREA:**

The minimum site area for a permitted use shall not be less than one-half ( $\frac{1}{2}$ ) acre. (Ord. 527, 8-4-1997)

**11-5-7: FRONTAGE, WIDTH AND DEPTH OF SITE:**

No limitation, except as may be required under the provisions of chapter 17 of this title. (Ord. 527, 8-4-1997)

**11-5-8: COVERAGE:**

No limitation, except as may be required under the provisions of chapter 17 of this title. (Ord. 527, 8-4-1997)

**11-5-9: YARD REQUIREMENTS:**

No limitation, except as may be required under the provisions of chapter 17 of this title. (Ord. 527, 8-4-1997)

**11-5-10: DISTANCES BETWEEN STRUCTURES:**

The minimum distance between a one-family dwelling and another structure shall be ten feet (10') except as provided by the city's building code. (Ord. 527, 8-4-1997)

**11-5-11: BUILDING HEIGHT:**

No building or structure shall have a height greater than thirty five feet (35'), except as may be approved under the provisions of chapter 17 of this title. (Ord. 527, 8-4-1997)

**11-5-12: SIGNS:**

No sign or outdoor advertising structure of any character shall be permitted except as prescribed in chapter 16 of this title. (Ord. 527, 8-4-1997)

**11-5-13: OFF STREET PARKING AND LOADING FACILITIES:**

Off street parking facilities and off street loading facilities shall be provided on the site for each use as prescribed in chapter 14 of this title. (Ord. 527, 8-4-1997)

**11-5-14: GENERAL PROVISIONS AND EXCEPTIONS:**

All uses shall be subject to the general provisions and exceptions prescribed in chapter 17 of this title. (Ord. 527, 8-4-1997)

## CHAPTER 6

### A AGRICULTURAL DISTRICT

SECTION:

**11-6-1: Purpose And Application**

**11-6-2: Permitted Uses**

**11-6-3: Permitted Uses; Administrative Approval**

#### **11-6-4: Conditional Uses; Commission Approval**

#### **11-6-5: Required Conditions**

#### **11-6-6: Lot Area**

##### **11-6-1: PURPOSE AND APPLICATION:**

A. Purpose: The A District is intended to preserve in agricultural use land suited to eventual development in other uses until such time as streets, utilities and other community facilities may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to nonagricultural use; to provide appropriate areas for certain predominantly open uses of land which are not injurious to agricultural uses but which may not be harmonious with urban uses; to allow for the continuation of Agricultural Preserve Contracts within the City prior to cancellation or nonrenewal.

It is the declared policy of the City to support and recognize the agricultural industry as an important and major part of the City's economy by the A District and policies for areas that are or may become part of the City. It is the further purpose of the City to promote good neighbor policies between agricultural and nonagricultural property owners by ensuring that nonagricultural uses in agricultural zones be limited as much as possible, and that nonagricultural uses and nonagricultural residents in agricultural zones are aware that their nonagricultural activities are subservient to the permitted agricultural pursuits and that undertaking of normal, customary, and legal agricultural activities and operations may result in inconveniences to them due to their location in areas of commercial agricultural activities and operations.

B. Application: This District is intended primarily for application in rural areas of the City near its boundaries as a buffer between the more intensive agricultural uses, such as animal concentrations, of the General Agricultural District of Kings County. This Zone is meant to be supportive of the Kings County (AL-10) Limited Agricultural-10 District. These areas are generally conducive to agricultural operations and compatible with nonagricultural uses. (Ord. 527, 8-4-1997)

##### **11-6-2: PERMITTED USES:**

A. Agricultural operations including hydroponics, the raising of field crops, fruit and nut trees, Christmas trees, vines, vegetables, horticultural specialties, and timber; fish farming; poultry raising or keeping, not to exceed one hundred (100) chickens or twenty five (25) turkeys; aviaries; raising other small animals, including birds, mammals, and reptiles for noncommercial purposes, not exceeding twenty (20) animals and their immature offspring.

B. One one-family dwelling which is incidental to a permitted use.

C. Incidental and accessory structures and uses located on the same site with a permitted use including farm offices, barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm outbuildings; private garages and carports; one guest house or accessory living quarters without kitchen; storehouses, garden structures, greenhouses, recreation rooms, private swimming pools and tennis courts for the use of the persons residing on the site and their guests, and hobby shops; storage of petroleum products for the use of persons residing on the site, but not for resale or distribution.

D. The harvesting, curing, processing, packaging, packing and shipping of agricultural products produced upon the premises, or where such activity is carried on in conjunction with or as part of a bona fide agricultural operation.

E. Noncommercial kennels for the keeping of dogs and/or cats belonging to those living on the site.

F. Irrigation, flood control and drainage facilities, percolation basins, groundwater recharge wells and evaporation ponds.

G. Public utility and public service structures including electric transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and reservoirs.

H. Signs, subject to the provisions of Chapter 16 of this Title.

I. Livestock keeping and raising, provided that the total number of animals shall not exceed two (2) animal units and their immature offspring, for each acre of site devoted to their care, and further provided that the total number of livestock units shall not exceed twenty five (25) animal units and their immature offspring.

J. Land excavations in conjunction with earth borrow pit operations where the land is immediately leveled for farming purposes and the new grade of the site is less than one foot (1') lower than the original grade. (Ord. 527, 8-4-1997)

##### **11-6-3: PERMITTED USES; ADMINISTRATIVE APPROVAL:**

The following uses may be permitted in accordance with the provisions of Chapter 18 of this Title:

A. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis including the following uses, and closely related uses: corn shelling; contract sorting, grading and packing of fruits and vegetables for the grower; seed storage; horticultural services such as plant nurseries, landscape gardening, landscape contracting; establishments engaged in performing services such as fruit, nut, and produce picking, seed cleaning; farm equipment sales, service and repair; honey houses.

B. Incidental and accessory structures and uses located on the same site as a permitted use requiring site plan review or conditional use.

C. Mobile home as a residence; as farm employee housing incidental to a permitted or conditional use; or used to care for infirm parent, grandparent, child, grandchild or sibling for a maximum period of time necessary to care for the infirm person at which time the mobile home shall be removed and no other person or persons shall occupy it. A recreation vehicle may be used to temporarily care for infirm parent, grandparent, child, grandchild or sibling for a maximum period of sixty (60) days, or the condition requiring the care no longer exists, whichever is the shorter period of time.

D. Land excavation in connection with earth borrow pit operations, where the depth of excavation does not exceed two and one-half feet (2½'), and the land is immediately leveled for farming purposes.

E. Rural home occupations. (Ord. 527, 8-4-1997)

##### **11-6-4: CONDITIONAL USES; COMMISSION APPROVAL:**

The following conditional uses may be permitted in accordance with the provisions of Chapter 17 of this Title:

A. Borrow pit operations where the depth of borrow pit excavation exceeds two and one-half feet (2½').

B. Open recreational facilities including golf courses, golf driving ranges, archery ranges, swimming pools, fish ponds, riding academies, parks, community centers, guest ranches, drive-in theaters, but not including enclosed uses such as a bowling alley, or racetracks or strips used for racing motorized vehicles or motorcycles.

C. Gas and oil wells.

D. Carnivals, circuses, outdoor festivals, tent revivals, and other transient amusement enterprises for a period not to exceed four (4) days.

- E. Hazardous waste treatment equipment which is added to an existing use at the same site.
- F. In-home day care uses not exceeding twelve (12) children.
- G. Public and quasi-public uses of an educational type including preschools, elementary schools, junior high schools, high schools, colleges.
- H. Community facilities and institutions including churches, monasteries, convents, and other religious institutions incidental to farming activities; public and private philanthropic and charitable institutions; hospitals, sanitariums, nursing homes and rest homes; private, noncommercial clubs and lodges; and day care uses exceeding twelve (12) children.
- I. Public uses of an administrative, public service or cultural type including libraries, museums, art galleries, police and fire stations and other buildings, structures and facilities.
- J. Penal institutions.
- K. Sewage treatment plants; publicly owned solid or municipal landfills, solid or municipal waste transfer and processing stations, and material recovery (recycling) facilities.
- L. Commercial kennels.
- M. Radio and television broadcasting studios and accessory structures; radio, television, cellular telephone, and microwave relays and transmission towers; commercial satellite communications receiving dishes.
- N. Airports, heliports, crop dusting landing strips and establishments, and accessory structures intended for commercial agricultural uses.
- O. Offices of veterinarians and animal hospitals.
- P. Farm employee housing in excess of five (5) dwelling units per parcel.
- Q. Cemeteries. (Ord. 527, 8-4-1997)

**11-6-5: REQUIRED CONDITIONS:**

A. Any use involving a business, service or process not completely enclosed in a structure, when located on a site abutting on or across a street or alley from a residential district shall be screened by a solid fence or masonry wall or compact growth of natural plant materials not less than six feet (6') in height if the Planning Director, in the case of a site plan review, or Planning Commission, in the case of a conditional use permit, finds said use to be unsightly.

B. No application for a site plan review or conditional use permit shall be approved and no process, equipment or materials shall be used which are found by the Planning Commission in the case of a conditional use permit, or the Planning Director in the case of a site plan review, to be objectionable to persons living or working in the vicinity or injurious to property, crops, or livestock in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any hazard of fire or explosion. (Ord. 527, 8-4-1997)

**11-6-6: LOT AREA:**

A. The minimum lot area shall be nominally ten (10) acres and its minimum width shall be three hundred thirty feet (330'), or the equivalent fractional part of a section.

B. Lots of not less than one acre may be allowed for those uses listed in subsections 11-6-2F or G of this Chapter.

C. Lots smaller than ten (10) acres, but not less than one acre, may be allowed for uses listed in Section 11-6-4 provided that the lot is specifically approved as a condition of granting a conditional use permit pursuant to the provisions of Chapter 19 of this Title. Each such lot shall have a minimum width of one hundred twenty five feet (125').

D. Any division of land which is restricted by California Land Conservation Act of 1965 contracts must comply with the minimum parcel sizes required by the Act regardless of parcel size exceptions in this Title. (Ord. 527, 8-4-1997)

## CHAPTER 7

### RA RESIDENTIAL ACREAGE DISTRICT

**SECTION:**

**11-7-1: Purpose And Application**

**11-7-2: Permitted Uses**

**11-7-3: Permitted Uses; Administrative Approval**

**11-7-4: Conditional Uses; Commission Approval**

**11-7-5: Fences, Walls And Hedges**

**11-7-6: Lot Area**

**11-7-7: Frontage, Width And Depth Of Lot**

**11-7-8: Dwellings Per Lot**

**11-7-9: Coverage**

**11-7-10: Yard Requirements**

**11-7-11: Distances Between Structures**

**11-7-12: Building Height**

**11-7-13: Signs**

**11-7-14: Off-Street Parking And Loading Facilities**

**11-7-15: General Provisions And Exceptions**

**11-7-1: PURPOSE AND APPLICATION:**



The RA Residential Acreage District is intended to provide living area which combines certain of the advantages of both urban and rural locations by limiting development to low density concentrations of one-family dwellings as designated by the General Plan, and permitting limited number of animals and fowl to be kept for pleasure or hobbies, free from activities of a commercial nature. The RA District is intended to encourage the use of the subdivision or parcel map process in the creation of large residential lots to assure the provision of those physical improvements necessary to protect the health, safety and general welfare of the people. The RA District is not intended for the maintenance or continuation of agricultural uses including the production of food or fiber, grazing of animals, or animal husbandry. Such agricultural uses are more appropriately carried on in the A District. (Ord. 527, 8-4-1997)

**11-7-2: PERMITTED USES:**

- A. One-family dwellings.
- B. Raising of field crops, fruit and nut trees, vines, vegetables and horticultural specialties in conjunction with one-family dwellings.
- C. Breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters and other small animals and fowl on a domestic, noncommercial basis on lots of twenty thousand (20,000) square feet or more in area in conjunction with one-family dwellings.
- D. Raising of livestock, except swine, on a lot containing not less than forty thousand (40,000) square feet, provided however, that the number of livestock shall not exceed four (4) adult animals in any combination, and their immature off- spring, and further provided that the number of bovine and equine animals shall not exceed more than two (2) adults in any combination for each forty thousand (40,000) square feet of lot area, in conjunction with one-family dwellings.
- E. Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive noncommercial basis provided that no swimming pool shall be located within a utility easement. Minimum fence or enclosure height shall be in compliance with current Building Code. In-ground swimming pools are considered structures and must comply with yard setback requirements in Section 11-7-10 of this Chapter.
- F. Incidental and accessory structures and uses located on the same lot as a permitted use, as follows:
  - 1. Private garages and carports, storehouses, garden structures, greenhouses, recreation rooms and hobby rooms and hobby shops.
  - 2. On lots containing not less than forty thousand (40,000) square feet: barns, stables, coops, and other farm-type outbuildings; underground storage of petroleum products for the exclusive use of persons residing on the lot, shall be in accordance with current Building and Fire Codes. (Ord. 527, 8-4-1997)

**11-7-3: PERMITTED USES; ADMINISTRATIVE APPROVAL:**

The following uses may be permitted in accordance with the provisions of Chapter 19 of this Title:

- A. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, temporary subdivision sales offices and signs, and model home display areas in accordance with the provisions of Chapter 16 of this Title.
- B. Gas and electric transmission lines, in accordance with the provisions of Chapter 20 of this Title, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping station, and elevated pressure tanks.
- C. Mobile homes on permanent foundations designed in accordance with the standards of Chapter 10 of this Title.
- D. Accessory structures and uses located on the same lot with uses permitted by administrative approval.
- E. Home occupations in accordance with the provisions of Chapter 15 of this Title. (Ord. 527, 8-4-1997)

**11-7-4: CONDITIONAL USES; COMMISSION APPROVAL:**

The following conditional uses may be permitted in accordance with the provisions of Chapter 17 of this Title:

- A. Public and quasi-public uses of an educational or religious type including public and private elementary schools, junior high schools, high schools and colleges, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.
- B. Public and private charitable institutions, hospitals, sanitariums, nursing homes and rest homes, not including hospitals, sanitariums, nursing homes or rest homes for mental, drug addict, or liquor addict cases except as provided under Chapter 8 of this Title.
- C. Public uses of an administrative, recreational, public service or cultural type, including City, County, State or Federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.
- D. Private or public golf courses.
- E. Modest expansion or remodeling of an existing nonconforming use of a structure or land, limited to fifty percent (50%) or less of the value of the existing structure, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than one hundred dollars (\$100.00), and nonconforming fences, walls and hedges.
- F. A second housing unit attached to an existing one-family detached residence, in accordance with the provisions of Chapter 8 of this Title.
- G. Incidental and accessory structures and uses located on the same lot as a conditional use. (Ord. 527, 8-4-1997)

**11-7-5: FENCES, WALLS AND HEDGES:**

Fences walls and hedges shall be permitted as follows:

- A. Along side and rear property lines, and along any portion of the street side yard of a corner lot, not exceeding seven feet (7') in height, provided that a building permit shall first be obtained for any fence structure exceeding six feet (6') in height.
- B. Fences or walls not exceeding three feet (3') in height may be erected within any portion of the required front yard. A fence or wall not exceeding four feet (4') in height may be located in the front yard, provided that the top one foot (1') is at least fifty percent (50%) open.
- C. No fence, wall or hedge exceeding three feet (3') in height may be located within an area of a corner lot on the street side of a diagonal line connecting points located twenty five feet (25') along the property line as measured from the intersection of the property lines at the street corner. See figure at end of Chapter 2 of this Title.
- D. The minimum fencing requirement for all swimming pools shall be in accordance with the Uniform Building Code as adopted by the City. (Ord. 527, 8-4-1997)

**11-7-6: LOT AREA:**

The minimum lot area shall be twenty thousand (20,000) square feet, provided that the average size of all lots, or lots created by a division of land or subdivision shall be a minimum of forty thousand (40,000) square feet, and further provided that not more than one-half (1/2) of such lots shall be at

the minimum lot area. (Ord. 527, 8-4-1997)

**11-7-7: FRONTAGE, WIDTH AND DEPTH OF LOT:**

A. Each lot shall have not less than one hundred fifty feet (150') of frontage, or one hundred feet (100') of frontage measured along the front yard setback line when a lot fronts upon a cul-de-sac or loop-out street.

B. The minimum width of each lot shall be one hundred feet (100') wide.

C. The minimum depth of each lot shall be one hundred fifty feet (150') in length. (Ord. 527, 8-4-1997)

**11-7-8: DWELLINGS PER LOT:**

No more than one dwelling unit shall be allowed on each lot, except as provided under Chapter 8 of this Title. (Ord. 527, 8-4-1997)

**11-7-9: COVERAGE:**

The maximum lot area covered by structures shall be forty percent (40%). (Ord. 527, 8-4-1997)

**11-7-10: YARD REQUIREMENTS:**

A. Front Yard: The minimum front yard shall be not less than thirty five feet (35'), except along those streets and highways where a greater setback is required by other ordinances of the City.

B. Rear Yard: The minimum rear yard shall be ten feet (10'), subject to the following conditions:

1. Where construction involves more than one story, the rear yard shall be increased by ten feet (10') for each additional story. Increase in setback shall be measured from the second story. See figure at end of Chapter 2 of this Title.

2. Accessory and garden structures less than seven feet (7') in height may be located within any portion of a required rear yard.

C. Side Yards: The minimum side yard shall be ten feet (10'), subject to the following conditions:

1. Where construction involves more than one story, the side yard shall be increased by ten feet (10') for each additional story. Increase in setback shall be measured from the second story. See figure at end of Chapter 2 of this Title.

2. Accessory and garden structures under seven feet (7') in height may be located in any portion of a required side yard, except in the street side yard of a reversed corner lot.

3. On the street side of a corner lot or reverse corner lot, the side yard shall not be less than twenty five feet (25'). (Ord. 527, 8-4-1997)

**11-7-11: DISTANCES BETWEEN STRUCTURES:**

The minimum distance between a one-family dwelling and another structure shall be ten feet (10'), except as provided by the City's Building Code, provided however, that no structure housing poultry or animals shall be closer than twenty five feet (25') to any side yard property line or closer than twenty five feet (25') to any dwelling on the lot. (Ord. 527, 8-4-1997)

**11-7-12: BUILDING HEIGHT:**

No building or structure shall have a height greater than thirty five feet (35') except as may be required under the provisions of Chapter 17 of this Title. (Ord. 527, 8-4-1997)

**11-7-13: SIGNS:**

No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Chapter 16 of this Title. (Ord. 527, 8-4-1997)

**11-7-14: OFF-STREET PARKING AND LOADING FACILITIES:**

Off-street parking and off-street loading facilities shall be provided on the lot for each use as prescribed in Chapter 14 of this Title. (Ord. 527, 8-4-1997)

**11-7-15: GENERAL PROVISIONS AND EXCEPTIONS:**

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 17 of this Title.

**RA ZONE DEVELOPMENT STANDARDS**

**Lot Size And Coverage Requirements**

Requirement	Zone District	Notes
	RA	
Requirement	Zone District	Notes
	RA	
Lot width, depth, and frontage		
Frontage		
Normal	150' minimum	
Cul-de-sac or curved lot	100' minimum	Not less than 100' at the front yard setback line.
Width of interior lot	100' minimum	
Width of corner lot	150' minimum	Frontage on a public street.
Depth of lot	150' minimum	
Lot size	20,000 sq. ft. minimum	Average size of all lots or lots created by division of land or sub-division shall be a minimum of 40,000 sq. ft. and provided that not more than 1/2 of such lots shall be at the minimum lot area.
Building/structure height	35' maximum	CUP required for taller buildings or structures.
Dwelling units per lot	One	CUP required for second units.

Parking and loading	2	(One covered) As provided in Chapter 14.
Lot coverage	40% maximum	

#### RA Zone Development Standards (cont.)

##### Development Standards

Main Building	Standard	Accessory Structure	Standard
Main Building	Standard	Accessory Structure	Standard
Front yard			
Normal	35' (1)	Normal	not allowed
Cul-de-sac	35' (1)	Cul-de-sac	not allowed
Curved lots	35' (1)	Curved lots	not allowed
Rear yard			
Normal	10' (2)	Normal	0' (3)
Side yard			
Normal	10' (4)	Normal	0' (3)
Corner lots, street side yard	25' minimum (4)	Corner lots, street side yard	25'
Reversed corner lots, street side yard	25' (4)	Reversed corner lots, street side yard	25' (4)
Distances Between Structures			
	10' (5)(6)		

- (1) Except along streets and highways where greater setbacks are required by other ordinances of the City.
- (2) More than one story, rear yard shall be increased by 10 feet for each additional story. Step back allowed.
- (3) May be placed anywhere if less than 7 feet maximum height. Taller than 7 feet must comply with 10 foot setback.
- (4) More than one story, side yard shall be increased by 10 feet for each additional story. Step back allowed.
- (5) Or as otherwise provided by City Building Code.
- (6) No structure housing poultry or animals shall be closer than 25 feet to any side yard property line or closer than 25 feet to any dwelling unit.
- (Ord. 527, 8-4-1997)

## CHAPTER 8

### R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

#### SECTION:

##### 11-8-1: Purposes And Application

##### 11-8-2: Permitted Uses

##### 11-8-3: Permitted Uses; Administrative Review/Approval

##### 11-8-4: Conditional Uses; Planning Commission Approval

##### 11-8-5: Fences, Walls And Hedges

##### 11-8-6: Lot Area

##### 11-8-7: Frontage, Width And Depth Of Site

##### 11-8-8: Dwellings Per Lot

##### 11-8-9: Lot Coverage

##### 11-8-10: Yard Requirements/Building Setbacks

##### 11-8-11: Distances Between Structures

##### 11-8-12: Building Height

##### 11-8-13: Signs

##### 11-8-14: Off Street Parking Requirements

##### 11-8-15: General Provisions And Exceptions

##### 11-8-1: PURPOSES AND APPLICATION:

- A. The R-1 district is intended to provide living areas at locations designated in the general plan for low density residential uses.

- To promote and encourage a suitable environment for family life.

2. To provide space for community facilities needed to complement urban residential areas, and for institutions which require a residential environment in accordance with policies of the general plan and state law.
3. To encourage development of vacant or underutilized land within the city.
4. Manage the rate of urban expansion at a level which does not exceed the capacity of the city to provide the necessary levels of community services and facilities.
5. To establish community design guidelines for new development and revitalization projects that reflect high standards of community development, appearance and image. (Ord. 527, 8-4-1997)

**11-8-2: PERMITTED USES:**

- A. A single-family residential dwelling. For purposes of this chapter, "single-family residential dwelling" shall not include those structures designed, intended or used, in exchange for consideration, as locations for dwelling, lodging or sleeping purposes by persons intending at the time of initial occupancy to occupy the structure for less than thirty (30) consecutive calendar days (hereinafter "transient residence").
- B. Raising of fruit and nut trees, vines, vegetables and horticultural specialties on a noncommercial basis as an incidental use to a single-family dwelling.
- C. Swimming pools for either individual, family or community uses on a noncommercial basis, fenced in accordance with subsection 11-8-5D of this chapter.
- D. Accessory structures and uses located on the same site as, and incidental to, a permitted use.
- E. The keeping of animals in accordance with subsection 11-7-2C of this title.
- F. Small family daycare homes shall be considered a residential use of the property and shall not be considered a change in occupancy for the purposes of local building codes. The number of children permitted in a small family daycare is determined by the Health and Safety Code.
- G. The following additional uses are permitted under this section, so long as the use serves six (6) or fewer persons and is licensed by the state or county as a provider of the following uses:
  1. Care facility for the developmentally disabled.
  2. Community care facility for the elderly.
  3. Residential care facility for the elderly.
  4. Drug and alcohol recovery facility.
  5. Homes for mentally disordered, handicapped persons and neglected children.
  6. Employee housing as defined by California Health and Safety Code section 17021.
  7. Family daycare homes for children which do not qualify as "small family daycare homes" under subsection F of this section. (Ord. 527, 8-4-1997; amd. Ord. 535, 2-2-1998; Ord. 581, 3-23-2005; Ord. 583, 5-25-2005)

**11-8-3: PERMITTED USES; ADMINISTRATIVE REVIEW/APPROVAL:**

- A. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, temporary subdivision sales offices and signs, and model home display areas in accordance with the regulations prescribed in chapter 16 of this title.
- B. Gas and electric transmission lines, in accordance with the provisions of chapter 18 of this title, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and elevated pressure tanks.
- C. Garden structures in accordance with the provisions of subsection 11-8-10C2 of this chapter.
- D. Mobile homes on permanent foundations designed in accordance with the standards of chapter 10 of this title.
- E. Single-family dwellings when all street improvements are not yet completed.
- F. Tennis courts, including related fencing over seven feet (7') in height located on the same site as a permitted or conditional use.
- G. Accessory structures and uses located on the same site as a use permitted by administrative approval.
- H. Home occupations in accordance with the provisions of chapter 15 of this title.
- I. Large family daycare homes; the number of children permitted in a large family daycare is determined by the Health and Safety Code.
  1. The applicant will provide the city with a list of the names of all property owners within a one hundred foot (100') radius (or the surrounding property owners, including those across the street, if the neighboring property is beyond the 100 foot radius) of the exterior boundaries of the large family daycare property.
  2. Property owners will be notified of the request for the daycare.
  3. A hearing before the planning commission will be held only if the applicant or other affected person requests the hearing.
  4. Large family daycare homes will be required to provide a ten foot by twenty foot (10' x 20') off street loading area.
- J. A second residential unit consistent with the following:
  1. Purpose: The purpose of this subsection is to allow for second residential units in single-family residential districts, and to provide a process for second residential units consistent with section 65852.2 of the Government Code.
  2. Objectives: The adopted policy of the city as outlined in the general plan of the city of Corcoran is to encourage a range of housing types, styles, and costs to suit the varying needs and desires. Second residential units will provide a valuable source of affordable housing. Second residential units provide housing for family members, students, the elderly, in home healthcare providers, the disabled and others at below market prices within existing neighborhoods.
  3. Definition: A "second residential unit" is either a detached or attached dwelling unit which provides complete, independent living facilities for one or more persons. It shall include provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary residence.
  4. Application: An application for a second residential unit shall be made to the planning and building department on a form prescribed by the department.
  5. Findings: The administrative approval shall be based on the following findings:

- a. The second residential unit is consistent with the use regulations of the zone district in which it is located.
- b. The location of the second residential unit and the conditions under which it would be operated or maintained will not be detrimental to the public interest, health, safety, convenience or welfare, or materially injurious to properties or improvements in the vicinity.
- c. The second residential unit will comply with applicable development standards contained in subsection J6 of this section.
- d. The lot contains an existing single-family dwelling (primary residence).
- e. There are no specific adverse impacts to the public health, safety and welfare, such as traffic congestion and overburdening of existing infrastructure that would arise from allowing accessory second dwelling units in addition to any existing or proposed duplex and multiple-family developments within R-1-6, R-1-10, or RA zone districts.

6. Development Standards: A permit shall be issued for a second residential unit on a residentially zoned lot in accordance with the following development standards:

- a. Ownership: The primary residence shall be owner occupied. A covenant between the city and the applicant shall be recorded with the county recorder prior to the issuance of any building permit. Said covenant shall require the primary residence to be occupied by the lot owner of record.
- b. Attachment: A second residential unit may be attached to the primary residence or garage or it can be constructed as a detached structure. A garage shall not be converted to a second residential unit unless a replacement garage is constructed on another portion of the parcel.
- c. Number Of Units: Only one additional residential unit shall be allowed on a lot.
- d. Lot Coverage: Subject to the maximum parcel coverage limitations set forth in section 11-8-9 of this chapter, lot coverage of both units shall not exceed forty percent (40%).
- e. Floor Area: The second residential unit shall not exceed one thousand two hundred (1,200) square feet or the square footage of the primary unit whichever is less if the unit is detached, or thirty percent (30%) increased living space if the unit is attached.
- f. Space Between Buildings: The minimum distance between a detached second residential unit and primary residence shall be ten feet (10').
- g. Manufactured Housing: Manufactured housing pursuant to Health and Safety Code section 18007 and zoning code section 11-10-4 of this title are permitted as a second residential unit.
- h. Off Street Parking: Off street parking shall be in accordance with section 11-14-2 of this title.

One bedroom/studio 1 space

Two bedroom or larger 2 spaces

- i. Address: The address of the second residential unit shall be the same as that for the primary residence.
- j. Roof Pitch: All construction shall be in accordance with the approved plans, and must conform to all building and zoning codes.
- k. Roof Material: A second residential unit shall have roofing material consistent with the material of the primary residence unless the planning and building director finds that a different standard would be more compatible with the neighborhood.
- l. Siding Material: A second residential unit shall have the same siding material as the primary residence, and the two (2) residences must be similar in color.
- m. Roof Overhang: A second residential unit shall have a roof overhang similar to the primary residence.
- n. Utilities: A second detached residential unit shall have separate utilities, such as sewer, water, or gas.

#### 7. Existing Units:

- a. Second residential units existing prior to the enactment of this subsection J, but for which a conditional use permit has not been previously granted, shall not be considered a legal nonconforming use under this section.
- b. Second residential units existing prior to the enactment of this subsection J, and for which a conditional use permit was previously granted by the city, shall be considered a legal nonconforming use. (Ord. 527, 8-4-1997; amd. Ord. 535, 2-2-1998; Ord. 570, 8-4-2003)

#### 11-8-4: CONDITIONAL USES; PLANNING COMMISSION APPROVAL:

The following conditional uses may be permitted in accordance with the provisions of chapter 19 of this title:

- A. Public and quasi-public uses of an educational nature including public and parochial elementary schools, junior high schools, colleges, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.
- B. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes.
- C. Public uses of an administrative, recreational, public service or cultural type, including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.
- D. Expansion of an existing nonconforming use in accordance with chapter 17 of this title.
- E. Repealed.
- F. Public and private golf courses. (Ord. 527, 8-4-1997; amd. Ord. 570, 8-4-2003; Ord. 581, 3-23-2005)

#### 11-8-5: FENCES, WALLS AND HEDGES:

- A. Fences or walls not exceeding seven feet (7') in height may be erected along side and rear property lines, and along any portion of the street side yard of a corner lot. See figure at end of section 11-2-3 of this title. A building permit shall be required for any fence in excess of six feet (6') in height.
- B. Fences or walls not exceeding three feet (3') in height may be erected within any portion of the required front yard. A fence or wall not exceeding four feet (4') in height may be located in the front yard, provided that the top one foot (1') is at least fifty percent (50%) open. See figure at the end of section 11-2-3 of this title.
- C. No fence, wall or hedge exceeding three feet (3') in height may be located within any area of a corner lot on the street side of a diagonal line connecting points located twenty five feet (25') along the property line as measured from the intersection of the property lines at the street corner. See figure at end of section 11-2-3 of this title.

D. The minimum fencing requirement for all swimming pools shall be in accordance with the uniform building code as adopted by the city. (Ord. 527, 8-4-1997)

**11-8-6: LOT AREA:**

- A. The minimum site area for the R-1-6, single-family residential district shall be six thousand (6,000) square feet.
- B. The minimum site area for the R-1-10, single-family residential district shall be ten thousand (10,000) square feet.
- C. The minimum site area for the R-1-12, single-family residential district shall be twelve thousand (12,000) square feet. (Ord. 527, 8-4-1997)

**11-8-7: FRONTAGE, WIDTH AND DEPTH OF SITE:**

- A. Each parcel, except corner lots and those fronting on cul-de-sacs or loop out streets, shall have not less than sixty feet (60') of frontage on a public street.
- B. Parcels fronting on cul-de-sacs or loop out streets shall have not less than forty feet (40') of frontage on a public street provided that the width of the parcel at the front yard setback line is at least sixty feet (60').
- C. Corner parcels shall have a minimum of sixty five feet (65') of frontage on a public street.
- D. The minimum depth of all parcels shall be ninety feet (90'). (Ord. 527, 8-4-1997)

**11-8-8: DWELLINGS PER LOT:**

Only one dwelling is permitted per legal parcel except as provided in subsection 11-8-3J of this chapter. (Ord. 570, 8-4-2003)

**11-8-9: LOT COVERAGE:**

Maximum coverage of all parcels by any structure(s) shall be forty percent (40%). (Ord. 527, 8-4-1997)

**11-8-10: YARD REQUIREMENTS/BUILDING SETBACKS:**

A. Front Yard: The minimum front yard shall be twenty feet (20'), provided that the distance from the center line of a public street to the rear of the required front yard shall not be less than fifty feet (50').

1. On a parcel situated between sites improved with buildings where said buildings are set back less than the minimum distance required by this Section, the minimum front yard shall be the average depth of the front yards on the improved sites abutting the site.

2. Carports or garages attached to the main building may be set within fifteen feet (15') of a front property line where the garage opening is perpendicular to the curb line requiring a curved driveway approach.

3. The front yard setback shall not be less than twenty feet (20') allowing for a minimum of fifteen feet (15') to the dwelling or attached garage if the vehicle entrance to the garage is perpendicular to the curb line requiring a curved driveway or the attached garage vehicle entrance is parallel and a minimum of twenty five feet (25') from the property line. This provision is to promote varied setbacks in the development of new housing development and is not intended to allow for consistent fifteen feet (15') setbacks on all lots.

B. The minimum rear yard shall be ten feet (10').

1. Accessory and garden structures less than seven feet (7') in height may be located within any portion of a required rear yard.

2. Where construction involves more than one story, including decks, balconies, garden structures, and other related platforms with a floor level over five feet (5') in height, the rear yard shall be increased by ten feet (10') for each additional story measured from the second story (step back). See figure at the end of Chapter 2 of this Title.

3. Any mechanical equipment shall be located a minimum of five feet (5') from a rear property line abutting any residential district.

C. Side Yards: The minimum side yard shall be five feet (5') subject to the following conditions and exceptions:

1. On a reversed corner lot, the side yard adjoining the street shall be not less than one-half ( $\frac{1}{2}$ ) the required front yard on the adjoining key lot or ten feet (10') whichever is less.

2. Accessory and garden structures less than seven feet (7') in height, may be located in any portion of a required side yard, subject to approval under the provisions of Chapter 18 of this Title, except in the street side yard of a reversed corner lot, provided that any mechanical equipment shall be located a minimum of five feet (5') from a side property line abutting an interior lot in any residential district.

3. Where construction involves more than one story, the side yard shall be increased by five feet (5') for each additional story, provided, however, that the side yard on the street side of a corner lot, that is not a reverse corner lot, need not be greater than five feet (5'). Second story setback shall be measured from the second story (step back). See figure at the end of Chapter 2 of this Title.

4. Garages on the street side yard of a corner lot shall be set back fifteen feet (15') from the property line where the street right of way is at least sixty feet (60') in width and the sidewalk is adjacent to the curb, or where the garage or carport opening is perpendicular to the curb line and requires a curved driveway approach. In all other cases the garage or carport shall be set back a minimum of twenty feet (20') from the front property line.

5. Where a garage is located with access from an alley, it shall be set back a minimum of five feet (5') from the alley right of way. (Ord. 527, 8-4-1997)

**11-8-11: DISTANCES BETWEEN STRUCTURES:**

The minimum distance between structures shall be ten feet (10') except as otherwise provided by the City's Building Code. (Ord. 527, 8-4-1997)

**11-8-12: BUILDING HEIGHT:**

No building or structure shall have a height greater than thirty five feet (35') except as may be required under the provisions of Chapter 19 of this Title. (Ord. 527, 8-4-1997)

**11-8-13: SIGNS:**

No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Chapter 16 of this Title. (Ord. 527, 8-4-1997)

**11-8-14: OFF-STREET PARKING REQUIREMENTS:**

A. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit with at least one space inside within a garage.

B. A parking space shall be an area for the parking of a motor vehicle, plus those additional areas and facilities required to provide for the safe ingress and egress from said space.

C. All motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space, garage or carport. (Ord. 527, 8-4-1997)

11-8-15: GENERAL PROVISIONS AND EXCEPTIONS:

All uses shall be subject to the general provisions and exceptions prescribed inChapter 17 of this Title.

R-1 ZONE DEVELOPMENT STANDARDS

Lot Size And Coverage Requirements

Requirement	Zone District			Notes
	R-1-6	R-1-10	R-1-12	
Requirement	Zone District			Notes
	R-1-6	R-1-10	R-1-12	
Lot width, depth, and frontage Frontage				
Normal	60' minimum	60' minimum	60' minimum	
Cul-de-sac or curved lot	40' minimum	40' minimum	40' minimum	Not less than 60' at the front yard setback line.
Width of interior lot	60' minimum	60' minimum	60' minimum	
Width of corner lot	65' minimum	65' minimum	65' minimum	Frontage on a public street.
Depth of lot	90' minimum	90' minimum	90' minimum	
Lot size	6,000 sq. ft. minimum	10,000 sq. ft. minimum	12,000 sq. ft. minimum	
Building/structure height	35' maximum	35' maximum	35' maximum	CUP required for taller buildings or structures.
Dwelling units per lot	One	One	One	CUP required for second units, or as provided in second story housing section.
Parking and loading	two, one covered	two, one covered	two, one covered	One parking space in garage or carport. Vehicles incapable of movement shall be housed in entirely enclosed garage, storage or carport.
Recreational vehicle parking				
Lot coverage	40% maximum	40% maximum	40% maximum	

R-1 Zone Development Standards (cont.)

Development Standards

Main Building	Standard	Accessory Structure	Standard	Garage Or Carport	Standard
Main Building	Standard	Accessory Structure	Standard	Garage Or Carport	Standard
Front yard					
Normal	20' (1)(2)(5)	Normal	n/a	Normal	20' (5)
Cul-de-sac	20' (1)(2)(5)	Cul-de-sac	n/a	Cul-de-sac	20' (5)
Curved lots	20' (1)(2)(5)	Curved lots	n/a	Curved lots	20' (5)
Rear yard					
Normal	10' (3)(4)	Normal	7'	Normal	5' from alley
Side yard					
Normal	5' (6)(7)	Normal	7'	Normal	20' (8)
Corner lots, street side yard	5' (6)(7)	Corner lots, street side yard	7'	Corner lots, street side yard	15' (8)(9)

Reversed corner lots, street side yard	not less than 1/2 required front yard adjoining it or 10' whichever is less	Reversed corner lots, street side yard	not less than 1/2 required front yard adjoining it or 10' whichever is less	Reversed corner lots, street side yard	20' (9)
Distances Between Structures					
	10' (10)				

#### R-1 Zone Development Standards (cont.)

- (1) Provided that the distance from the center line of the public street is not less than 50 feet.
  - (2) Where a new building is to be constructed between lots with existing residential structures, the front yard shall not be less than the average front yards of the 2 abutting lots.
  - (3) More than one story and other related platforms with floor level over 5 feet, rear yard shall increase by 10 feet for each additional story. Step back allowed.
  - (4) Any mechanical equipment shall be located a minimum of 5 feet from rear property line.
  - (5) 15 foot setback allowed where garage is attached to a main structure and the garage opening is perpendicular to the curb line requiring a curved driveway.
  - (6) More than one story side yard shall be increased by 5 feet for each additional story. If the side yard is on the street side of a corner lot and is not a reverse corner lot, its yard does not need to be greater than 5 feet. Step back on second story allowed.
  - (7) Any mechanical equipment shall be located a minimum of 5 feet from side property line abutting an interior lot on any residential street.
  - (8) Where garage is located with access from an alley, it shall be set back a minimum of 5 feet from the alley right of way.
  - (9) Where street right of way is at least 60 feet in width, and the sidewalk is adjacent to the corner, or where the garage or carport opening is perpendicular to the curb line requiring a curved driveway.
  - (10) Unless otherwise provided in City Building Code.
- (Ord. 527, 8-4-1997)

## CHAPTER 9

### RM MULTI-FAMILY RESIDENTIAL DISTRICT

#### SECTION:

##### 11-9-1: Purpose And Application

##### 11-9-2: Permitted Uses

##### 11-9-3: Permitted Uses; Administrative Review/Approval

##### 11-9-4: Conditional Uses; Planning Commission Approval

##### 11-9-5: Fences, Walls And Hedges

##### 11-9-6: Lot Area

##### 11-9-7: Lot Area Per Dwelling Unit

##### 11-9-8: Frontage, Width And Depth Of Lot

##### 11-9-9: Lot Coverage

##### 11-9-10: Yard Requirements/Building Setbacks

##### 11-9-11: Distances Between Structures

##### 11-9-12: Building Height

##### 11-9-13: Site Plan Review Required

##### 11-9-14: Signs

##### 11-9-15: Off Street Parking Requirements

##### 11-9-16: General Provisions And Exceptions

##### 11-9-1: PURPOSES AND APPLICATION:

A. The RM district is intended primarily for the development of multi-family residential structures at densities consistent with the policies of the general plan as follows:

1. The RM-2.5 district is intended to serve general plan land use classifications of medium density and high density, and particularly within older single-family districts where vacant property has been bypassed because of excessive size, irregular shape, or difficulty in providing public access.
2. The RM-1.5 district is intended to serve the general plan land use classification of high density on lots in excess of six thousand (6,000) square feet throughout the city, including passed over lots where appropriate because of size and location proximate to commercial uses and not intruding on surrounding one-family uses.
3. To encourage development of vacant or underutilized land within the city.



4. Manage the rate of urban expansion at a level which does not exceed the capacity of the city to provide the necessary levels of community services and facilities.

5. To establish community design guidelines for new development and revitalization projects that reflect high standards of community development, appearance and image.

B. The keeping, breeding, and raising of farm animals including, horses, cows, chickens, turkeys, swine, pigs, goats, doves, pigeons, and aviary structures is not allowed in the residential district. The RA or A district may allow such activities pursuant to the requirements in those sections.

1. Such existing uses and activities are considered preexisting nonconforming uses as of the date this ordinance is first adopted, and such uses may remain, so long as they are not expanded, for a period of ten (10) years from the effective date hereof. Such uses shall be abated pursuant to chapter 17 of this title, unless they become a public nuisance in which case they shall be immediately discontinued.

C. Performance standards are hereby established by this chapter for rezoning of a lot(s) for multi-family residential development when initiated by property owners. Rezoning of a lot(s) is considered by the city as initiating a commitment to develop multi-family dwellings and not a land speculation act. The city reserves the right to initiate action to rezone the subject land to the original zone at the end of a two (2) year period after the rezone has become effective if the property owner has not taken official action to obtain a building permit from the city for the construction of a multi-family project. (Ord. 527, 8-4-1997)

#### **11-9-2: PERMITTED USES:**

A. A one-family residential dwelling.

B. Multi-family dwellings under five (5) units.

C. Raising of fruit and nut trees, vines, vegetables and horticultural specialties on a noncommercial basis as an incidental use to a one-family dwelling.

D. Swimming pools for either individual, family or community uses on a noncommercial basis, fenced in accordance with subsection 11-8-5D of this title.

E. Accessory structures and uses located on the same site as, and incidental to, a permitted use.

F. The keeping of domestic household animals in accordance with subsection 11-7-2C of this title.

G. The following additional uses are permitted under this section, so long as the use serves six (6) or fewer persons and is licensed by the state or county as a provider of the following uses:

1. Care facility for the developmentally disabled.

2. Community care facility for the elderly.

3. Residential care facility for the elderly.

4. Drug and alcohol recovery facility.

5. Homes for mentally disordered, handicapped persons and neglected children.

6. Employee housing as defined by California Health and Safety Code section 17021.

7. Family daycare homes for children which do not qualify as "small family daycare homes" under subsection H of this section.

H. Small family daycare homes shall be considered a residential use of the property and shall not be considered a change in occupancy for purposes of local building codes. Unless otherwise determined by California's Health and Safety Code, the maximum number of children permitted in a small family daycare under this subsection shall be eight (8).

I. Allow a parking lot for a downtown commercial motel/hotel use on a multi-family residentially zoned parcel that is across the alley from the proposed project. (Ord. 527, 8-4-1997; amd. Ord. 550, 12-5-2000; Ord. 581, 3-23-2005; Ord. 594, 5-21-2007)

#### **11-9-3: PERMITTED USES; ADMINISTRATIVE REVIEW/APPROVAL:**

A. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, temporary subdivision sales offices and signs, and model home display areas in accordance with the regulations prescribed in chapter 16, "Sign Regulations", of this title.

B. Gas and electric transmission lines, in accordance with the provisions of chapter 18 of this title, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping station, and elevated pressure tanks.

C. Garden structures in accordance with the provisions of subsection 11-8-10C2 of this title.

D. Mobile homes on permanent foundations designed in accordance with the standards of chapter 10 of this title.

E. One-family dwellings when all street improvements are not yet completed.

F. Tennis courts, including related fencing over seven feet (7') in height located on the same site as a permitted or conditional use.

G. Accessory structures and uses located on the same site as a use permitted by administrative approval. Inground swimming pools are considered structures and must comply with yard setback requirements in section 11-7-10 of this title.

H. Home occupations in accordance with the provisions of chapter 15 of this title. (Ord. 527, 8-4-1997)

#### **11-9-4: CONDITIONAL USES; PLANNING COMMISSION APPROVAL:**

The following conditional uses may be permitted in accordance with the provisions of chapter 19 of this title:

A. Public and quasi-public uses of an educational nature including public and parochial elementary schools, junior high schools, colleges, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

B. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes including a state authorized, certified or licensed family care home, foster home or group home serving six (6) or fewer mentally disordered or otherwise handicapped persons, including rehabilitation homes for alcoholics and drug addicts, or dependant and neglected children, where such homes provide care on a twenty four (24) hour basis.

C. Public uses of an administrative, recreational, public service or cultural type, including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

- D. Mobile home parks, in accordance with the provisions of chapter 10 of this title.
- E. Expansion of existing nonconforming use in accordance with chapter 17 of this title.
- F. Repealed.
- G. Accessory structures and uses located on the same site as a conditional use.
- H. Private clubs and lodges.
- I. Buildings or structures with a height greater than thirty five feet (35').
- J. Boarding or rooming houses.
- K. Multi-family dwellings of five (5) units or more. (Ord. 527, 8-4-1997; amd. Ord. 550, 12-5-2000; Ord. 549, 8-20-2002)

**11-9-5: FENCES, WALLS AND HEDGES:**

- A. Along side and rear property lines, and along any portion of the street side yard of a corner lot, not exceeding seven feet (7') in height.
- B. Fences or walls not exceeding three feet (3') in height may be erected within any portion of the required front yard. A fence or wall not exceeding four feet (4') in height may be located in the front yard, provided that the top one foot (1') is at least fifty percent (50%) open.
- C. No fence, wall or hedge exceeding three feet (3') in height may be located within any area of a corner lot on the street side of a diagonal line connecting points located twenty five feet (25') along the property line as measured from the intersection of the property lines at the street corner.
- D. The minimum fencing requirement for all swimming pools shall be a fence or enclosure with a minimum six foot (6') height with a self-closing gate with an automatically closing latch at least four and one-half feet (4.5') above the ground. (Ord. 527, 8-4-1997)

**11-9-6: LOT AREA:**

- A. The minimum lot area for the RM-2.5 multi-family residential district shall be six thousand (6,000) square feet.
- B. The minimum lot area for the RM-1.5 multi-family residential district shall be six thousand (6,000) square feet. (Ord. 527, 8-4-1997)

**11-9-7: LOT AREA PER DWELLING UNIT:**

The minimum lot area per dwelling unit shall be as follows:

- A. The minimum lot area for the RM-2.5 multi-family district is two thousand five hundred (2,500) square feet per each dwelling unit.
- B. The minimum lot area for the RM-1.5 multi-family district is one thousand five hundred (1,500) square feet per each dwelling unit. (Ord. 527, 8-4-1997)

**11-9-8: FRONTAGE, WIDTH AND DEPTH OF LOT:**

- A. Each lot, except corner lots and those fronting on cul-de-sacs or loop-out streets, shall have not less than fifty feet (50') of frontage on a public street.
- B. Lots fronting on cul-de-sacs or loop-out streets shall have not less than forty feet (40') of frontage on a public street provided that the width of the parcel at the front yard setback line is at least sixty feet (60').
- C. Corner lots shall have a minimum of sixty five feet (65') of frontage on a public street.
- D. The minimum depth of all parcels shall be one hundred feet (100'). (Ord. 527, 8-4-1997)

**11-9-9: LOT COVERAGE:**

The maximum lot area covered by structures shall be as follows:

- A. The maximum lot coverage for the RM-2.5 multi-family district is sixty percent (60%) of the lot area.
- B. The maximum lot coverage for the RM-1.5 multi-family district is seventy percent (70%) of the lot area. (Ord. 527, 8-4-1997)

**11-9-10: YARD REQUIREMENTS/BUILDING SETBACKS:**

- A. Front Yard: The minimum front yard shall be twenty feet (20'), provided that the distance from the centerline of a public street to the rear of the required front yard shall not be less than forty five feet (45').
  - 1. Where off street parking is provided interior to a grouping of dwellings the minimum front yard shall be fifteen feet (15').
  - 2. Carports or garages attached to the main building may be set within fifteen feet (15') of a front property line where the garage opening is perpendicular to the curb line requiring a curved driveway approach.
  - 3. Mechanical equipment shall not be located in the required front yard.
- B. Rear Yard: The minimum rear yard shall be ten feet (10').
  - 1. Accessory and garden structures less than seven feet (7') in height may be located within any portion of a required rear yard.
  - 2. Where construction involves more than one story, including decks, balconies, garden structures, and other related platforms with a floor level over five feet (5') in height, the rear yard shall be increased by five feet (5') for each additional story.
  - 3. Any mechanical equipment, including fixed pool equipment such as pumps, filters, diving boards and slides, shall not be located within the required rear yard.
- C. Side Yard: The minimum side yard shall be five feet (5') subject to the following conditions and exceptions:
  - 1. A side yard providing the main access to a dwelling unit shall be a minimum of ten feet (10').
  - 2. On a reversed corner lot, the side yard adjoining the street shall be not less than one-half (~~1~~) the required front yard on the adjoining key lot.
  - 3. Accessory and garden structures less than seven feet (7') in height, may be located in any portion of a required side yard, subject to approval under the provisions of Chapter 18 of this Title, except in the street side yard of a reversed corner lot, provided that any mechanical equipment shall be located a minimum of five feet (5') from a side property line abutting an interior lot in any residential district.
  - 4. Where construction involves more than one story, the side yard shall be increased by five feet (5') for each additional story provided, however, that the side yard on the street side of a corner lot that is not a reverse corner lot need not be greater than five feet (5').
  - 5. Garages or carports on the street side yard of a corner lot shall be set back fifteen feet (15') from the property line where the street right of

way is at least sixty feet (60') in width and the sidewalk is adjacent to the curb, or where the garage or carport opening is perpendicular to the curb line and requires a curved driveway approach. In all other cases the garage or carport shall be set back a minimum of twenty feet (20') from the front property line.

6. Where a garage or carport is located with access from an alley, it shall be set back a minimum of five feet (5') from the alley right of way. (Ord. 527, 8-4-1997)

**11-9-11: DISTANCES BETWEEN STRUCTURES:**

The minimum distance between structures shall be ten feet (10'), but no less than provided by the Building Code. (Ord. 527, 8-4-1997)

**11-9-12: BUILDING HEIGHT:**

No building or structure shall have a height greater than thirty five feet (35') except as may be allowed under the provisions of Chapter 19 of this Title. (Ord. 527, 8-4-1997)

**11-9-13: SITE PLAN REVIEW REQUIRED:**

Prior to the establishment or construction of a multi-family dwelling or project on any lot in this district a site plan acceptable to the Planning Director must first be submitted and approved pursuant to the provisions of Chapter 20 of this Title. (Ord. 527, 8-4-1997)

**11-9-14: SIGNS:**

Signs identifying or advertising a multi-family use shall be permitted except as prescribed in Chapter 16 of this Title. (Ord. 527, 8-4-1997)

**11-9-15: OFF-STREET PARKING REQUIREMENTS:**

- A. One-Family Dwelling: A minimum of two (2) off-street parking spaces shall be provided with at least one space within a garage or carport.
- B. Parking Requirements: The off-street parking requirements for multi-family dwellings are shown in Table 11-9-15B.

**Table 11-9-15B**  
**Multi-Family Off-Street Parking Requirements**

Type Of Unit	Number Of Spaces Per Unit
Studio	1.5
One bedroom	1.5
Two bedroom	2.0
Three bedroom	2.0
Four bedroom	2.0

- C. A parking space shall at a minimum meet the City Standard Specifications and be located in an area designated on the site plan for the parking of a motor vehicle, plus those additional areas and facilities required to provide for the safe ingress and egress from said space.
- D. All motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space, garage or carport. (Ord. 527, 8-4-1997)

**11-9-16: GENERAL PROVISIONS AND EXCEPTIONS:**

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 17 of this Title.

**RM ZONE DEVELOPMENT STANDARDS**

**Lot Size And Coverage Requirements**

Requirement	Zone District		Notes
	R-2.5	R-1.5	
Requirement	Zone District		Notes
	R-2.5	R-1.5	
Lot width, depth, and frontage Frontage			
Normal	50' minimum	50' minimum	Frontage on a public street.
Cul-de-sac or curved lot	40' minimum	40' minimum	Not less than 60' at the front yard setback line.
Width of interior lot	50'	50'	
Width of corner lot	65' minimum	65' minimum	Frontage on a public street.
Depth of lot	100' minimum	100' minimum	
Lot size	6,000 sq. ft. minimum	6,000 sq. ft. minimum	
Building/structure height	35' maximum	35' maximum	CUP required for taller buildings or structures.
Lot area per dwelling unit	2,500 sq. ft.	1,500 sq. ft.	
Lot coverage	60% maximum	70% maximum	

Parking and loading	Two, one covered	Two, one covered	One parking space in garage or carport. Motor vehicles incapable of movement under their own power shall be stored in entirely enclosed space, carport or garage.
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## RM Zone Development Standards (cont.)

### Development Standards

Main Building	Standard	Accessory Structure	Standard	Garage Or Carport	Standard
Main Building	Standard	Accessory Structure	Standard	Garage Or Carport	Standard
Front yard					
Normal	20' (1)(2)(3)	Normal		Normal	15' (4)
Cul-de-sac	20' (1)(2)(3)	Cul-de-sac		Cul-de-sac	15' (4)
Curved lots	20' (1)(2)(3)	Curved lots		Curved lots	15' (4)
Rear yard					
Normal	10' (5)	Normal	no restriction (7)(8)	Normal	5' from alley
Side yard					
Normal	5' (6)(9)	Normal	no restriction (7)(8)	Normal	20' (10)(11)
Corner lots, street side yard	5' (9)	Corner lots, street side yard	5' (7)(8)	Corner lots, street side yard	20' (10)(11)
Reversed corner lots, street side yard	1/2 required front yard of adjoining key lot (9)	Reversed corner lots, street side yard	5' (7)(8)	Reversed corner lots, street side yard	20' (10)(11)
Distances Between Structures					
	10'				

## RM Zone Development Standards (cont.)

- (1) Provided that the distance from the center line of the public street is not less than 45 feet.
  - (2) Where off-street parking is provided interior to a group of dwellings, minimum front yard setback shall be 15 feet.
  - (3) No mechanical equipment shall be located in the front yard.
  - (4) Where garage is attached to a main structure and the garage opening is perpendicular to the curb line requiring a curved driveway.
  - (5) Where more than one story, rear yard shall be increased by 5 feet for each additional story.
  - (6) If side yard is providing main access to a dwelling unit, the side yard shall be a minimum of 10 feet.
  - (7) Approval subject to Chapter 14.
  - (8) Any mechanical equipment shall be a minimum of 5 feet from side property line.
  - (9) More than one story, side yard shall be increased by 5 feet for each additional story.
  - (10) Fifteen feet where street right of way is at least 60 feet in width and the sidewalk is adjacent to the curb or where the garage or carport opening is perpendicular to the curb line and requires a curved driveway.
  - (11) Where garage or carport is located with access from an alley, it shall be set back a minimum of 5 feet from alley right of way.
- (Ord. 527, 8-4-1997)

## CHAPTER 10

### MOBILE HOME PARKS AND REGULATION OF MANUFACTURED HOUSING WITHIN RESIDENTIAL DISTRICTS

#### SECTION:

#### 11-10-1: Mobile Home Parks

## **11-10-2: Development Standards, Mobile Home Parks**

## **11-10-3: Conditional Use And Site Plan Review**

## **11-10-4: Regulation Of Manufactured Housing Within Residential Districts**

### **11-10-1: MOBILE HOME PARKS:**

A. Occupancy: No mobile home shall be occupied or used for living or sleeping purposes, or be parked, other than in a mobile home sales yard or in an approved storage area within a CS, CH or I District, unless it is located within a licensed mobile home park; provided, that a mobile home may also be used as follows: as an office for a construction project, circus or carnival; as a residence of a watchman on the site of a construction project or an industrial use; or to provide temporary living quarters for circus or carnival personnel in accordance with the provisions of an approved conditional use permit; or as a single-family dwelling when set on a permanent foundation within any RA, R, RM or PO District.

B. Location And Access: For purposes of this Title, mobile home parks are considered to require the same considerations in their location as do multi-family dwellings under policies of the General Plan. Mobile home parks shall be located only within RM Districts, with access from elements of the arterial or collector street system to be considered as a condition of approval. (Ord. 527, 8-4-1997)

### **11-10-2: DEVELOPMENT STANDARDS, MOBILE HOME PARKS:**

#### **A. Park Area, Density And Site Area:**

1. Park Area: The minimum area of a mobile home park shall be five (5) acres. The first phase of mobile home park development shall be not less than five (5) acres and shall include all required recreational and service amenities.

2. Density: The maximum density shall be eight (8) mobile home sites per gross acre.

3. Site Area: Each mobile home site shall be not less than three thousand (3,000) square feet in area, including pad, parking, private access, landscaping and private storage areas.

a. No mobile home site shall be less than thirty feet (30') in width.

#### **4. Clearances, Setbacks And Yard Spaces:**

##### **a. Mobile Home Park:**

- (1) Front yard 20 feet
- (2) Interior side yard 10 feet
- (3) Street side yard 10 feet
- (4) Interior rear yard 10 feet
- (5) Street rear yard 20 feet

##### **b. Mobile Home Sites Within The Park:**

- (1) Front yard 10 feet
- (2) Side yard 5 feet
- (3) Rear yard 10 feet

No mobile home shall be located in any required yard space, except that tow bars may extend into such yard space, and other incidental structures may be located in accordance with the provisions of Section 11-9-10 of this Title.

#### **5. Patios And Pads:**

a. Each mobile home site shall have a hard surfaced patio area of not less than two hundred (200) square feet. Patio area shall not be used for parking of vehicles. A permanent porch greater than twenty (20) square feet in area may be counted as part of the required patio area, not to be used as a carport.

b. Each mobile home shall have a support pad of concrete or asphalt concrete laid over a compacted surface base which, in combination, will be adequate to support the mobile home on a level plane.

#### **6. Parking:**

a. Not less than two (2) off-street parking spaces shall be provided within each mobile home site, one of which may be tandem to the other.

b. Not less than one guest parking space shall be provided for each mobile home site at a location central to each four (4) contiguous mobile home sites, provided that guest parking shall not be required for mobile home sites along collector street parking constructed to City standards, and parking is permitted on the street.

c. Parking shall be provided for central recreation buildings, park offices and other similar buildings at a ratio of one parking space for each four hundred (400) square feet of gross floor area.

d. Supplemental parking for pleasure boats, recreation vehicles and nonoccupied travel trailers shall be provided at a ratio of one parking space for each ten (10) mobile home sites, and shall be used only by mobile home park tenants. Said parking shall be clustered, easily accessible via interior drives, and shall be screened from view by means of a solid ornamental fence or wall and landscaping.

e. All parking areas and spaces shall be designed and constructed in accordance with the provisions of Chapter 14 of this Title.

#### **7. Streets:**

a. Entrance streets shall be located to assure safe access to and from the public street system.

b. Minor streets within the mobile home park shall be a minimum of thirty two feet (32') of paved width; collector streets shall be a minimum of forty feet (40') of paved width. Paving shall be to City standards.

c. Streets shall be constructed to effect positive drainage; concrete curbs and gutters will be required by the City Engineer to City standards.

d. Parallel parking shall be permitted on both sides of a collector street and on only one side of a minor street. Such on-street parking shall be in addition to off-street parking requirements of this Section.

8. Driveways, Street Signs, Lighting, Storm Drainage, Water And Sewer Systems: Driveways for individual mobile home sites, street signs, interior street lighting, storm drainage facilities and water and sewer systems shall be installed subject to approval of the City Engineer.

9. Underground Utilities: All public utilities shall be installed underground, including electrical, telephone, street lighting cable, community television antenna connections and ducts for cable television. A community television antenna with underground ducts and connections to each mobile home site may be provided.

10. Recreation Areas And Pedestrianways:

a. Common recreation area in an aggregate total equal to ten percent (10%) of the gross area of the mobile home park shall be provided at a location or locations which are easily accessible and convenient to park residents.

b. Recreation areas shall be landscaped and maintained, with all landscaped areas to be irrigated by an automatic underground sprinkler system.

c. Pedestrianways shall be provided throughout the mobile home park, connecting all mobile home sites with each other and with common recreation areas. Such pedestrianways shall be provided where possible at locations away from the interior street system to avoid conflict in pedestrian and vehicle traffic.

d. The calculation of common recreation areas shall not include yard areas, pedestrianways, management offices, laundry and tenant storage areas and parking areas.

11. Signs: No more than one identification sign shall be erected displaying the name of the mobile home park. Such signs shall be located near the park entrance drive and shall not exceed thirty two (32) square feet in total readable surface area, or eight feet (8') in height. Such sign shall be installed within the front yard area of the mobile home park, parallel to the abutting street, with landscaping at its base. Additional directional and identification signs may be installed within the mobile home park subject to the approval of the planning department.

12. Landscaping And Screening: Mobile home parks shall provide permanently maintained landscaped areas and site screening as follows:

a. A landscaped border along the entire street frontage yard area and along the rear yard if such yard is adjacent to a public street.

b. Ornamental screen wall or fencing, six feet (6') in height, along all interior side property lines and along all rear property lines which do not abut a public street.

c. Ornamental screen wall or fencing, six feet (6') in height along street side yard and street front yard setback lines.

13. Other Facilities Required: Each mobile home park shall provide the following additional facilities:

a. A laundry building for clothes washing and drying.

b. Trash enclosures at locations along the interior street system which are convenient to all residents and to refuse trucks, integrated with guest parking areas.

14. Placement And Sales Of Mobile Homes:

a. At the time of placement on the site, all mobile homes shall be fitted with appropriate skirts to obscure stands, pads and undercarriage equipment.

b. Mobile homes may be displayed and sold within a mobile home park similar to the sale of model homes within a residential subdivision, provided that such mobile homes are not sold for delivery to any location other than within the park in which sold and that all mobile homes are placed on mobile home sites and connected to all utility services. No more than four (4) mobile homes shall be offered for sale at any one time, and advertising for such sale shall be limited to one nonilluminated sign not exceeding four (4) square feet in area on the site of each mobile home offered for sale. (Ord. 527, 8-4-1997)

**11-10-3: CONDITIONAL USE AND SITE PLAN REVIEW:**

Application for mobile home parks shall be subject to the provisions of chapters 19 and 20 of this title. (Ord. 527, 8-4-1997)

**11-10-4: REGULATION OF MANUFACTURED HOUSING WITHIN RESIDENTIAL DISTRICTS:**

A. Application: The provisions of this section shall apply to all single-family dwellings and mobile homes on permanent foundations listed as permitted uses within RA, R, RM, and PO districts.

B. Developmental/Architectural Standards: All single-family dwellings and mobile homes on permanent foundations shall meet the following developmental/architectural standards:

1. Garages: A garage shall be provided for every dwelling located on a lot in an R or RM zoning district which is not a part of a mobile home subdivision.

2. Minimum Floor Area: The minimum floor area for every dwelling located within an RA, R, RM or PO district, which is not a part of a mobile home subdivision, shall be seven hundred seventy five (775) square feet, excluding the area of the garage or carport.

3. Roof Overhang: All main buildings shall have a pitched roof with a minimum twelve inch (12") roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling unit.

4. Roofing Material: All main buildings, and all detached garages and carports located on the front half of the lot shall have a roof constituted of either wood shakes, asphalt, composition or wood shingles, clay, tile, concrete or metal tile, slate or built up asphaltic gravel materials. (Ord. 527, 8-4-1997)

5. Siding Material: All main buildings, and all detached garages and carports located on the front half of the lot shall have exterior siding material consisting of wood, masonry, concrete, stucco, masonite or metal lap. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top foundation. Detached garages and accessory buildings shall have a concrete foundation and slab. The structure shall be attached according to building code. Detached garages and accessory buildings may be constructed of metal siding provided the structure is a premanufactured factory unit of at least 14-gauge metals. The premanufactured unit and installation must be approved by the city of Corcoran building official. (Ord. 578, 2-9-2005)

6. Foundations: All main buildings shall be placed on a permanent engineered foundation which meets applicable building code requirements and/or the provisions of section 18551 of the California Health and Safety Code, such that the floor elevation of the dwelling is reasonably compatible with the floor elevations of the surrounding dwelling units.

7. Minimum Width: The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be twenty feet (20').

8. Surrender Of Registration: Subsequent to applying for a building permit, and prior to occupancy of a mobile home on a permanent foundation, the owner shall request a certification of occupancy be issued by the building official pursuant to section 18551(b) of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership and certificate of registration issued by a state agency is to be surrendered to the issuing state agency. Any mobile home on a permanent foundation must bear a California insignia or federal label pursuant to

section 18550(b) of the California Health and Safety Code.

9. Deviations: The planning director may approve deviations from one or more of the standards of this section on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the planning director may be appealed to the planning commission and city council in accordance with the provisions of chapter 20 of this title.

10. Certification: Mobile homes certified under the national mobile home construction and safety act of 1974 (42 USC section 5401 et seq.) on a permanent foundation system pursuant to section 18551 of the Health and Safety Code of the state. (Ord. 527, 8-4-1997)

## CHAPTER 11

### PO PROFESSIONAL OFFICE DISTRICT

#### SECTION:

##### 11-11-1: Purpose And Application

##### 11-11-2: Permitted Uses

##### 11-11-3: Permitted Uses; Administrative Review/Approval

##### 11-11-4: Conditional Uses; Planning Commission Approval

##### 11-11-5: Fences, Walls And Hedges

##### 11-11-6: Site Area

##### 11-11-7: Frontage, Width And Depth Of Site

##### 11-11-8: Coverage

##### 11-11-9: Yard Requirements

##### 11-11-10: Distances Between Structures

##### 11-11-11: Building Height

##### 11-11-12: Off-Street Parking And Loading Facilities

##### 11-11-13: Signs

##### 11-11-14: Site Plan Review

##### 11-11-15: General Provisions And Exceptions

##### 11-11-1: PURPOSE AND APPLICATION:

This District is intended to provide opportunities for the location of professional and nonretail commercial offices and businesses in close relationship to one another situated in or near neighborhoods; professional office zones are consistent with areas designated for office use, including high-density residential, and commercial office by the General Plan; to provide adequate space to meet the needs of such offices and supporting off-street parking; and to protect offices from noise, disturbances, traffic hazards and potentially incompatible land uses which could adversely affect professional and business practices. (Ord. 527, 8-4-1997)

##### 11-11-2: PERMITTED USES:

A. Offices which deal in professional and business services, in which goods, wares and merchandise are not commercially created, sold or exchanged.

B. Medical and dental laboratories and clinics, and prescription pharmacies in conjunction therewith or with a hospital.

C. Any use permitted within the R or RM Districts.

D. Accessory structures and uses located on the same site as a permitted use. (Ord. 527, 8-4-1997)

##### 11-11-3: PERMITTED USES; ADMINISTRATIVE REVIEW/APPROVAL:

A. Gas and electric transmission lines, in accordance with the provisions of Chapter 18 of this Title electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and elevated pressure tanks.

B. Accessory structures and uses located on the same site as a use permitted by administrative approval.

C. Home occupations in accordance with the regulations prescribed in Chapter 15 of this Title. (Ord. 527, 8-4-1997)

##### 11-11-4: CONDITIONAL USES; PLANNING COMMISSION APPROVAL:

A. Churches, parsonages and other religious institutions.

B. Public and private charitable institutions, hospitals, sanitariums, rest homes, nursing homes, family care homes, foster homes or group homes for the mentally disordered or otherwise handicapped person, including State authorized homes as prescribed under subsection 11-8-4B of this Title.

C. Public uses of a cultural type, including libraries, museums, art galleries.

D. Mortuaries.

E. Modest expansion or remodeling of an existing nonconforming use of a structure or land, limited to fifty percent (50%) or less of the value of existing structures, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, with an assessed valuation of less than one hundred dollars (\$100.00), and nonconforming fences, walls and hedges.

F. Residential drug treatment recovery homes.

G. Accessory structures and uses located on the same site as a conditional use.

H. Mobile homes on permanent foundations designed in accordance with the standards of Chapter 10 of this Title.

I. Boarding and rooming houses.

J. Guest houses. (Ord. 527, 8-4-1997)

**11-11-5: FENCES, WALLS AND HEDGES:**

Fences, walls and hedges shall be permitted in accordance with the provisions of Section 11-9-5 of this Title. (Ord. 527, 8-4-1997)

**11-11-6: SITE AREA:**

A. The minimum lot area for professional or commercial office shall be six thousand (6,000) square feet, except where an existing lot is less than six thousand (6,000) square feet.

B. The minimum lot area for a single-family dwelling unit shall be six thousand (6,000) square feet.

C. The minimum lot area for a multi-family dwelling complex shall be six thousand (6,000) square feet, provided that the minimum lot area per each multi-family dwelling shall be two thousand (2,000) square feet. (Ord. 527, 8-4-1997)

**11-11-7: FRONTAGE, WIDTH AND DEPTH OF SITE:**

A. Each lot shall have not less than fifty feet (50') of frontage, on a public street, except that those lots which front on a cul-de-sac or loop-out street may have a frontage of not less than forty feet (40') provided that the width of the lot as measured along the front yard setback line is at least fifty feet (50'). The minimum width of each lot shall be fifty feet (50') at all other locations on the lot which lie to the rear of the front yard setback line.

B. The minimum depth of each lot shall be one hundred feet (100'). (Ord. 527, 8-4-1997)

**11-11-8: COVERAGE:**

The maximum area of the lot covered by structures (FAR) shall be sixty percent (60%). (Ord. 527, 8-4-1997)

**11-11-9: YARD REQUIREMENTS:**

A. Front Yard: The minimum front yard shall be fifteen feet (15'), provided, however, the Planning Director may approve, under Chapter 18 of this Title, within any part of the front yard for nonresidential uses, ornamental covers such as a sidewalk or entry awning, trellis or other similar improvements when said improvement is intended solely as an improved passageway for aesthetic purposes, providing architectural integrity with the building to which it is attached. Supports shall be ninety percent (90%) open and shall not be enclosed.

1. Single-family and multi-family residential dwellings shall conform to the front yard requirements of the R or RM District.

B. Rear Yard: The minimum rear yard shall be five feet (5') provided, however, that where construction involves more than one story, and the lot lies adjacent to a lot in an R District, the rear yard shall be increased by five feet (5') for each additional story. Accessory and garden structures under seven feet (7') in height may be located within any portion of a required rear yard.

1. Single-family and multi-family residential dwellings shall conform to the rear yard requirements of the R or RM District.

C. Side Yards: The minimum side yard shall be five feet (5'), subject to the following conditions and exceptions:

1. On a reversed corner lot, the side yard adjoining the street shall be not less than one-half (~~1~~) the required front yard on the adjoining key lot or ten feet (10'), whichever is less.

2. Accessory structures under seven feet (7') in height may be located in any portion of a required side yard, subject to approval under the provisions of Chapter 18 of this Title, except in the street side yard of a reversed corner lot.

3. Where construction involves more than one story, the side yard shall be increased by five feet (5') for each additional story, provided however, that the side yard on the street side of a corner lot need not be greater than five feet (5').

4. A side yard providing access to more than one dwelling unit shall be not less than ten feet (10').

5. Garages or carports on the street side yard of a corner lot shall be subject to the provisions of subsection 11-8-10C4 of this Title.

6. Single-family and multi-family residential dwellings shall conform to the side yard requirements of the R or RM District. (Ord. 527, 8-4-1997)

**11-11-10: DISTANCES BETWEEN STRUCTURES:**

The minimum distance between a permitted or conditional use and another building on the same lot shall be ten feet (10'), except as provided in the Uniform Building Code adopted by the City. (Ord. 527, 8-4-1997)

**11-11-11: BUILDING HEIGHT:**

The maximum height of a permitted or conditional use shall be forty feet (40'). (Ord. 527, 8-4-1997)

**11-11-12: OFF-STREET PARKING AND LOADING FACILITIES:**

Off-street parking and off-street loading facilities shall be provided on the lot for each use as prescribed in Chapter 14 of this Title. (Ord. 527, 8-4-1997)

**11-11-13: SIGNS:**

No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Chapter 16 of this Title. (Ord. 527, 8-4-1997)

**11-11-14: SITE PLAN REVIEW:**

Except for single-family dwellings and accessory structures and uses related to one-family dwellings, no use shall be erected on any lot in this District until a site plan has been submitted and approved by the City, as prescribed in Chapter 20 of this Title. (Ord. 527, 8-4-1997)

**11-11-15: GENERAL PROVISIONS AND EXCEPTIONS:**

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 17 of this Title. (Ord. 527, 8-4-1997)

## CHAPTER 12

### COMMERCIAL ZONE DISTRICTS

**SECTION:**

**11-12-1: Purpose And Application**

**11-12-2: Commercial Zones And Permit Requirements**

**11-12-3: Required Conditions**

**11-12-4: General Development Standards**



#### **11-12-5: Special Development Conditions**

#### **11-12-6: Fences, Walls And Hedges**

#### **11-12-7: General Provisions And Exceptions**

#### **11-12-8: Off Street Parking And Loading Facilities**

#### **11-12-9: Site Plan Review**

#### **11-12-10: Signs**

#### **11-12-1: PURPOSE AND APPLICATION:**

A. The purpose of this chapter is to achieve the following:

1. Expand job creating and revenue generating activities by increasing the overall amount of retail and commercial services in the city.
2. Encourage development of vacant or underutilized land within the city limits.
3. Establish community design guidelines for new development and revitalization projects that reflect high standards of community development, appearance and image.

B. The purposes of the individual commercial zone districts are as follows:

1. The CC central commercial district is intended to be applied both to the central commercial core of the city, and to certain commercial areas outside of the central core as may be designated by the general plan. These areas constitute the primary commercial districts of the community where a wide range of retail, financial, governmental, professional, business service and entertainment activities, except theaters, and uses are encouraged to concentrate to serve the entire community. Restaurants with more than twenty (20) permanent seat capacity not connected with a drive-in are preferred to be located in the downtown commercial district. Commercial areas outside of the city's commercial core are intended to be developed only as unified commercial centers, except where the existing development pattern makes it impractical.

The CC district also includes provisions for commercial uses along arterial and collector streets where a mixture of commercial, residential, industrial and other uses exists to the extent that it is impractical to apply any other zone district. Any existing use within the CC district, except a residential use, shall be considered as an allowed use, allowing expansion of the use on the same or adjacent property, including properties separated by public rights of way, subject only to the provisions of administrative review/approval.

2. The CN neighborhood commercial district is intended primarily for the provision of retail and personal service facilities to satisfy the convenience goods needs of the consumer relatively close to their place of residence.

3. The CS service commercial district is intended primarily for establishments engaged in servicing equipment, materials and products, but which do not require the manufacturing, assembling, packaging or processing of articles or merchandise for distribution and retail sale. Land requirements for most service commercial uses generally dictates their application along arterial streets of the city which generally lie close to central commercial, highway commercial and industrial districts, in accordance with the general plan. CS uses may be allowed in other areas of the city where there is a larger integrated development and where the needs of the traveling public can be served. Where existing residential uses exist they may be maintained and expanded provided that land use conflicts are not present or may become present, and subject to administrative review/approval.

4. The CO commercial office district is intended for a broad range of retail and wholesale sales when associated with offices such as construction materials or trades, building contractors, farm services, computers, offices, real estate, financial, and other offices, and similar and related uses. This district encourages the establishment of business parks or groups of buildings of similar character and design. Where existing residential uses exist they may be maintained and expanded provided that land use conflicts are not present or may become present, and subject to administrative review/approval.

5. The CH highway commercial district is intended to provide retail business opportunities for development of integrated commercial developments near the intersections of State Highway 43 and major local streets. A broad range of retail businesses and services are envisioned such as restaurants, motels, truck stops, fueling, convenience shopping, vehicle services that are associated with retail sales of new or used vehicles or equipment, and similar services used by the traveling public. Sites developed in this district shall be designed to provide an integrated appearance and signage, and include substantial landscaping to promote a positive entryway image to the city. Where existing residential uses exist they may be maintained and expanded provided that land use conflicts are not present or may become present, and subject to administrative review/approval. (Ord. 527, 8-4-1997)

6. The CD downtown commercial district is intended to stabilize and expand the retail and commercial opportunities for businesses serving the community in the downtown core. The downtown represents a concentration of buildings of various ages and characters which can be brought together in a thematic appearance with public and private improvements including street improvements, streetscaping, structural design and color improvements. A broad range of business opportunities are allowed in combination with residential uses. Residential uses considered appropriate are multi-family dwellings as a secondary use (not to exceed 50 percent of the total square feet of the existing building) and single-family dwellings when associated with adjacent single-family dwellings and where the potential for land use conflicts are not present or may become present, and subject to administrative review/approval. The city intends that a great amount of flexibility be allowed in the type of commercial businesses to the extent that they are compatible with surrounding businesses and uses. Restaurants with more than twenty (20) permanent seats are appropriate in the CD district. Uses that will be discouraged include those which create excessive noise, odor, dust, and do not promote expansion of the retail atmosphere of the downtown. (Ord. 527, 8-4-1997; amd. Ord. 592, 2-20-2007)

#### **11-12-2: COMMERCIAL ZONES AND PERMIT REQUIREMENTS:**

The following general types of land uses allowed by this chapter in each commercial zone district are summarized in the following tables. The land uses listed are meant to be indicative of a range of types and are not meant to be exclusive. Where a question of definition exists between the type of land use listed and the type of land use proposed, the question shall be resolved pursuant to chapter 1 of this title.

A. Definitions: The following definitions shall apply to describing land uses and required permits:

1. Allowable subject to compliance with all applicable provisions of this chapter including site plan review, and subject to first obtaining any building permit or other permit or license required by the city code ("\*" uses on the table).
2. Allowable subject to approval of an administrative review/approval conducted by the planning director pursuant to chapter 18 of this title, and a site plan review pursuant to chapter 20 of this title, if required, and subject to first obtaining any building permit or other permit or license required by this code ("AR" uses on the table).
3. Allowable subject to first obtaining a conditional use permit pursuant to chapter 19 of this title and subject to first obtaining any building permit or other permit or license required by this code ("CUP" uses on the table).
4. Land uses that are not allowable in a particular zone district are shown on the tables as a shaded box.

B. Commercial Zone Land Uses And Permit Requirement Tables:

Key To Permit Requirements	Symbol
Allowed use, zoning compliance and development review may be required	•
Use requires administrative review and permit	AR
Conditional use, conditional use permit required	CUP
Use not allowed	

COMMERCIAL ZONES AND PERMIT REQUIREMENTS

Land Use Activity	Permit Requirement By Zone					
	CN	CC	CH	CD	CO	CS
Land Use Activity	Permit Requirement By Zone					
	CN	CC	CH	CD	CO	CS
Manufacturing And Processing						
Cabinet, door, box making						CUP
Farm equipment and implements						CUP
Food products						
Furniture and fixtures						CUP
Landscape materials and products						CUP
Pallet making or refurbishing						
Printing and publishing				CUP		CUP
Recycling activities	CUP	CUP	CUP	CUP	CUP	CUP
Wholesaling and distribution						CUP
Recreation, Education, Public Assembly						
Bowling alleys	CUP	AR	AR	AR		CUP
Cardrooms		CUP	CUP	CUP		
Child day care centers	•	•		•	•	
Churches	AR	AR	CUP	•	AR	CUP
Community centers <sup>1</sup>	CUP	CUP	CUP	•	CUP	CUP
Indoor recreation and fitness centers	•	•	AR	•	•	AR
Libraries and museums <sup>1</sup>	CUP	CUP		•	CUP	CUP
Membership organizations	CUP	AR	CUP	•	AR	AR
Outdoor commercial recreation	CUP	AR	AR	AR	CUP	CUP
Pool and billiard rooms	CUP	AR	CUP	AR		CUP
Schools-specialized education and training		AR	CUP	AR	•	AR
Studios for dance, art, music, photography, etc.	AR	•	AR	•	AR	CUP
Theaters and meeting halls	CUP	CUP	CUP	•	CUP	CUP
Video arcade	CUP	AR	CUP	AR		CUP
Retail Trade						
Accessory retail uses	AR	AR	AR	AR	CUP	AR
Adult stores, books and materials		CUP		CUP		
Antique sales		•		•		
Auto, mobile home, vehicle and parts sales	•	•	•	•	AR	•
Bars and drinking places		CUP	CUP	CUP		CUP
Building material stores (not including concrete)	•	AR	AR	AR	CUP	•
Ceramic, pottery, and arts and crafts	•	•	AR	•	CUP	CUP
Certified farmers markets				•		

Christmas tree lots	AR	AR	CUP	AR	CUP	AR
Convenience markets (including fuel sales)	AR	AR	AR	AR	CUP	CUP
Convenience markets (with sales of beer, wine or liquor)	CUP	CUP	CUP	CUP	CUP	CUP
Drive-in and drive-through sales	CUP	•	•	•	CUP	AR
Drug stores	•	•	•	•	AR	AR
Farm equipment sales and service		CUP	AR	AR		•
Fuel and ice dealers			CUP			CUP
Furniture, furnishings, and home equipment and appliance stores	AR	•	•	•	CUP	•
Grocery stores	•	•	•	•	CUP	AR
Home improvement centers	AR	•	AR	•		AR
Liquor stores		CUP	CUP	CUP	CUP	CUP
New and used vehicle sales and service		AR	CUP	AR		CUP
Nurseries, plant and garden shops	CUP	AR	AR			•
Outdoor retail sales and activities		AR	CUP	CUP		CUP
Pet and bird stores and pet grooming, no boarding	CUP	•		•	CUP	•
Restaurants not serving beer or wine	AR	AR	•	•	CUP	AR
Restaurants serving beer or wine	CUP	CUP	CUP	CUP	CUP	AR
Restaurants serving liquor, with entertainment		CUP		CUP		
Restaurants serving liquor, without entertainment		CUP		CUP		
Restaurants take-out (including drive-through)	AR	AR	•	AR	CUP	AR
Retail stores, bulk merchandise		•	•	•	CUP	•
Retail stores, general merchandise	AR	•	•	•	CUP	AR
Secondhand stores, thrift shops	CUP	AR		AR		CUP
Shopping centers	CUP	CUP	CUP	AR		
Tire sales and service	CUP	CUP	CUP	CUP		•
Any use which proposes the sale of beer, wine or liquor	CUP	CUP	CUP	CUP	CUP	CUP
Services						
Automatic teller machines (ATMs)	AR	AR	AR	•	AR	AR
Banks and financial services		AR	CUP	•	AR	
Barber and beauty shops	AR	•	AR	•	AR	•
Bus depots and transit terminals	AR	AR	CUP	AR	CUP	CUP
Business support services		•	AR	•	•	CUP
Car washing, coin operated or manual	CUP	AR	AR	AR		AR
Cemeteries and columbariums					AR	CUP
Certified massage therapist	•	•		•	•	
Construction contractors		CUP	AR	AR	AR	•
Drive-in and drive-through services	AR	•	AR	•	AR	CUP
Emergency shelters						CUP
Hotels and motels		AR	AR	AR	CUP	CUP

Laundromats/self-service dry cleaners	AR	•	CUP	•		CUP
Massage and physical culture studios	CUP	CUP	CUP	CUP	CUP	CUP
Medical services - clinics and labs (large)				AR	AR	
Medical services - clinics and labs (small)	CUP	CUP	CUP	•	•	CUP
Medical services - hospitals and extended care				AR	AR	
Ministorage and RV storage	CUP					CUP
Mortuaries		CUP	CUP		CUP	CUP
Offices	CUP	AR		•	•	AR
Personal services (accounting, law, counseling)	AR	AR		•	•	CUP
Public safety facilities, government services	•	•	•	•	•	•
Recycling facilities	AR	AR	AR	AR	AR	AR
Rental of equipment, vehicles and tools	CUP	•	AR	AR		•
Repair and maintenance - consumer products		AR	CUP	•	•	AR
Repair and maintenance - major vehicle repair		CUP	CUP	CUP		AR
Repair and maintenance - minor vehicle repair	CUP	AR	AR	CUP		•
Service stations	AR	AR	AR	AR		•
Shopping centers	CUP	CUP	CUP	AR		
Sign painting	CUP					
Storage, accessory to service use		CUP	AR	AR		•
Storage garages and buildings						AR
Tattoo parlors or body piercing				CUP		
Upholstery shops - household and vehicle	CUP	CUP		AR		•
Veterinary clinics and hospitals		•		AR	AR	AR
Warehousing					CUP	•
Welding/fabricating shops		CUP				•
Transportation						
Antennas, communications facilities	CUP	CUP	CUP	CUP	CUP	CUP
Pipelines and utility lines (major)	CUP	CUP	CUP	CUP	CUP	CUP
Residential accessory uses and structures		AR	AR	AR	CUP	CUP
Truck terminal/distribution facilities			AR			•
Vehicle storage (commercial)						AR
Residential						
Home occupations	AR	AR	AR	AR	AR	AR
Multi-family dwellings						
Owner/manager living quarters	AR	AR	AR	AR	AR	AR
Residential accessory uses and structures	AR	AR	AR	AR	AR	AR
Single-family dwellings on existing lots	AR	AR	AR	AR	AR	AR
Single room occupancy hotels		CUP	CUP	CUP	CUP	CUP

Note:

1. Only allowed with CUP when part of a public or quasi-public facility.

(Ord. 527, 8-4-1997; amd. Ord. 549, 8-20-2002; Ord. 559, 4-2-2002; Ord. 580, 2-23-2005; Ord. 581, 3-23-2005; Ord. 585, 5-24-2006; Ord. 592, 2-20-2007; Ord. 602, 5-5-2008)

C. Medical Marijuana Dispensaries Prohibited: Medical marijuana dispensaries shall not be a land use allowed by this chapter in any of the commercial zone districts summarized in subsection B of this section. "Medical marijuana dispensary" means any facility or location where medical marijuana is made available to and/or distributed by or to three (3) or more of the following: 1) a primary caregiver, 2) a qualified patient, or 3) a person with an identification card, in strict accordance with California Health and Safety Code section 11352.5 et seq. "Medical marijuana dispensary" shall not include the following uses, so long as the location of such uses are otherwise regulated by this code or applicable law: 1) a clinic licensed pursuant to chapter 1 of division 2 of the California Health and Safety Code, 2) a healthcare facility licensed pursuant to chapter 2 of division 2 of the California Health and Safety Code, 3) a residential care facility for persons with chronic life threatening illness licensed pursuant to chapter 3.01 of division 2 of the California Health and Safety Code, 4) a residential care facility for the elderly licensed pursuant to chapter 3.2 of division 2 of the California Health and Safety Code, 5) a residential hospice, or 6) a home health agency licensed pursuant to chapter 8 of division 2 of the California Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, California Health and Safety Code section 11362.5 et seq. (Ord. 577, 1-12-2005)

**11-12-3: REQUIRED CONDITIONS:**

- A. In a C district, all businesses, services, and processes shall be conducted entirely within a completely enclosed structure, except for the following:
1. Open display areas under the roof of the storefront on private property behind the public sidewalk (canopies over the public sidewalk are not considered the roof of the storefront);
  2. Parking and loading areas;
  3. Service stations;
  4. Outdoor dining areas;
  5. Nurseries and plant/garden shops;
  6. Christmas tree sales;
  7. Bus stops;
  8. Public utility stations;
  9. Vehicle sales;
  10. Outdoor displays of merchandise on the public sidewalk may be permitted on Thursday, Friday, Saturday, and only subject to the following conditions:
    - a. That the merchandise displayed be the merchandise of the store and not a temporary vendor;
    - b. That the merchandise displayed be within the boundaries of the storefront;
    - c. That merchandise must not be displayed in cardboard boxes;
    - d. That the merchandise displayed not cover more than one-half (1/2) the width of the sidewalk, which must be located next to the storefront measured from the face of curb to the property line;
    - e. That the remaining one-half (1/2) width of the sidewalk measured from the curb be clear for pedestrians;
    - f. Large merchandise, such as appliances and furniture, shall be limited to a single row located next to the store frontage;
    - g. That each sidewalk sale be limited to three (3) consecutive days (Thursday, Friday, Saturday) and holidays;
    - h. That signage shall be as follows:
      - (1) Rack or table displays, two (2) square feet; and
      - (2) Appliances, furniture, and the like, one sign on one item only, not to exceed twenty five percent (25%) of the size of the item.
    - i. That all sidewalk sale signs be removed at the end of the sale.
  11. Parking lot sales approved by the planning director subject to the following conditions:
    - a. That the merchandise displayed be the merchandise of the store and not a temporary vendor;
    - b. That the merchandise and related concession be within the boundary of the parking lot, except when in conjunction with a sidewalk sale;
    - c. That merchandise must not be displayed in cardboard boxes;
    - d. That each parking lot sale be limited to three (3) consecutive days (Thursday, Friday, Saturday) and holidays;
    - e. That the use of a public parking lot, public street, or public alley requires the approval of the council; and
    - f. That all parking lot sale signs be removed at the end of the sale.
- B. No use shall be permitted and no process, equipment, or material shall be used which is found by the planning commission to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried waste, noise, vibration, illumination, glare, or unsightliness or to involve any hazard of fire or explosion.
- C. Other than the temporary sidewalk sales addressed in subsection A of this section, the use of the public right of way for the display and sales of merchandise shall require approval by the city council. Permanent use for such purposes is strictly prohibited. (Ord. 560, 4-2-2002)

**11-12-4: GENERAL DEVELOPMENT STANDARDS:**  
COMMERCIAL ZONE GENERAL DEVELOPMENT STANDARDS

Development Standard	Requirement By Zoning District					
	CN	CC	CH	CD	CO	CS

Development Standard	Requirement By Zoning District					
	CN	CC	CH	CD	CO	CS
Lot area	None	None	None	None	None	None
Lot width	None	None	None	None	None	None
Floor area ratio	0.5 maximum	0.5 maximum	0.5 maximum	2.0 maximum	0.8 maximum	0.5 maximum
Front setback <sup>1</sup>	15 feet	15 feet	10 feet	0 feet	15 feet	0 feet
Side setback <sup>1</sup>	10 feet	0 feet	0 feet	0 feet	10 feet	0 feet
Rear setback <sup>1</sup>	10 feet	0 feet	0 feet	0 feet	0 feet	0 feet
Height limits <sup>2</sup>	25 feet or 1 story	45 feet or 3 stories	35 feet or 2 stories	45 feet or 3 stories	35 feet or 2 stories	35 feet or 2 stories
Distance to residential structure	10 feet minimum	10 feet minimum	10 feet minimum	0 feet	10 feet minimum	10 feet minimum
Landscaping required	Yes	Yes	Yes	Yes	Yes	Yes
Special development conditions	No	No	Yes (section 11-16-5 of this title)	Yes (section 11-16-5 of this title)	No	No
Parking	On site	On site	On site	On site or fee <sup>3</sup>	On site	On site
Loading	On site	On site	On site	None	On site	On site
Signs	See section 11-16-1 of this title for sign regulations					
Development review required	Yes	Yes	Yes	Yes	Yes	Yes

Notes:

1. Except if adjacent to any residential land use or professional office district, the minimum setback shall be 10 feet.
2. May exceed height limitation with conditional use permit.
3. Fee structure for parking in lieu of providing parking on site.

(Ord. 527, 8-4-1997)

**11-12-5: SPECIAL DEVELOPMENT CONDITIONS:**

A. All businesses in the central commercial district shall be subject to the following special development conditions:

1. All new construction shall first comply with site plan review requirements of chapter 20 of this title.
  - a. Special development standards may be required for new development. Special standards may include, but not be limited to:
    - (1) Parking standards.
    - (2) Landscaping standards.
    - (3) Curb, gutter, sidewalk, and streetlight standards within the public right of way.
    - (4) Street construction standards.

2. All businesses in the central commercial district shall be subject to site plan review prior to the issuance of a business license.

3. Expansion, rehabilitation, or reconstruction of single- family dwellings, provided that such continued use will not significantly disrupt the continuity of commercial buildings on predominately commercially oriented streets. Expansion, rehabilitation, or reconstruction of such residential uses shall not create a health or safety threat to the inhabitants of the dwelling from noise, odor, dust, or exposure to hazardous conditions, and that continued use of the dwelling will not significantly interfere with the normal operation of businesses currently existing in the commercial district.

a. Construction of new, or expansion, rehabilitation, or reconstruction of existing single-family dwellings requires administrative review/approval pursuant to chapter 18 of this title.

(1) Rehabilitation of existing single-family dwellings may be allowed when the unit does not front on main commercial streets in the commercial core and when the location would not significantly impact, or be impacted by commercial uses.

(2) Construction of new detached single-family residential dwellings on existing lots in the district shall only be allowed where the proposed dwelling is infill between existing residential units that are likely to remain in place for at least twenty (20) years.

(3) Subdivision, parceling of lots, or lot line adjustments for the purposes of constructing new single-family dwellings is prohibited in the district.

B. All businesses in the Highway Commercial District shall be subject to the following special development conditions:

1. All new construction shall first comply with site plan review requirements of Chapter 20 of this Title.

a. Special development standards may be required for new development as adopted in the Corcoran Area Plan. Special standards may include, but not be limited to:

- (1) Parking standards.
- (2) Landscaping standards.

- (3) Special construction standards including building color, and architectural and structural design.
- (4) Curb, gutter, sidewalk, and street light standards within the public right of way.
- (5) Street construction standards.

2. All businesses in the Highway Commercial District shall be subject to Site Plan Review prior to the issuance of a business license.

a. Special development standards may be required for new businesses as adopted in the Corcoran Area Plan. Special standards may include, but not be limited to:

- (1) Parking standards.
- (2) Landscaping standards.
- (3) Special construction standards including building color, facades, and architectural and structural design.
- (4) Curb, gutter, sidewalk, and street light standards within the public right of way.
- (5) Street construction standards.

3. Expansion, rehabilitation, or reconstruction of single- family dwellings, provided that such continued use will not significantly disrupt the continuity of commercial buildings on predominately commercially oriented streets. Expansion, rehabilitation, or reconstruction of such residential uses shall not create a health or safety threat to the inhabitants of the dwelling from noise, odor, dust, or exposure to hazardous conditions, and that continued use of the dwelling will not significantly interfere with the normal operation of businesses currently existing in the commercial district.

a. Construction of new, or expansion, rehabilitation, or reconstruction of existing single-family dwellings requires administrative review/approval pursuant to Chapter 18 of this Title.

(1) Rehabilitation of existing single-family dwellings may be allowed when the unit does not front on main commercial streets in the commercial core and when the location would not significantly impact, or be impacted by commercial uses.

(2) Construction of new detached single-family residential dwellings on existing lots in the District shall only be allowed where the proposed dwelling is infill between existing residential units that are likely to remain in place for at least twenty (20) years.

(3) Subdivision, parceling of lots, or lot line adjustments for the purposes of constructing new single-family dwellings is prohibited in the District.

C. All businesses in the Downtown Commercial District shall be subject to the following special development conditions:

1. All new construction shall first comply with site plan review requirements of Chapter 20 of this Title.

a. Special development standards may be required for new development as adopted in a downtown plan. Special standards may include, but not be limited to:

- (1) Parking standards.
- (2) Landscaping standards.
- (3) Special construction standards including building color, facades, and architectural and structural design.
- (4) Curb, gutter, sidewalk, and street light standards within the public right of way.
- (5) Street construction standards.

2. All businesses in the Downtown Commercial District shall be subject to Site Plan Review prior to the issuance of a business license.

a. Special development standards may be required for new businesses as adopted in a downtown plan. Special standards may include, but not be limited to:

- (1) Parking standards.
- (2) Landscaping standards.
- (3) Special construction standards including building color, facades, and architectural and structural design.
- (4) Curb, gutter, sidewalk, and street light standards within the public right of way.
- (5) Street construction standards.

3. Expansion, rehabilitation, or reconstruction of single- family dwellings, provided that such continued use will not significantly disrupt the continuity of commercial buildings on predominately commercially oriented streets. Expansion, rehabilitation, or reconstruction of such residential uses shall not create a health or safety threat to the inhabitants of the dwelling from noise, odor, dust, or exposure to hazardous conditions, and that continued use of the dwelling will not significantly interfere with the normal operation of businesses currently existing in the commercial district.

a. Construction of new, or expansion, rehabilitation, or reconstruction of existing single-family dwellings requires administrative review/approval pursuant to Chapter 18 of this Title.

(1) Rehabilitation of existing single-family dwellings may be allowed when the unit does not front on main commercial streets in the downtown core and when the location would not significantly impact, or be impacted by commercial uses.

(2) Construction of new detached single-family residential dwellings on existing lots in the downtown shall only be allowed where the proposed dwelling is infill between existing residential units that are likely to remain in place for at least twenty (20) years.

(3) Subdivision, parceling of lots, or lot line adjustments for the purposes of constructing new single-family dwellings is prohibited in the Downtown District.

D. All businesses in the Service Commercial District shall be subject to the following special development conditions:

1. All new construction shall first comply with site plan review requirements of Chapter 20 of this Title.

a. Special development standards may be required for new development as adopted in the Corcoran Area Plan. Special standards may include, but not be limited to:

- (1) Parking standards.

- (2) Landscaping standards.
  - (3) Special construction standards including building color, and architectural and structural design.
  - (4) Curb, gutter, sidewalk, and street light standards within the public right of way.
  - (5) Street construction standards.
2. All businesses in the Service Commercial District shall be subject to site plan review prior to the issuance of a business license.
- a. Special development standards may be required for new businesses as adopted in the Corcoran Area Plan. Special standards may include, but not be limited to:
- (1) Parking standards.
  - (2) Landscaping standards.
  - (3) Special construction standards including building color, and architectural and structural design.
  - (4) Curb, gutter, sidewalk, and street light standards within the public right of way.
  - (5) Street construction standards.
3. Expansion, rehabilitation, or reconstruction of single-family dwellings, provided that such continued use will not significantly disrupt the continuity of commercial buildings on predominately commercially oriented streets. Expansion, rehabilitation, or reconstruction of such residential uses shall not create a health or safety threat to the inhabitants of the dwelling from noise, odor, dust, or exposure to hazardous conditions, and that continued use of the dwelling will not significantly interfere with the normal operation of businesses currently existing in the commercial district.
- a. Construction of new, or expansion, rehabilitation, or reconstruction of existing single-family dwellings requires administrative review/approval pursuant to Chapter 18 of this Title.
- (1) Rehabilitation of existing single-family dwellings may be allowed when the unit does not front on main commercial streets in the downtown core and when the location would not significantly impact, or be impacted by commercial uses.
  - (2) Construction of new detached single-family residential dwellings on existing lots in the District shall only be allowed where the proposed dwelling is infill between existing residential units that are likely to remain in place for at least twenty (20) years.
  - (3) Subdivision, parceling of lots, or lot line adjustments for the purposes of constructing new single-family dwellings is prohibited in the commercial district.
- E. All businesses in the Commercial Office District shall be subject to the following special development conditions:
1. All new construction shall first comply with site plan review requirements of Chapter 20 of this Title.
- a. Special development standards may be required for new development as adopted in the Corcoran Area Plan. Special standards may include, but not be limited to:
- (1) Parking standards.
  - (2) Landscaping standards.
  - (3) Special construction standards including building color, and architectural and structural design.
  - (4) Curb, gutter, sidewalk, and street light standards within the public right of way.
  - (5) Street construction standards.
2. All businesses in the Commercial Office District shall be subject to site plan review prior to the issuance of a business license.
- a. Special development standards may be required for new businesses as adopted in the Corcoran Area Plan. Special standards may include, but not be limited to:
- (1) Parking standards.
  - (2) Landscaping standards.
  - (3) Special construction standards including building color, and architectural and structural design.
  - (4) Curb, gutter, sidewalk, and street light standards within the public right of way.
  - (5) Street construction standards.
3. Expansion, rehabilitation, or reconstruction of single-family dwellings, provided that such continued use will not significantly disrupt the continuity of commercial buildings on predominately commercially oriented streets. Expansion, rehabilitation, or reconstruction of such residential uses shall not create a health or safety threat to the inhabitants of the dwelling from noise, odor, dust, or exposure to hazardous conditions, and that continued use of the dwelling will not significantly interfere with the normal operation of businesses currently existing in the commercial district.
- a. Construction of new, or expansion, rehabilitation, or reconstruction of existing single-family dwellings requires administrative review/approval pursuant to Chapter 18 of this Title.
- (1) Rehabilitation of existing single-family dwellings may be allowed when the unit does not front on main commercial streets in the downtown core and when the location would not significantly impact, or be impacted by commercial uses.
  - (2) Construction of new detached single-family residential dwellings on existing lots in the district shall only be allowed where the proposed dwelling is infill between existing residential units that are likely to remain in place for at least twenty (20) years.
  - (3) Subdivision, parceling of lots, or lot line adjustments for the purposes of constructing new single-family dwellings is prohibited in the commercial district. (Ord. 527, 8-4-1997)

**11-12-6: FENCES, WALLS AND HEDGES:**

A. Where a commercial lot adjoins or is located across a street or alley from an RCO, UR, R, RM or PO District, an ornamental solid wall or fence, six feet (6') minimum in height, or such other height or type of screening device as may be required by the Planning Commission, shall be located on the property line common to such Districts, except in a required front yard.

B. Open storage of materials and equipment shall be permitted only within an area surrounded or screened by a solid wall or fence six feet (6')



minimum in height, except as may be modified under the site plan review provisions of Chapter 20 of this Title. Materials or equipment stored shall not be visible above said fence or wall. (Ord. 527, 8-4-1997)

**11-12-7: GENERAL PROVISIONS AND EXCEPTIONS:**

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 17 of this Title. (Ord. 527, 8-4-1997)

**11-12-8: OFF-STREET PARKING AND LOADING FACILITIES:**

Off-street parking and off-street loading facilities shall be provided on the site for each use or on other nearby sites as prescribed under Chapter 14 of this Title. (Ord. 527, 8-4-1997)

**11-12-9: SITE PLAN REVIEW:**

Except for one-family dwellings and accessory structures and uses related to one-family dwellings, no use shall be erected on any lot or site in any C District until a site plan shall have been submitted to the City and approved under the provisions of Chapter 20 of this Title. (Ord. 527, 8-4-1997)

**11-12-10: SIGNS:**

No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Chapter 16 of this Title. (Ord. 527, 8-4-1997)

## CHAPTER 13

### INDUSTRIAL ZONE DISTRICTS

**SECTION:**

**11-13-1: Purpose And Application**

**11-13-2: Light Industrial District**

**11-13-3: Heavy Industrial District**

**11-13-4: Signs And Outdoor Advertising Structures**

**11-13-5: Screening And Landscaping; Fences, Walls And Hedges**

**11-13-6: Required Conditions**

**11-13-7: Site Area**

**11-13-8: Frontage, Width And Depth Of Site**

**11-13-9: Coverage**

**11-13-10: Yard Requirements**

**11-13-11: Distance Between Structures**

**11-13-12: Building Height**

**11-13-13: Off Street Parking And Loading Facilities**

**11-13-14: Site Plan Review**

**11-13-15: General Provisions And Exceptions**

**11-13-16: Planned Industrial Districts**

**11-13-17: Medical Marijuana Dispensaries Prohibited**

**11-13-1: PURPOSE AND APPLICATION:**

A. The purposes of the industrial districts (I) are to achieve the following:

1. To provide adequate space to meet the needs of modern light and heavy industrial plants, operations, activities and related businesses and activities;
2. To protect areas appropriate for industrial use from intrusion by inharmonious uses;
3. To expand job creating and revenue generating activities by increasing the overall amount of industrial development in the city;
4. To protect residential and commercial properties and to protect nuisance free nonhazardous industrial uses from noise, odor, dust, smoke, vibration, explosion, radiation and other hazardous and objectionable influences incidental to certain industrial uses. (Ord. 527, 8-4-1997)

**11-13-2: LIGHT INDUSTRIAL DISTRICT:**

A. Application: The light industrial (IL) district is intended primarily for application to those areas of the city which are designated for light industrial use by the general plan.

B. Permitted Uses:

1. All uses permitted in the CS service commercial district.
2. Light industrial and related uses including:
  - a. Assembly of small electric appliances such as lighting fixtures, irons, fans, toasters and electric toys, refrigerators, washing machines, dryers, dishwashers and similar home appliances.
  - b. Assembly of small electrical equipment such as home motion picture equipment, phonographs and radio and television receivers, but not including electrical machinery.
  - c. Manufacture of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, cameras and photographic equipment except film, electronic equipment, musical instruments, precision instruments, optical goods, watches and clocks.
  - d. Manufacture of ceramic products, such as pottery, figurines and small glazed tile.
  - e. Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, toilet soap (not including refining or rendering of fats or oils) and toiletries.

f. Manufacture and assembly of electrical supplies such as coils, condensers, crystal holders, insulation, lamps, switches and wire and cable assembly, provided no noxious or offensive fumes or odors are produced.

g. Manufacture of cutlery, hardware, hand tools and furniture, die and pattern making, metal stamping and extrusion of small products such as costume jewelry, pins and needles, razorblades, bottle caps, buttons and kitchen utensils.

h. Manufacturing, assembling, compounding, packaging and processing of articles or merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cloth, cork, feathers, felt, fiber and synthetic fiber, fur, glass, hair, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semi-precious metals or stones, rubber and synthetic rubber, shell, straw, textiles, tobacco and wood.

i. Manufacturing, assembling, compounding, processing, packaging or treatment of such products as bakery goods, candy, dairy products, food products, including fruits and vegetables, but not including fish and meat products, pickles, sauerkraut, vinegar or yeast, or refining or rendering of fats and oils.

j. Blacksmith shops; boat buildings; electric motor rebuilding, machine shops; paint shops.

k. Manufacture and maintenance of electric neon signs, billboards and commercial advertising structures.

l. Public utility and public service structures and facilities such as communications equipment buildings, electric distribution substations, electric transmission substations, gas regulator stations, public service pumping stations, public utility service yards, corporation yards, railroad rights of way and stations, reservoirs and storage tanks.

m. Lumber yards, including all planing mills; mattress manufacture; storage yards for commercial vehicles for feed; flour; feed and grain mills; grain elevators; and

n. Other uses which are added to this list by interpretation in accordance with the procedures prescribed in Chapter 1 of this Title.

3. Food lockers and accessory sales.

4. Gasoline service stations, including dispensing of diesel and liquid petroleum gas fuels and complete truck service.

5. Offices, retail stores and watchman's living quarters incidental to and on the same site with an industrial use.

6. Incidental and accessory structures and uses located on the same site as a permitted use.

7. Cotton seed research facility.

C. Permitted Uses; Administrative Review/Approval:

1. Gas and electric transmission lines, in accordance with the provisions of Chapter 18 of this Title.

2. Expansion, rehabilitation, or reconstruction of single-family dwellings, provided that such continued use will not create a health or safety threat to the inhabitants of the dwelling from noise, odor, dust, or exposure to hazardous conditions, and that continued use of the dwelling will not significantly interfere with the normal operation of businesses currently existing in the industrial district.

3. Incidental and accessory structures and uses located on the same site as a permitted use.

4. Mobile or modular offices.

5. Hazardous waste treatment equipment which is added to an existing use at the same site shall be subject to CEQA.

D. Conditional Uses; Commission Approval:

1. Any of the uses listed in subsection 11-13-3B of this Chapter, provided that, on the basis of the use permit application and evidence submitted, the Planning Commission makes the following findings in addition to the findings prescribed in Chapter 17 of this Title:

a. That consideration of all the determinable characteristics of the use which is the subject of the application indicates that the use has the same essential characteristics as the uses listed in subsection B of this Section, with respect to methods of operation, type of process, materials, equipment, structures, storage and appearances.

b. If the use involves nuisance or hazardous characteristics, that the application include sufficient evidence to indicate that special devices, construction or site design are planned to eliminate the nuisance or hazardous characteristics normally attendant to operation of the use.

c. That the use reasonably can be expected to conform with the required conditions prescribed for the I District in Section 11-13-6 of this Chapter.

2. Public buildings and grounds.

3. Bulk storage and delivery of liquefied petroleum gas. (Ord. 527, 8-4-1997)

**11-13-3: HEAVY INDUSTRIAL DISTRICT:**

A. The Heavy Industrial (IH) District is intended for application to those urban areas of the City which are designated for heavy industrial use in the General Plan.

B. Permitted Uses:

1. All permitted uses in the IL District, including uses permitted in the CS District.

2. Heavy industrial and related uses including:

Aircraft and aircraft accessories and parts manufacture;

Automobile, truck and trailer accessories and parts manufacture;

Bag cleaning;

Battery manufacture;

Boiler works;

Box factories and cooperage;

Breweries, distilleries and wineries;

Building materials manufacture and assembly including composition wallboards, partitions, panels and prefabricated structures;

Business machine manufacture including accounting machines, calculators, cardcounting equipment and typewriters;

Can and metal container manufacture;

Candle manufacture, not including rendering;

Carpet and rug manufacture;

Cement products manufacture provided no hazard of fire or explosion is created, including adhesives, bleaching products, bluing, calcimine, dyestuffs (except aniline dyes), essential oils, soda and soda compounds and vegetable gelatin, glue and size;

Clay products manufacture including brick, fire brick, tile and pipe;

Concrete and concrete products manufacture;

Cotton ginning, cotton wadding, cotton seed processing and linter manufacture;

Firearms manufacture;

Food products manufacture including such processing as cooking, dehydrating, roasting, refining, pasteurization and extracting involved in the preparation of such products as casein, cereal, chocolate and cocoa products, cider and vinegar, coffee, fruits and vegetables, glucose, milk and dairy products, molasses and syrups, oleo/margarine, pickles, sauerkraut, sugar, vegetable oils and yeast;

Glass and glass products manufacture;

Graphite and graphite products manufacture;

Gravel, rock and cement yards;

Ink manufacture;

Insecticides, fungicides, disinfectants and similar agricultural, industrial and household chemical compounds manufacture;

Jute, hemp, sisal and oakum products manufacture;

Leather and fur finishing and dyeing, not including tanning and curing;

Machinery manufacture including heavy electrical, agricultural, construction and mining machinery and light machinery and equipment such as air conditioning, commercial motion picture equipment, dishwashers, dryers, furnaces, heaters, refrigerators, stoves and washing machines;

Machine tools manufacture including metal lathers, metal presses, metal stamping machines and woodworking machines;

Meat products processing and packaging, not including slaughtering and glue and size manufacture;

Metal alloys and foil manufacture including solder, pewter, brass, bronze and tin, lead and gold foil;

Metal casting and foundries not including magnesium foundries;

Motor and generator manufacture and testing;

Paper products manufacture including shipping containers, pump goods, carbon paper and coated paper stencils;

Paraffin products manufacture;

Plastic manufacture;

Porcelain products manufacture including bathroom and kitchen fixtures and equipment;

Precious metals reduction, smelting and refining;

Rubber products manufacture including tires and tubes;

Sandblasting;

Shoe polish manufacture;

Solid waste recycling;

Starch and dextrine manufacturing;

Steam electric generating stations;

Steel products manufacture and assembly including steel cabinets and lockers, doors, fencing and furniture;

Stone products manufacture and stone processing including abrasives, asbestos, stone screening and sand and lime products;

Storage, sorting, collecting or baling of iron, junk, paper, rags, or scrap;

Structural steel products manufacture including bars, girders, rail and wire rope;

Textile bleaching;

Wire and cable manufacturing;

Wood and lumber processing and woodworking including planing mills and saw mills, excelsior, plywood, veneer and wood-preserving treatment;

Other uses which are added to this list by the City Planning Commission in accordance with the procedure prescribed in Chapter 1 of this Title.

3. Incidental and accessory structures and uses located on the same site as a conditional use.

C. Permitted Uses; Administrative Review:

1. Gas and electric transmission lines.

2. Expansion, rehabilitation, or reconstruction of single- family dwellings, provided that such continued use will not create a health or safety threat to the inhabitants of the dwelling from noise, odor, dust, or exposure to hazardous conditions, and that continued use of the dwelling will not significantly interfere with the normal operation of businesses currently existing in the industrial district.

3. Incidental and accessory structures and uses located on the same site as a use permitted by administrative approval.
4. Mobile and modular offices.
5. Hazardous waste treatment equipment which is added to an existing use at the same site shall be subject to CEQA.

D. Conditional Uses; Commission Approval:

1. The following uses and other uses which involve nuisances, dangers of fire or explosion or other hazards to health and safety, provided that the City Planning Commission shall make a specific finding that the use can be expected to conform with each of the required conditions prescribed for a Heavy Industrial District in Section 11-13-6 of this Chapter. The Commission may require submission of reports by technical consultants or other evidence in addition to the data prescribed in Chapter 19 of this Title.

Asphalt and asphalt products manufacture;

Cement, lime, gypsum and plaster of paris manufacture;

Charcoal, lampblack and fuel briquettes manufacture;

Chemical products manufacture including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxlin, rayon yarn, and carbolic, hydrochloric, picric and sulfuric acids;

Coal, coke and tar products manufacture;

Drop forges;

Dumps and slag piles;

Electroplating shops;

Explosives manufacture and storage;

Film manufacture;

Fireworks manufacture and storage;

Fish products processing and packaging;

Garbage and refuse dumps;

Gas and oil wells;

Gelatin glue and size manufacture from animal or fish refuse;

Grain rolling and storage;

Hazardous waste management facilities, including transfer, storage, treatment, and disposal facilities, or combinations thereof;

Incineration and reduction of garbage, offal and dead animals;

Junkyards;

Lard manufacture;

Linoleum and oil cloth manufacture;

Liquefied petroleum gas bulk storage and delivery;

Magnesium foundries;

Manure, peat and topsoil processing and storage;

Motor vehicles wrecking yards;

Paint manufacture including enamel, lacquer, shellac, turpentine and varnish;

Paper mills;

Petroleum and petroleum products and refining and storage;

Rifle and pistol ranges;

Rubber manufacture or processing including natural or synthetic rubber and gutta-percha;

Soap manufacture including fat rendering;

Steam plants;

Stockyards, stock feeding yards and slaughterhouses;

Stone quarries, gravel pits, mines and stone mills;

Storage of inflammable liquids;

Storage of used building materials;

Tallow manufacture;

Tanneries and curing and storage of rawhides;

Wood and bones distillation;

Wood pulp and fiber reduction and processing.

2. Public buildings and grounds.

3. Incidental and accessory structures and uses located on the same site as a conditional use. (Ord. 527, 8-4-1997)

**11-13-4: SIGNS AND OUTDOOR ADVERTISING STRUCTURES:**

No signs or outdoor advertising structure of any character shall be permitted except as provided in Chapter 16 of this Title. (Ord. 527, 8-4-1997)

**11-13-5: SCREENING AND LANDSCAPING; FENCES, WALLS AND HEDGES:**

A. Where a site adjoins an RA, R, PO, or C District, a solid wall or screen fence, six feet (6') in height or such other height or type of screening device as may be required by the Planning Commission, shall be located on the property line common to such Districts, except in a required front yard.

B. A use not conducted entirely within a completely enclosed structure, on a site across a street or an alley from an RA, R, or C District, shall be screened by an ornamental solid wall or screen fence, not less than six feet (6') in height, if found by the City Planning Department to be unsightly.

C. In an IL District, open storage materials and equipment shall be permitted only within an area surrounded and screened by an ornamental solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six feet (6') in height.

D. No fence, wall or hedge exceeding four feet (4') in height, with the top one foot (1') being fifty percent (50%) or more open, shall be located or maintained within the area of a corner lot on the street side of a diagonal line connecting points located thirty feet (30') along the property lines as measured from the intersection of the property lines at the street corner.

E. No fence or wall shall exceed six feet (6') in height if located in a required side or rear yard or three feet (3') in height if located in a required front yard, except that a chainlink fence greater than three feet (3') in height may be located in any portion of a required front yard. (Ord. 527, 8-4-1997)

**11-13-6: REQUIRED CONDITIONS:**

A. In the IL and IH Districts, all open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash and debris.

B. No use shall be permitted and no process, equipment or materials shall be employed which are found by the Planning Department to be injurious to persons residing or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, vibrations, illumination, glare or heavy truck traffic or to involve any hazard of fire explosion or radioactivity or to emit electrical disturbances which adversely affect commercial or electronic equipment outside the boundaries of the site.

C. No solid or liquid wastes shall be discharged into a natural watercourse, nor into a public or private sewage disposal system except in compliance with applicable regulations of the State.

D. No use shall emit particulate matter or other air pollutants in excess of the applicable air pollution emission standards of the Air Pollution Control District, State or of the Federal government. (Ord. 527, 8-4-1997)

**11-13-7: SITE AREA:**

A. No minimum lot area is required in the IL District.

B. The minimum lot area shall be twenty thousand (20,000) square feet in the IH District. (Ord. 527, 8-4-1997)

**11-13-8: FRONTAGE, WIDTH AND DEPTH OF SITE:**

No limitations. (Ord. 527, 8-4-1997)

**11-13-9: COVERAGE:**

Maximum building and structure coverage (floor area ratio):

District	Maximum	Typical
IL	1.0	0.5
IH	2.0	0.5

(Ord. 527, 8-4-1997)

**11-13-10: YARD REQUIREMENTS:**

A. Front Yard: The minimum front yard shall be as follows:

District	Minimum
IL	10 feet
IH	10 feet

B. Except as specified in subsection B1, B2 and B3 of this Section, no rear yard or side yards shall be required.

1. The minimum rear yard abutting an RA, R, RM, PO, or C District shall be fifteen feet (15').

2. On a reversed corner lot adjoining a key lot in an RA, R, RM, PO, or C District, the minimum side yard adjoining the street shall not be less than one-half (1/2) the required front yard on the key lot.

3. The minimum side yard abutting an RA, R, RM, PO, or C District shall be fifteen feet (15'). (Ord. 527, 8-4-1997)

**11-13-11: DISTANCE BETWEEN STRUCTURES:**

No limitations, except for Building Code requirements. (Ord. 527, 8-4-1997)

**11-13-12: BUILDING HEIGHT:**

No greater than seventy five feet (75'), except that a greater height may be approved for tanks, towers, silos and similar facilities under the provisions of Chapter 19 of this Title. (Ord. 527, 8-4-1997)

**11-13-13: OFF-STREET PARKING AND LOADING FACILITIES:**

Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 14 of this Title. (Ord. 527, 8-4-1997)

**11-13-14: SITE PLAN REVIEW:**

No use shall be erected on any lot or site in an I District until the site plan shall have been submitted to, and approved by, the Planning Commission

in accordance with the provisions of Chapter 20 of this Title. (Ord. 527, 8-4-1997)

#### **11-13-15: GENERAL PROVISIONS AND EXCEPTIONS:**

All uses shall be subject to the general provisions and exceptions as prescribed in Chapter 17 of this Title. (Ord. 527, 8-4-1997)

#### **11-13-16: PLANNED INDUSTRIAL DISTRICTS:**

A. Purposes And Application: The Planned Industrial Districts (IP) are intended for application to those industrial areas which are being developed or are planned for development for the mutual protection of a community of industries in accordance with a development program which involves the combining of certain uses which are otherwise permitted only within the IL or IH Districts and which involves development regulations which are more restrictive than those otherwise provided in the IL and IH Districts.

B. Regulations: In order to assure the mutual protection and compatibility of uses located, or proposed to be located, within an IP District, the owners of all the land within the area proposed to be classified IP shall submit to the Planning Commission, the following:

1. All permitted uses and uses permitted by administrative approval as listed in the IL and IH Zoning Districts.
2. A more restrictive list of those uses set forth in subsections 11-13-2C and 11-13-3B of this chapter which uses are desired by the owners to be listed as permitted uses under this section; and
3. A statement of more restrictive regulations relating to each of the subjects of sections 11-13-4 through 11-13-14 of this chapter than are now provided by these sections and which are desired by the owners to become additional regulations under this section.

Upon written approval of the commission and council, the list of permitted uses and statements of more restrictive regulations requested for a particular parcel of land shall become the regulations of this section with respect to such parcel of land by reference with the same force and effect as if the regulations were specifically set out and described under this section; provided, however, such statements of more restrictive regulations shall apply in addition to those prescribed within sections 11-13-4 through 11-13-14 of this chapter.

4. All uses listed as requiring conditional use permits in the IL or IH districts shall be considered as conditional uses under this section.

C. Required Conditions: Before the commission and council may give written approval pursuant to the provisions of subsection B of this section and classify property as being within the IP district in accordance with the provisions of this section and all other applicable provisions of this title, the owners referred to in subsection B of this section shall record in the office of the county recorder, deed restrictions running with the land affected corresponding to the list of permitted uses and statements of more restrictive regulations approved pursuant to the provisions of subsection B of this section. (Ord. 527, 8-4-1997)

#### **11-13-17: MEDICAL MARIJUANA DISPENSARIES PROHIBITED:**

Medical marijuana dispensaries shall not be a land use allowed by this chapter in any of the industrial zone districts summarized herein. "Medical marijuana dispensary" means any facility or location where medical marijuana is made available to and/or distributed by or to three (3) or more of the following: a) a primary caregiver, b) a qualified patient, or c) a person with an identification card, in strict accordance with California Health and Safety Code section 11352.5 et. seq. "Medical marijuana dispensary" shall not include the following uses, so long as the location of such uses are otherwise regulated by this code or applicable law: a) a clinic licensed pursuant to chapter 1 of division 2 of the California Health and Safety Code, b) a healthcare facility licensed pursuant to chapter 2 of division 2 of the California Health and Safety Code, c) a residential care facility for persons with chronic life threatening illness licensed pursuant to chapter 3.01 of division 2 of the California Health and Safety Code, d) a residential care facility for the elderly licensed pursuant to chapter 3.2 of division 2 of the California Health and Safety Code, e) a residential hospice, or f) a home health agency licensed pursuant to chapter 8 of division 2 of the California Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, California Health and Safety Code section 11362.5 et. seq. (Ord. 577, 1-12-2005)

## **CHAPTER 14**

### **OFF-STREET PARKING AND LOADING FACILITIES**

#### **SECTION:**

#### **11-14-1: Purpose And Application**

#### **11-14-2: Off-Street Parking Facilities Required**

#### **11-14-3: Standards For Off-Street Parking Facilities**

#### **11-14-4: Off-Street Loading Facilities Required**

#### **11-14-5: Standards For Off-Street Loading Facilities**

#### **11-14-6: Location Of Off-Street Parking And Loading Facilities**

#### **11-14-7: Screening, Fencing And Landscaping**

#### **11-14-8: Existing Uses**

#### **11-14-9: Reduction Of Off-Street Parking And Loading Facilities**

#### **11-14-10: Exceptions To Off-Street Parking And Loading Requirements**

#### **11-14-11: Recreational Vehicle (RV) Parking**

#### **11-14-1: PURPOSE AND APPLICATION:**

A. In order to alleviate progressively or to prevent traffic congestion and shortage of curb spaces, off-street parking and off-street loading facilities shall be provided incidental to new land uses and major alterations and enlargements of existing land uses. The number of parking spaces and the number of loading berths prescribed in this Chapter, or to be prescribed by the Planning Commission, shall be in proportion to the need for such facilities created by the particular type of land use. Off-street parking and loading areas are to be laid out in the manner which will ensure their usefulness, protect the public safety and, where appropriate, insulate surrounding land uses from their impact.

Provisions of this Chapter are also intended to deal with major problems, conditions and needs which are apparent in attempting to provide sufficient off-street parking facilities in areas of intense commercial development, including:

1. The difficulty in assembling land by private means;
2. The often excessive time required in assembling land by private means;
3. The varying financial capabilities and traffic generating characteristics among the various types of commercial enterprise;

4. The importance of avoiding the development of a fragmented pattern of off-street parking facilities which may bear little relation to the needs of a commercial area as a whole;
5. The importance of prescribing regulations which will not inadvertently discourage private investment within the community while alleviating or preventing traffic congestion;
6. And the importance of achieving a reasonable distribution of burden among private interests and the public at large consistent with their individual and collective responsibilities to provide off-street parking facilities. (Ord. 527, 8-4-1997)

**11-14-2: OFF-STREET PARKING FACILITIES REQUIRED:**

A. Parking Space Described: A parking space shall be an area for the parking of a motor vehicle, plus those additional areas and facilities required to provide for the safe ingress and egress from said space. The area set aside to meet these provisions must be usable and accessible for the type of off- street parking need which must be satisfied.

In any residential district, all motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space, garage or covered parking in a multi- family residential district.

B. Additional Parking: Except as provided in Section 11-14-10 of this Chapter, at the time of initial occupancy of a site or of construction of a building, or of a major alteration, or enlargement of a site or building, or a change in use of property that requires additional parking, there shall be provided off-street parking facilities for automobiles in accordance with the requirements of this Section and other applicable provisions of this Chapter.

C. Parking Space Schedule:

1. Residential Uses:

- a. One-family dwellings: Two (2) spaces for each dwelling unit, with at least one space within a garage.
- b. Multi-family dwellings: In accordance with the following schedule with at least one covered space per unit:

Type Of Unit	Number Of Spaces
Studio (no bedroom)	1.5
One bedroom	1.5
Two bedroom	2.0
Three bedroom	2.0

c. Housing for the elderly: One space for each dwelling unit, provided that sufficient space shall be set aside for one and one-half (1½) spaces for each dwelling unit in the event of a change of use to nonelderly housing.

- d. Private clubs, fraternity houses, sorority houses, lodging houses and rooming houses: One space for each two (2) beds.
- e. Motels and hotels: One space for each guestroom, plus one space for each employee.

2. Uses Within The Central Commercial District And Downtown District:

a. Parking requirements provided under subsections C3 and C4 of this section, for commercial and industrial uses shall apply and govern for uses within the central commercial district and downtown district.

3. Uses Within Integrated Shopping Centers:

a. Uses within an integrated shopping center located within an area designated by neighborhood, central or community commercial and downtown district by the general plan, involving a combination of any three (3) or more retail uses permitted within the CN or CC district for which building area, off street parking, off street loading, landscaping, lighting and other features are developed, managed and maintained as if a single unit: Three (3) spaces for each one thousand (1,000) square feet of gross leasable area.

b. Uses not within an integrated shopping center as defined under subsection C3a of this section: The number of spaces otherwise required for the type of use by provisions of this chapter.

4. Commercial And Industrial Uses:

- a. Banks: One space for each three hundred (300) square feet of floor area.
- b. Business and professional offices (not including medical or public administrative offices): One space for each four hundred (400) square feet of floor area.
- c. Retail stores:
  - (1) Food: One space for each one hundred fifty (150) square feet of floor area;
  - (2) Minimarket food stores: One space for each three hundred (300) square feet of floor area for stores under two thousand (2,000) square feet of gross floor area. (Ord. 527, 8-4-1997)
  - (3) Convenience/minimarkets: Spaces at pump islands may be counted, but not to exceed four (4) spaces. The minimum number of parking spaces required by this code shall be provided on site but there must be a minimum of at least five (5) on site spaces that are not located at pump islands. (Ord. 598, 9-4-2007)
- d. Retail stores, other than food, and personal service establishments: One space for each two hundred (200) square feet of floor space.
- e. Retail stores which handle only bulky merchandise such as furniture, household appliances, motor vehicles, farm implements and machinery: One space for each six hundred (600) square feet of floor area.
- f. Service commercial establishments, repair shops and wholesale establishments: One space for each six hundred (600) square feet of floor area, or one space for each two (2) employees, whichever number is the greatest.
- g. Commercial and industrial uses conducted primarily outside of buildings: One space for each two (2) employees of the maximum working shift.
- h. Manufacturing plants and other industrial uses: One space for each two (2) employees of the maximum working shift.

5. Utility Uses:

a. Electric distribution substations, electric transmission substations, gas regulator stations, public utility pumping stations, reservoirs, water or gas storage tank farms, sewage treatment plants and other public utility buildings and uses: 1 space for each 3 employees of the maximum working shift, plus 1 space for each company vehicle stored on the site. Where such facility is unmanned, no spaces need be provided.

6. Health Uses:

a. Medical and dental offices or clinics, including, but not limited to, chiropractors, dentists, doctors, physical therapists, optometrists, psychiatrists, and similar professions: 3 spaces for each practitioner, plus 1 space for each employee or 1 space for each 250 square feet of floor area, whichever is greater.

b. Rest homes, nursing homes, convalescent homes, homes for the aged: 1 space for each employee of the daytime shift, plus 1 space for each 4 beds.

c. Charitable and religious institutions providing sleeping accommodations: 1 space for each employee and 1 space for each 4 beds.

d. Hospitals: 1 space for each 4 beds and 1 space for each 2 employees of the maximum working shift, plus 1 space for each doctor.

7. Places Of Assembly:

a. Cafe, restaurant or other establishment for the sale and consumption on the premises of food and beverages: 1 space for each 4 seats.

b. Drive-in restaurants: 1 space for each 2 seats in an organized area interior or exterior to the structure, plus 1 space for each employee using the maximum number of employees on any daily work shift.

c. Auditoriums (except school auditoriums), churches, mortuaries, sports arenas and stadiums, dance halls, private clubs and lodges: 1 space for each 50 square feet of floor area used for seating if seats are not fixed, or 1 space for each 4 seats. School classrooms associated with a church do not require parking in addition to that required for church seating.

d. Theaters: 1 space for each 5 seats.

e. Bowling alleys: 4 spaces for each alley, plus 1 space for each 4 seats devoted to restaurant and/or cocktail lounge, plus 1 space for each employee of the maximum working shift.

f. Other places of assembly without fixed seats: 1 space for each 50 square feet of floor area used for assembly, plus 1 space for each employee of the maximum working shift.

8. Educational Uses:

a. Public and private elementary and junior high schools: 1 space for each employee including teachers, administrators, and custodians, plus sufficient space for safe and convenient bus loading and unloading of students as determined by the Planning Director.

b. High schools: 1 space for each employee including teachers, administrators and custodians, plus 1 space for each 10 students enrolled, plus sufficient space for safe and convenient bus loading and unloading of students as determined by the Planning Director.

c. Colleges: 1 space for each employee including teachers, administrators and custodians, plus 1 space for each 5 students enrolled.

d. Nursery schools: 1 space for each employee plus sufficient space for safe and convenient loading and unloading of students as determined by the Planning Director.

e. Business, professional and trade schools and colleges, art, craft, music and dancing schools: 1 space for each employee including teachers and administrators, plus 1 space for each 3 adult students.

9. Public Use:

a. City, County, special district, State and Federal administrative offices: 1 space for each 2 employees, plus 1 space for each 1,000 square feet of floor area.

b. Public buildings and grounds other than administrative offices and educational uses: 1 space for each 2 employees of the maximum working shift, plus the number of additional spaces required by the Planning Director.

10. Transportation Terminals And Facilities:

a. Airports, heliports, bus depots, taxi stations, railroad stations and yards, truck terminals: 1 space for each employee of the maximum working shift, plus the number of additional spaces prescribed by the Planning Director.

11. Miscellaneous Uses: For a use not specified in the above parking spaces schedule, the same number of parking spaces shall be provided, as determined by the Planning Director, as are required for the most similar specified use.

12. Exceptions To Off-Street Parking Requirements: Where an existing building is on land classified in a CC or CD District, one-half ( $\frac{1}{2}$ ) of the requirements of this Chapter pertaining to off-street parking shall be waived. However, land that becomes vacant or cleared for development or redevelopment in a CC or CD District will be subject to full parking requirements.

Additional exceptions to parking requirements may be allowed by the Planning Director in the CD District where such uses comply with a downtown master plan adopted by the City and where the City has enacted such off-street parking programs.

No existing building shall be altered or reconstructed so as to increase the amount of floor space unless full parking requirements are satisfied for the additional floor space.

D. Units Of Measurement:

1. For the purposes of this Chapter, "floor area" shall mean the floor area used, or intended to be used, for service to the public as customers, patrons, clients or patients, or as tenants, including areas occupied by fixtures and equipment used for the display or sale of merchandise. It shall not include areas used principally for nonpublic use, including storage, or administrative offices incidental to a commercial use.

2. In outdoor or indoor places of assembly, in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty four inches (24") of such seating facility shall be counted as one seat for the purposes of determining requirements for off-street parking.

3. If, in the application of the requirements of this Section, a fractional number is obtained, one parking space shall be provided for a fraction of one-half ( $\frac{1}{2}$ ) or more, and no parking space shall be required for a fraction of less than one-half ( $\frac{1}{2}$ ).

E. Change In Use; Additions And Enlargements: Whenever there is a change in use, or increase in floor area, or other unit of measurement



specified herein, and such change, increase, or other unit of measurement is such that it creates a need for an increase in the number of off-street parking spaces by ten percent (10%) or more, such increase in off-street parking facilities shall be provided on the basis of the increased requirements of the new use, or on the basis of the total increase in floor area, or in other units of measurement; provided however, that in case a change in use creates a need for an increase of two (2) or less off-street parking spaces, no additional parking facilities shall be required.

F. Remodeling: No additional off-street parking facilities shall be required solely because of the remodeling of an existing use or building, unless there is a change in use or increase in floor area or other unit of measurement as the result of such remodeling for which additional facilities are required in accordance with the provisions of subsection E of this Section.

G. Mixed Uses: In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as herein specified for joint use and uses within integrated shopping centers and Central Business District.

H. Joint Use: The Planning Director may, upon written application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

1. Seventy five percent (75%) of the parking facilities required by this Chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use, and seventy five percent (75%) of the parking facilities required by this Chapter for a use considered to be primarily a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use; provided, however, that such parking area shall meet the conditions set forth in subsection H3 of this Section.

2. The following uses are typical daytime uses: banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses. The following uses are typical nighttime uses: dance halls, theaters, auditoriums.

3. The following are conditions required for joint use:

a. The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use, shall be located within two hundred feet (200') of such parking facility.

b. The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed.

c. If the building, structure or improvement requiring parking space is in one ownership and the required parking space provided is in another ownership, partially or wholly, there shall be a recording in the office of the County Recorder of a covenant by such owners for the benefit of the City, in a form approved by the City, that such owner or owners will continue to maintain such parking space so long as said building structure or improvement is maintained by said owner within said City. The covenant herein required shall stipulate that the title to and right to use the parcel or parcels upon which the parking space is to be provided will be subservient to the title to the premises upon which the building is to be erected and that said parcel or parcels are not and will not be made subject to any other covenant or contract for use without prior written consent of the City.

I. Common Facilities: Common parking facilities may be provided in lieu of the individual requirements contained herein, but such facilities shall be approved by the Planning Commission as to size, shape and relationship to sites to be served. The total of such off-street parking spaces, when used together, shall not be less than the sum required for the various uses computed separately, except as follows:

1. Where joint use is allowed.

2. When such common parking facility is to occupy a site three thousand (3,000) square feet or more, a fifteen percent (15%) reduction in the total number of spaces shall be permitted.

3. Where the provisions of subsection H2 and H3 of this Section shall apply. (Ord. 527, 8-4-1997)

#### 11-14-3: STANDARDS FOR OFF-STREET PARKING FACILITIES:

Off-street parking facilities shall conform to the following standards:

A. All parking areas shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the City Engineer.

B. Entrances and exits to parking lots and other parking facilities shall be provided only at locations approved by the City Engineer.

C. Each parking space shall be not less than twenty feet (20') in length and nine feet (9') in width, exclusive of aisles and access drives, except that up to forty percent (40%) of all spaces may be provided for compact cars with such spaces not less than seventeen feet (17') in length and eight feet (8') in width, and marked for compact cars. Spaces for the handicapped shall meet Federal ADA standards.

D. Parking lot lighting shall be deflected away from abutting sites so as not to cause annoying glare to such sites.

E. No commercial repair work or servicing of vehicles shall be conducted on a parking site.

F. The parking area, aisles and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water, with the design and specifications of such work subject to City standards and the approval of the City Engineer.

G. The requirements of this Section shall apply to all uses for which a site plan must be approved in accordance with the provisions of Chapter 20 of this Title. (Ord. 527, 8-4-1997)

#### 11-14-4: OFF-STREET LOADING FACILITIES REQUIRED:

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained, on the same parcel with such building, at least one off-street loading space, plus one additional off-street loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area. (Ord. 527, 8-4-1997)

#### 11-14-5: STANDARDS FOR OFF-STREET LOADING FACILITIES:

Off-street loading facilities provided in compliance with Section 11-14-4 of this Chapter shall conform with the following standards:

A. Each loading berth shall be of a length and width, and shall have an overhead clearance sufficient to accommodate fully the maximum size of vehicles used in loading or unloading operations.

B. Sufficient room for the turning and maneuvering of vehicles shall be provided on the site.

C. Entrances and exits shall be provided at locations approved by the City Engineer.

D. The loading area, access drives and aisles shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as

to dispose of surface water, with the design and specifications of such work subject to City standards and approval of the City Engineer.

- E. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the City Engineer.
- F. If the loading area is illuminated, lighting shall be deflected away from abutting sites so as not to cause annoying glare to such sites.
- G. A loading area shall not be located in a required front yard. A loading area may be located in a required side or rear yard.
- H. No commercial repair work or servicing of vehicles shall be conducted in an off-street loading area. (Ord. 527, 8-4-1997)

**11-14-6: LOCATION OF OFF-STREET PARKING AND LOADING FACILITIES:**

Off-street parking and off-street loading facilities prescribed in Sections 11-14-2 and 11-14-4 of this Chapter shall be located on the same site with the use for which the berths are required or on an adjoining site, except that in the CC District, located within the Central Business District, off-street parking facilities prescribed in Section 11-14-2 of this Chapter may be located within six hundred feet (600') of the use for which the spaces are required, measured by the shortest route of pedestrian access. No off-street loading space shall be required where buildings are served by a public alley. (Ord. 527, 8-4-1997)

**11-14-7: SCREENING, FENCING AND LANDSCAPING:**

A. Where an off-street parking area in a C District adjoins a UR, RA, R, RM, or PO District, a solid wall or fence, vine-covered open fence, or compact evergreen hedge six feet (6') in height, or such other height or type of screening device as may be required by the Planning Department, shall be located on the property line common to such districts, except in a required front yard.

B. In a PO, C or I District, not less than five percent (5%) of the interior of an improved parking area shall be landscaped with trees and other plant materials suitable for ornamentation. Landscaped areas shall be distributed throughout the parking area to the extent practical in consideration of the size and design of the parking area. (Ord. 527, 8-4-1997)

**11-14-8: EXISTING USES:**

No existing use of land or structure shall be deemed to be a nonconforming use solely because of lack of off-street parking facilities or off-street loading facilities prescribed in the Chapter; provided, however, that facilities being used for off-street parking and off-street loading at the time of the adoption of this Code shall not be reduced in capacity to less than the number of spaces or berths or reduced to less than the minimum standards prescribed in this Chapter. Where an existing use is expanded, the parking requirements of this Chapter shall apply only to the addition. (Ord. 527, 8-4-1997)

**11-14-9: REDUCTION OF OFF-STREET PARKING AND LOADING FACILITIES:**

No off-street parking facility or off-street loading facilities provided for a use of land or structure in compliance with this Chapter shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this Chapter. (Ord. 527, 8-4-1997)

**11-14-10: EXCEPTIONS TO OFF-STREET PARKING AND LOADING REQUIREMENTS:**

None of the provisions of this Code which require the provision of off-street parking and off-street loading spaces in connection with the use of property for commercial or industrial purposes shall apply to any parcel or property which is located within any vehicle parking district hereafter formed and existing under the provisions of any parking district act approved by the City Council and where parking and loading facilities provided by such district are determined by the City Council to be adequate to serve the district. (Ord. 527, 8-4-1997)

**11-14-11: RECREATIONAL VEHICLE (RV) PARKING:**

A. Definitions: For the purpose of this Section, the following definitions are hereby adopted:

**FRONT YARD:** That portion of a lot between the front lot line and the front of the principal building on the lot, and extending to both side lot lines.

**REAR YARD:** That portion of a lot between the rear lot line and the back of the principal building on the lot, and extending to both side lot lines.

**RECREATIONAL VEHICLE:** Shall include, but not be limited to, motor home, travel trailer, truck cab-over camper (excluding when used primarily for transportation on a daily basis), or camping trailer, designed for recreation and/or human habitation, boat, boat trailer, dune buggy, or detached camper shell. "Recreational vehicle" shall mean a vehicular unit not exceeding forty feet (40') in overall length, eight feet (8') in width, or thirteen and one-half feet (13 1/2') in overall height, primarily designated for recreational, camping, or travel use; either under its own motive power or by design to be mounted on or drawn by automotive means.

**SIDE YARD:** That portion of a lot not surrounded by buildings on the lot and not in the front or rear yard.

B. Parking And Storage: Recreational vehicles may be parked or stored in any of the Residential (R) Districts subject to the following conditions:

1. That parking shall be permitted within any enclosed structure or carport, which otherwise conforms to the zoning requirements of the particular zone where located or in a rear yard.
2. That parking shall be permitted in a side yard only where access to the rear yard is restrictive to the extent of imposing unreasonable difficulty. The construction, modification, or demolition of a fence, or removal or modification of landscaping shall not be considered unreasonable.
3. That parking shall be permitted in a front yard only where the use of rear and side yard is unreasonable for that purpose due to physical or dimensional characteristics of the lot. The construction, modification or demolition of a fence, or removal or modification of landscaping (except for existing trees 6 inches in diameter 2 feet above ground level) shall not be considered unreasonable. A corner lot shall normally be deemed to have reasonable access to the rear or side yard. Parking in front yard areas shall be limited to two (2) recreational vehicles provided:

a. That parking surfaces shall be all weather; i.e., gravel, decomposed granite, asphalt paving, or concrete, when used in a front yard area or an area visible from a public right of way.

b. That a bona fide guest(s) on the property which is owned by or leased to the host person may occupy or use a recreational vehicle for habitation purposes for a period not to exceed fourteen (14) consecutive days; excepting therefrom where unforeseen circumstances necessitate consideration of periods of time in excess of the limit. Said discretionary determinations shall be considered by the Planning Director.

c. That within multi-family developments involving twenty (20) or more dwelling units, centralized parking for recreational vehicles shall be provided at the ratio of one RV parking space for each ten (10) dwelling units.

d. That the recreational vehicle and the area of storage shall be maintained in a clean, neat, and presentable manner, and the equipment shall be in a stable condition at all times, and properly licensed or registered as required by the State.

C. Appeals: A decision by the Planning Director may be appealed in writing by the applicant or any interested party. An appeal shall be filed consistent with the procedure in Chapter 18 of this Title. (Ord. 527, 8-4-1997)

## HOME OCCUPATIONS

### SECTION:

#### 11-15-1: Home Occupations

##### 11-15-1: HOME OCCUPATIONS:

###### A. Purpose And Application:

1. Protect residential areas from adverse impact of activities associated with home occupations.
2. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
3. Establish criteria and development standards for home occupations conducted in dwelling units and accessory structures in residential zones.

B. Standards And Regulations: In all residential and agricultural zones, home occupations in compliance with the following regulations are permitted as accessory uses, and no special use permit shall be required in order to establish and maintain such uses:

1. A permitted home occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.
2. There shall be no storage of equipment, vehicles or supplies associated with the home occupation outside the dwelling.
3. There shall be no display of products visible in any manner from the outside of the dwelling.
4. There shall be no change in the outside appearance of a dwelling wherein there is the conduct of a home occupation.
5. No advertising display signs shall be permitted.
6. No one other than the residents of the dwelling shall be employed in the conduct of a home occupation.
7. The use shall not generate additional pedestrian or vehicular traffic. The number of customers of a home occupation who must travel to the site of the home occupation shall not exceed four (4) persons per day.
8. The use shall not require additional off-street parking spaces for clients or customers of the home occupation.
9. No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
10. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than one vehicle not to exceed one ton, owned or operated by the resident of the dwelling, which shall be parked in an adequate off-street parking area.
11. No motor power other than electrically operated motors shall be used in connection with a home occupation. Home occupations shall not involve the use of electric motors of more than one and five-tenths (1.5) hp.
12. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes or odor detectable to the normal senses off the property.
13. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
14. A business license shall be obtained.
15. No commercial telephone directory listing, newspaper, radio or television service shall be used to advertise the location and/or address of a home occupation to the general public.

C. Urban Home Occupations: Urban home occupations which do not comply with the regulations set forth in subsection B of this Section may be permitted in all residential zones; providing, that a conditional use permit is first secured pursuant to the procedures referred to in Chapter 19 of this Title. Such urban home occupations shall comply with the following regulations:

1. An urban home occupation shall be conducted within a dwelling and/or garage and shall be clearly incidental to the use of the dwelling or garage.
2. There shall be no storage of equipment or supplies associated with the home occupation outside the dwelling or garage.
3. Unless otherwise determined by the Planning Commission, there shall be no sales of products or services not produced on the premises.
4. There shall be no display of products visible in any manner from the outside of the dwelling.
5. There shall be no visible evidence of the conduct of an urban home occupation.
6. An urban home occupation shall be limited in employment to residents of the property and not more than one additional person who is a member of the immediate family. "Immediate family" shall mean the spouse, parent, stepparent, child, stepchild, brother, sister or close relative residing in the household.
7. The use shall not generate additional pedestrian or vehicular traffic beyond that normal to the district in which it is located. The number of customers of a home occupation who must travel to the site of the home occupation shall not exceed four (4) persons per day, except that day care for up to twelve (12) children shall be allowed with State licensing.
8. No urban home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use of dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
9. The home occupation shall not involve the use of more than a one-ton truck.
10. No home occupation shall be conducted between the hours of nine o'clock (9:00) P.M. and eight o'clock (8:00) A.M.
11. No motor power other than electricity-operated motors shall be used in connection with an urban home occupation.
12. No equipment or process shall be used in an urban home occupation which creates excessive noise, vibration, glare, fumes or odor detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the neighborhood.

13. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

14. Modifications from the above regulations may be approved by the Planning Commission in individual cases if the modification is in accordance with the purposes set forth in subsection A of this Section. Additional requirements or conditions may be added as deemed necessary to assure that the urban home occupation 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 or to the general welfare of the community.

D. Rural Home Occupations: Rural home occupations that do not comply with the regulations set forth in subsection B of this Section may be permitted in the RA Residential Acreage Zone, which is restricted to a minimum lot size of forty thousand (40,000) square feet or more, only if a conditional use permit is secured according to Chapter 19 of this Title. The rural home occupations shall comply with the following regulations:

1. A rural home occupation shall be clearly incidental and secondary to the use of the site for dwelling and agricultural purposes and shall not change the residential and agricultural character thereof.
2. A rural home occupation may be conducted within a dwelling and/or within an accessory building; provided, that all structures used shall be harmonious in appearance with the agricultural area.
3. Unless otherwise determined by the Planning Commission, there shall be no sales of products or services not produced on the premises.
4. There shall be no external alteration of the appearance of the property, the dwelling or accessory building in which the rural home occupation is conducted which would reflect the existence of said home occupation; except, that one outdoor advertising display sign, limited to eight (8) square feet of sign area shall be permitted.
5. A rural home occupation shall be limited in employment to residents of the property and not more than two (2) additional persons.
6. No additional points of access to any street, road or highway shall be permitted, unless necessary to provide safe access to the proposed use.
7. The use has not been found likely to become a nuisance by reason of odor, dust, smoke, gas or vibrations or may impose a hazard to health or property.
8. The number of customers of a home occupation who must travel to the site of the home occupation shall not exceed four (4) persons per day.
9. Modifications from the above regulations may be approved by the Planning Commission in individual cases if the modification is in accordance with the purposes of subsection A of this Section. Additional requirements or conditions may be added as deemed necessary to assure that the rural home occupation 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 or to the general welfare of the community.

Certain uses have a demonstrated tendency to impair the uses and value of a residential district, due to their tendency to expand beyond the limits permitted for home occupations. Therefore, the following uses, regardless of their meeting the standard in this Section, shall not be permitted: animal hospitals or kennels, equipment rental, funeral chapel or home, medical or dental clinics, massage parlors, fortunetellers, beauty shops and barber shops, repair or painting of autos, trailers, boats and other vehicles, restaurants, welding or machine shops.

E. Permit Termination: Home occupation permits terminate at the time the applicant no longer occupies the premises. (Ord. 527, 8-4-1997)

## CHAPTER 16

### SIGN REGULATIONS

#### SECTION:

##### 11-16-1: Purpose And Application

##### 11-16-2: Applicability

##### 11-16-3: Exempt Signs

##### 11-16-4: Prohibited Signs

##### 11-16-5: Findings

##### 11-16-6: Sign Regulations

##### 11-16-7: Sign Design Standards

##### 11-16-8: Abatement Of Nonconforming Signs

##### 11-16-9: Removal Of Illegally Installed/Maintained Signs

##### 11-16-1: PURPOSE AND APPLICATION:

A. Purpose: The purpose of this Section is to establish uniform sign regulations that are intended to:

1. Protect the general public health, safety, welfare and aesthetics of the community;
2. Reduce possible traffic and safety hazards through good signage;
3. Promote signs that identify uses and premises without confusion;
4. Implement community design standards, consistent with the General Plan; and
5. Promote the community's appearance by regulating the design, character, location, type, quality of materials, scale, color, illumination and maintenance of signs.

B. Application: Signs shall only be constructed, displayed or altered consistent with Chapter 20 of this Title site plan review approvals as required. A sign program shall be required as part of the site plan review process for all multi-family, commercial, professional, and industrial uses, or as deemed necessary by the Planning Director to ensure compliance with the provisions of this Section. (Ord. 527, 8-4-1997)

##### 11-16-2: APPLICABILITY:

Signs shall only be erected or maintained in any zoning district as established by this Title, except those signs specifically enumerated in this

Chapter. The number and area of signs as outlined in this Section are intended to be maximum standards which do not necessarily ensure architectural compatibility. Therefore, in addition to the enumerated standards, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community. (Ord. 527, 8-4-1997)

**11-16-3: EXEMPT SIGNS:**

The following signs shall not require approval nor shall the area of the signs be included in the maximum sign area permitted for any site or use:

- A. Open/Closed Sign: One "open" or "closed" window sign less than two (2) square feet.
- B. Flag: An American, Californian, or City flag.
- C. Open House Sign: One "open house" sign not exceeding three (3) square feet in area on the particular premises which is for sale, lease or rent, and posted only when a salesperson is present.
- D. Political Sign: Limited to forty (40) square feet in total area. Political signs may not be posted more than sixty (60) days preceding the election, and shall be removed within ten (10) days after the election. Political signs shall not be posted on trees, fence posts or public utility poles, or located within any public right of way. No political sign erected on private property shall be placed within the traffic safety visibility area. (Ord. 527, 8-4-1997)

**11-16-4: PROHIBITED SIGNS:**

The following signs are inconsistent with the sign standards outlined in this Section, and are therefore prohibited:

- A. Abandoned signs;
- B. Animated, moving, flashing, blinking, reflecting, revolving, or any other similar moving or simulated moving sign, except: signs owned by public agencies or that provide a public service message:
  - 1. A sign changing so as to show time and temperature;
  - 2. An on premises barber pole operated during business hours;
- C. Bench signs; (Ord. 527, 8-4-1997)
- D. Off site signs (except having first obtained a conditional use permit):
  - 1. Shall be limited to one per lot up to one acre;
  - 2. Larger lots shall be limited to one sign per acre and the signs must be at least one hundred feet (100') apart; (Ord. 549, 8-20-2002)
- E. Outdoor advertising structures with the exception of informational structures approved by the commission;
- F. Roof signs;
- G. Signs on public property or in a public right of way, except for traffic and street identification signs;
- H. Signs painted on fences or roofs;
- I. Signs that simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in a manner to interfere with, mislead or confuse pedestrian or vehicular traffic; or
- J. Windblown devices. (Ord. 527, 8-4-1997)

**11-16-5: FINDINGS:**

The planning director may approve and/or modify a sign program application in whole or in part, with or without conditions, only if the following findings are made:

- A. The proposed sign is permitted within the zoning district and complies with all of the applicable provisions of this section;
- B. The sign primarily identifies the business name and does not list multiple products or services;
- C. The sign is in proper proportion to the building or site on which it is located and as an identification device, does not excessively compete for the public's attention;
- D. The sign materials, color, texture, size, shape, height, and placement are harmonious with the design of the structure, property and neighborhood of which it is a part;
- E. The illumination of the sign is at the lowest possible level, which ensures adequate identification and readability, and is directed solely at the sign or is internal to it;
- F. The sign is not detrimental to the public interest, health, safety, or welfare; and
- G. The sign is in compliance with the sign design standards in section 11-16-7 of this chapter. (Ord. 527, 8-4-1997)

**11-16-6: SIGN REGULATIONS:**

A. Permitted Signs: Signs allowed by permit in all zoning districts. The following signs are allowed in all zoning districts, subject to these regulations and issuance of a sign permit, except as prohibited in section 11-16-4 of this chapter: (Ord. 549, 8-20-2002)

- 1. Civic Event Sign: Signs announcing a civic event within the city of a general public nature for not more than thirty (30) days before and not more than five (5) days after the period during which the event takes place.
- 2. Construction Sign: One temporary nonilluminated sign, advertising the various construction trades participating in the project. On a site less than one acre, the sign shall not exceed thirty two (32) square feet in sign area or six feet (6') in height. On a parcel of land of one acre or more, the sign shall not exceed fifty (50) square feet in sign area or six feet (6') in height. The sign shall be allowed to remain until the last unit is sold, rented, or leased.
- B. Directional Sign: Signs necessary for public convenience and safety, not exceeding four (4) square feet in size or three feet (3') in height, containing information including "entrance", "exit", or directional arrows designed to be viewed by on site pedestrians or motorists.
  - 1. Temporary Subdivision Sign: A temporary subdivision sign declaring a group of parcels, dwellings or occupancies within a subdivision for rent, lease, or sale shall be permitted subject to the following conditions:
    - a. One on site sign shall be permitted for each street frontage;
    - b. The sign area shall not exceed fifty (50) square feet, or exceed six feet (6') above the level of the street;
    - c. The sign shall be unlighted;

- d. The sign shall not interfere with the traffic safety visibility area of the parcel; and
- e. The sign may remain on the property until the last unit is sold.

2. Temporary Grand Opening Banners, Balloons, Flags, Streamers: "Temporary" means for a maximum period of two (2) weeks. Gas filled balloons shall not exceed one hundred (100) square feet in total aggregate surface. Gas filled balloons shall be securely tethered on the premises of the business. Tethered height of the gas filled balloon shall not exceed thirty five feet (35') above the ground surface of the premises. Gas filled balloons shall not be positioned so that they may become a public hazard, encroach on adjoining property or public right of way, or have the potential to make contact with any public utility pole or suspended transmission line or facility. (Ord. 527, 8-4-1997)

3. Garage Sale Signs: Garage sale signs are not allowed on public property or in the public right of way and must be removed from all permitted locations within twenty four (24) hours after sale. (Ord. 549, 8-20-2002)

#### C. Computations Of Sign Area:

1. For signs attached to business structures, including module letters and/or logo symbols, the effective sign area shall mean any area enclosed by the minimum imaginary rectangle or parallelogram of vertical and horizontal lines which fully contains all the extremities of each word and/or logo symbol of the sign. Each word and/or logo symbol shall be measured separately in computing the total sign area.

2. For projecting signs and freestanding detached signs containing letters and/or logo symbols, the effective sign area shall mean the area enclosed by the minimum imaginary rectangle or parallelogram of vertical and horizontal lines which fully contains all the extremities of the sign, exclusive of its supports and/or ornamental and decorative trim. For freestanding and projecting signs intended to be read from one frontage only, both sides of the sign shall be counted in computing the total sign area for that frontage. Where such signs are placed at an angle to be read from two (2) different frontages, the sign area facing each frontage shall be counted in computing the total sign area for each frontage. If elements of the sign are movable or flexible, as a flag or string of lights, the measurements shall be taken when the elements are fully extended and parallel to the plane of view.

3. The effective sign area of a ball or sphere shall be eighty percent (80%) of the surface area of the ball or sphere.

D. Signs Allowed By Permit In Specific Zoning Districts: The following signs are permitted in the individual zoning districts, subject to compliance with all provisions of this section. See figure 1 at the end of this section for examples of the different types of signs described in this subsection D and the measurement of sign area, and figure 2 at the end of this section for the measurement of sign height and width.

1. Sign Program Required: A sign program shall be required for all new commercial, office, and industrial centers consisting of three (3) or more tenant spaces at the time of site plan review required in chapter 20 of this title. The purpose of the sign program shall be to integrate signs with building and landscaping design to form a unified architectural statement. This shall be achieved by:

- a. Using the same background color, and allowing signs to be of up to three (3) different colors and up to two (2) type styles per multitenant center.
- b. Using the same type of cabinet supports, or method of mounting for signs of the same type, or by using the same type of construction material for components, such as sign copy, cabinets and supports.
- c. Using the same form of illumination for all signs.
- d. Major tenants will be permitted to deviate from the sign program to accommodate national trademarks or logos.

2. Signs Attached To Buildings: Signs attached to buildings shall be installed parallel to the building with no more than a fourteen inch (14") projection from the wall, except where permitted below and/or attached directly to the vertical or sloped face of the marquee.

3. Marquee Or Awning Signs: Signs may be attached vertically to marquee or awning facades with less than a forty five degree (45°) slope provided the height of letters or logos does not exceed twelve inches (12"). Where the marquee or awning is attached at a slope of forty five degrees (45°) or greater, signs may be affixed to the sloped portion above the horizontal extension of the marquee or awning. Signs shall be limited to name and address of business.

Signs may be erected perpendicular to the face of the building under a marquee or awning, provided that such signs shall not project beyond the limits of the overhang. (Ord. 527, 8-4-1997)

4. Portable Signs: Portable signs, including, but not limited to, vehicle mounted, mobile, movable freestanding, tire stack, and wind signs, shall be permitted but shall in no case be placed on public property or a public right of way or within thirty feet (30') of a street intersection. See subsection 11-16-4G of this chapter for prohibited locations.

Sandwich board and A-board signs are allowed in the public right of way, within the boundaries of the storefront under the following conditions:

- a. That the sign must advertise merchandise within the store and not that of a temporary vendor.
- b. That the sign does not cover more than one-half ( $\frac{1}{2}$ ) the width of the sidewalk and does not restrict pedestrian travel.
- c. That no sign shall interfere with the line of sight of pedestrians, cyclists, or motorists.
- d. That no sign shall be larger than eight (8) square feet per side and not more than four feet (4') in height.
- e. That the owner of said sign(s) agrees to hold harmless the city of Corcoran and its officers and employees and harmless of any form of claims by any person involving said sign. (Ord. 549, 8-20-2002)

E. Sight Triangle: No sign permitted by this section shall be placed within thirty feet (30') of a street intersection (intersecting curb lines) unless placed so that the top of the sign is at a maximum of three feet (3') above the ground or unless the bottom of the sign is a minimum of ten feet (10') above the ground level.

F. Brand Name Advertising: Within the CN, CH, CC, CT, and CO districts, up to thirty percent (30%) of the signing allowance for any frontage may be devoted to the advertising or identification of an individual brand or brands of products. This provision shall not apply to the identification of one primary brand name identifying a service station.

G. Interference With Utility Easements: No sign or outdoor advertising structure shall be located within a utility easement, or erected or located in a manner which will reduce the vertical or horizontal clearance from communication or energized electric power lines as required by laws, rules and regulations of the state and agencies thereof. (Ord. 527, 8-4-1997)

#### H. Billboard Signs:

1. Maximum Height: To be established by the planning commission but not to exceed thirty feet (30') measured from crown of highway (facing perpendicular to site of sign) when crown of highway is above ground level of sign, otherwise sign height is measured from ground level at the site

of sign.

2. Maximum Area: Not to exceed five hundred (500) square feet.
3. Calculation Of Area: As a guideline only two and five- tenths (2.5) square feet of area per linear foot of parcel frontage facing towards highway.
4. Permitted Zones: CH, LI, and HI.
5. Sign Permit Needed: Yes.
6. Conditional Use Permit Needed: Yes.
7. Location: Limited to within three hundred feet (300') of Highway 43 right of way and at least three hundred feet (300') apart.
8. Compliance: It is the responsibility of the applicant to comply with the provisions of the state of California outdoor advertising act.
- I. Restrictive Regulations To Apply: In the event a sign falls under more than one sign definition, the more restrictive sign regulations found in this chapter shall apply. (Ord. 549, 8-20-2002)

Figure 1: Signs Permitted In Residential Zones (RA, R, RM):

Sign Class	Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
Sign Class	Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
Single-family and duplex identification	Nameplate or street address	1 per dwelling	1 sq. ft.	9 ft.	Wall, fence, or mailbox	Yes	Copy limited to name and address of occupant
Multi-family identification	Wall or monument	1 per street frontage	5 sq. ft. per acre, 25 sq. ft. min., 50 sq. ft. max.	10 ft. wall or monument	10 ft. minimum front setback, 5 ft. side setback	Yes	Copy limited to name and address of occupant
Institutional	Wall or monument	1 per street frontage	5 sq. ft. per acre, 25 sq. ft. min., 50 sq. ft. max.	10 ft. wall or monument	10 ft. minimum front setback, 5 ft. side setback	Yes	Name of institution and illuminated directory only
Mobile home park	Wall or monument	1 per street frontage	5 sq. ft. per acre, 25 sq. ft. min., 50 sq. ft. max.	10 ft. wall or monument	10 ft. minimum front setback, 5 ft. side setback	Yes	Name of institution and illuminated directory only
Subdivision (temporary)	Pole-mounted	1 per street frontage	25 sq. ft.	5 ft.	On project site, 10 ft. min. setback from any street	No	To be removed within 30 days of sale/rental of last unit in project
Real estate, single-family/ duplex	Wall or pole-mounted	1 per dwelling	4 sq. ft. per face, may have 2 faces	5 ft.	On project site	No	Copy limited to sale, rent, or lease of units
Real estate, multi-family	Wall or pole-mounted	1 per lot	12 sq. ft.	5 ft.	On project site	No	Copy limited to sale, rent, or lease of units

Figure 2: Signs Permitted In Commercial Zones:

Zoning District	Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
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CN	Monument or freestanding	1 center identification sign for each shopping center, or lot, if single business location	200 sq. ft	20 ft.	Must be in landscaped area (see additional requirements)	Yes	Landscaped area shall be generally equal to the area of the sign, and shall not block views at driveways.
	Building-mounted	1 for each occupancy frontage	0.5 sq. ft. per store front; 15 sq. ft. min. and 100 sq. ft. max.	15 ft.	Centered on wall or canopy over store front. No projecting signs	Yes	Letters may be individually mounted on the building or on attached signs and coordinated with a proper sign program, if applicable.
	Pedestrian	1 for each occupancy	6 sq. ft. per face, 2 face max.	7.5 ft. min., 15 ft. max.	Centered under canopy or eave	No	May be perpendicular to, or flat against building wall.
	Window	No limit	25% of glass	None	None	Interior only	Decals only on exterior.
	Real estate	1 for each occupancy	8 sq. ft.	Height of wall	Flat on wall	No	Many not project above eave.
CS	Monument or freestanding	1 per lot	150 sq. ft. per face, 2 face max.	30 ft.	None, except as required by DRC	Yes	Shall not block views at corners and driveways.
	Building-mounted	1 for each occupancy frontage	25 sq. ft. for projecting signs, 50 sq. ft. for flush mounted	Height of wall	Centered on wall or canopy over store front	Yes	Can-sign and raceways permitted. Multi-tenant sites shall have sign program, per subsection D of this Section.
	Window	No limit	25% of glass	None	None	Interior only	Decals only on exterior.
	Real estate	1 per occupancy	8 sq. ft.	Height of wall	Flat on wall	No	May not project above eave.
CO	Monument or freestanding	1 per lot	50 sq. ft.	10 ft.	None, except as required by DRC	Yes	Shall not block views at driveways.
	Building-mounted	1 per building	20 sq. ft.	20 ft.	Flat on wall	Yes	Copy limited to building name and/or one major tenant.
	Window	No limit	25% of glass	None	None	Interior only	Decals only on exterior.
	Real estate	1 per occupancy	8 sq. ft.	Height of wall	Flat on wall	No	May not project above eave.
	Monument or freestanding	1 per lot	350 sq. ft. per face, 2 face max. (see note below)	20 ft.	Must be in landscaped area (see additional requirements)	Yes	Landscaped area shall be generally equal to the area of the sign, and shall not block views at driveways.



CC	Building-mounted	1 for each occupancy frontage	0.5 sq. ft. per store front; 15 sq. ft. min. and 100 sq. ft. max.	15 ft.	Centered on wall or canopy over store front. No projecting signs	Yes	Letters may be individually mounted on the building or on attached signs and coordinated with a proper sign program, if applicable.
	Window	No limit	25% of glass	None	None	Interior only	Decals only on exterior.
	Pedestrian	1 for each occupancy	6 sq. ft. per face, 2 face max.	7.5 ft. min., 15 ft. max.	Centered under canopy or eave	No	May be perpendicular to, or flat against building wall.
	Real estate	1 for each occupancy	8 sq. ft.	Height of wall	Flat on wall	No	May not project above eave.
CD	Monument or freestanding	1 per lot	75 sq. ft. per face, 2 faces max. (see note below)	12 ft. for lots up to 120 ft. wide, 15 ft. for lots of 120 ft. or wider	Must be in landscaped areas (see additional requirements)	Yes	Landscaped area shall be generally equal to the area of the sign, and shall not block views at corners and driveways.
	Building-mounted	1 per street frontage	100 sq. ft. (see note below)	15 ft.	Centered on wall or canopy over store front	Yes	Letters to be individually mounted or painted on the building. Multi-tenant sites shall have sign program, per subsection D of this Section.
	Pedestrian	1 per occupant	3 sq. ft. per face, 2 face max.	7.5 ft. min., 15 ft. max.	Perpendicular to building	No	Must be under canopy, may not project into street.
	Window	1 per window	25% of glass	None	None	Interior only	Decals only on exterior.
	Real estate	1 per occupancy	8 sq. ft.	Height of wall	Flat on wall	No	May not project above eave.
CH	Monument or freestanding	1 per lot	350 sq. ft. per face, 2 face max. (see note below)	20 ft.	Must be in landscaped area (see additional requirements)	Yes	Landscaped area shall be generally equal to the area of the sign, and shall not block views at driveways or corners.
	Building-mounted	1 for each occupancy frontage	0.5 sq. ft. per store front; 15 sq. ft. minimum and 100 sq. ft. max.	15 ft.	Centered on wall or canopy over store front. No projecting signs	Yes	Letters may be individually mounted on the building or on attached signs and coordinated with a proper sign program, if applicable.

	Window	No limit	25% of glass	None	None	Interior only	Decals only on exterior.
	Pedestrian	1 for each occupancy	6 sq. ft. per face, 2 face max.	7.5 ft. min., 15 ft. max.	Centered under canopy or eave	No	May be perpendicular to, or flat against building.
	Real estate	1 for each occupancy	8 sq. ft.	Height of wall	Flat on wall	No	May not project above eave.

Note:

Total sign area shall not exceed 2 percent of gross ground floor area or one square foot per foot of frontage, whichever is greater.

Figure 3: Signs Permitted In Industrial Zones:

Zoning District	Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
Zoning District	Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
IL	Monument and wall-mounted	1 per lot and 1 per occupant, monument or wall-mounted	0.50 sq. ft. per linear ft. of lot frontage, with min. 10 sq. ft. per tenant guaranteed	10 ft. for monument signs, 40 ft. or eave height for wall-mounted signs	Monument signs must be in front yard landscaped area	Interior or exterior for wall-mounted, exterior only for monument	Can-signs or raceways allowed, but raceways are preferred. Multi-tenant buildings shall have a coordinated sign program per subsection D of this Section.
	Window	1 per window	25% of glass	15 ft.	None	Interior only	Decals only on exterior.
	Real estate	1 per occupancy	8 sq. ft.	Height of eave	Flat on wall	No	May not project above eave.
IH	Monument and wall-mounted	1 per lot and 1 per occupant, monument or wall-mounted	0.75 sq. ft. per linear ft. of lot frontage, with min. 10 sq. ft. per tenant guaranteed	10 ft. for monument signs, 40 ft. or eave height for wall-mounted signs	Monument signs must be in front yard landscaped area	Interior or exterior for wall-mounted, exterior only for monument	Can-signs or raceways allowed, but raceways are preferred. Multi-tenant buildings shall have a coordinated sign program per subsection D of this Section.
	Window	1 per window	25% of glass	15 ft.	None	Interior only	Decals only on exterior.
	Real estate	1 per occupancy	8 sq. ft.	Height of wall	Flat on wall	No	May not project above eave.

IP	Monument and wall-mounted	1 per lot and 1 per occupant, monument or wall-mounted	0.50 sq. ft. per linear ft. of lot frontage, with min. 10 sq. ft. per tenant guaranteed	10 ft. for monument signs, 40 ft. or eave height for wall-mounted signs	Monument signs must be in front yard landscaped area	Interior or exterior for wall-mounted, exterior only for monument	Letters to be individually mounted or painted on the building. Multi-tenant sites shall have sign program, per subsection D of this Section.
	Window	1 per window	25% of glass	15 ft.	None	Interior only	Decals only on exterior.
	Real estate	1 per occupancy	8 sq. ft.	Height of eave	Flat on wall	No	May not project above eave.

Figure 4: Signs Permitted In Special Purposes Zones:

Zoning District	Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
Zoning District	Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
AG	Wall-mounted or monument	1 per lot	32 sq. ft.	12 ft.	15 ft. from street right of way	No	Copy shall primarily identify site.
	Real estate	1 per lot	32 sq. ft.	10 ft.	On-site only	No	May not project above eave.
PD	See applicable planned development for sign standards and development guidelines.						
PF	Wall-mounted or monument (public site)	1 per lot	5 sq. ft. per acre up to 100 sq. ft. max., 25 sq. ft. min.	10 ft. monument, eave height for wall-mounted	None	Yes	Public sites include public utilities, schools, police and fire stations, etc.
	Wall-mounted or monument (private site)	1 per lot	5 sq. ft. per acre up to 100 sq. ft. max., 25 sq. ft. min.	10 ft. monument, eave height for wall-mounted	10 ft. from any property line for monument sign	No	Private sites include day care centers, recreational uses, and private schools.
	Building identification	1 per building	5 sq. ft. per acre up to 100 sq. ft. max., 25 sq. ft. min.	Height of eave	Flat on wall	No	Copy should identify name and address of facility.
	Directional or interpretive	No limit	5 sq. ft. per acre up to 100 sq. ft. max., 25 sq. ft. min.	15 ft.	None	Interior only	
	Real estate	1 per lot	5 sq. ft. per acre up to 100 sq. ft. max., 25 sq. ft. min.	Height of eave	Flat on wall	No	May not project above eave.

OS	Wall-mounted or monument (public site)	1 per street or parking lot frontage	5 sq. ft. per acre up to 100 sq. ft. max., 25 sq. ft. min.	10 ft. monument, eave height for wall-mounted	None	Yes	Copy limited to name and address of facility, or as approved by Community Services Director.
	Wall-mounted or monument (private site)	1 per lot	5 sq. ft. per acre up to 100 sq. ft. max., 25 sq. ft. min.	10 ft. monument, eave height for wall-mounted	10 ft. from any property line for monument sign	No	Copy limited to name and address of facility, or as approved by Zone Administrator.
	Real estate	1 per lot	12 sq. ft.	Height of eave	Flat on wall	No	May not project above eave.

**Figure 5: Specific Land Use Signs:**

Sign Class	Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
Drive-through restaurant	Menu board	1 per building	30 sq. ft.	6 ft.	None, except as required by DRC	Yes	Shall not be visible from street or block views at corners and driveways.
Service station	Wall-mounted	1 per street frontage, 2 max.	10% of building face, 100 sq. ft. max.	10 ft. or eave height, whichever is less	Flat on wall	Yes	Copy should primarily identify station.
	Monument	1 per lot	60 sq. ft. per sign face, 2 faces max.	6 ft.	Must be in landscaped area	Yes	Price signs allowed in compliance with State law.
	Special service signs	1 per service	10% building face, 25 sq. ft. max.	10 ft. or eave height, whichever is less	Flat on wall	Yes	Copy limited to special service (e.g., car wash, mini-mart, repair services).
	Directional signs	1 per pump island, 4 per station max.	2 sq. ft. per sign face	10 ft. or eave height, whichever is less	Flat on wall or canopy	No	Copy limited to directions such as self-serve, full-serve, air, water, cashier, etc.

(Ord. 527, 8-4-1997)

**11-16-7: SIGN DESIGN STANDARDS:**

Each sign shall complement the architectural style and setting of the structure or use represented.

A. Relationship To Structures: Building wall and facade signs shall be compatible with the predominant visual elements of the structure(s), including, but not limited to, construction materials, color, or other design feature consistent with Section 11-16-5 of this Chapter. Commercial centers, offices, industrial complexes, and other similar facilities shall be part of a sign program in compliance with the provisions of this Section, and shall provide a compatible visual design common in theme to all applicable structures and uses.

B. Relationship To Other Signs: Where there is more than one sign, all signs should be complementary to each other in the following ways:

1. Letter size and style of copy;
2. Shape of total sign and related components;
3. Type of construction materials (cabinet, sign, copy, supports, etc.); and
4. Method used for supporting sign (wall or ground base).

C. Landscaping: Each freestanding/monument sign shall be designed to complement the architectural character of the structure(s), and shall be located within a planted landscaped area which is of a shape and design that will provide a compatible setting and ground definition to the sign.

D. Relationship To Street/Public Right Of Way: Signs shall be designed and located such that they do not obstruct any pedestrian, bicyclist, or driver's view of the public right of way.

1. No sign shall be located in or project into the present or future right of way of any public street unless specifically authorized by other provisions of this Section.

2. No sign shall interfere with the sight distance of motorists/cyclists proceeding on or approaching adjacent streets, alleys, driveways, or parking area(s), or of pedestrians proceeding on or approaching adjacent sidewalks or pedestrianways.

3. No sign suspended over or projecting into the area above a driveway located on private property shall be situated at a height of less than fifteen feet (15') above the surface of the driveway.

4. No sign suspended over, or projecting into, the area above a pedestrianway shall be situated at a height of less than seven feet six inches (7'6") above the ground surface. (Ord. 527, 8-4-1997)

**11-16-8: ABATEMENT OF NONCONFORMING SIGNS:**

Any additional development of a site, or change of use, occupancy, tenant, or sign copy (with the exception of window signs) shall require that nonconforming signs be brought into conformance with this Chapter. (Ord. 527, 8-4-1997)

**11-16-9: REMOVAL OF ILLEGALLY INSTALLED/MAINTAINED SIGNS:**

A. Permanent/Fixed Signs: The Planning Director or designee shall remove or cause the removal of any fixed, permanent sign constructed, placed or maintained in violation of this Chapter, after fifteen (15) days following the date of mailing of registered or certified written notice to the owner of the property as shown on the latest assessment roll. The notice shall describe the sign and specify the violation, and indicate that the sign will be removed if the violation is not corrected within ten (10) days. If the owner disagrees with the determination of the Planning Director, the owner may, within the ten (10) day period request a hearing before the Planning Director to determine the existence of a violation.

B. Temporary Signs: The Planning Director or designee shall have the authority to remove illegal temporary signs without any notice requirements.

C. Storage Of Removed Signs: Signs removed by the Planning Director or designee in compliance with this Section shall be stored for a period of 10 days, during which time they may be recovered by the owner upon payment to the City of costs of removal and storage. If not recovered prior to expiration of the ten (10) day period, the sign and supporting structures shall be declared abandoned and title thereto shall vest to the City, and the cost of removal shall be billed to the owner.

D. Alteration And Removal Of Dangerous, Obsolete And Nonconforming Signs And Advertising Structures: For the purpose of this Section, certain signs and advertising structures are hereby declared dangerous, obsolete or nonconforming and shall be removed or altered to conform as follows:

1. Dangerous Signs: A dangerous sign is defined as any sign which is an immediate peril or a potential menace to the safety of persons or property. The Building Inspector shall give a written order for the repair or removal of any dangerous sign to the owner of the property upon which such sign is located. If such owner fails to remove or repair such sign within the period of time specified by the Building Inspector, the Building Inspector may cause the removal of such sign and may enter upon such property for such purpose. Any cost accrued by the City in the removal of such sign shall be charged to the owner of the property upon which sign is located at a rate established by resolution of the City Council to cover the costs of such removal.

2. Obsolete Signs: Any accessory sign hereafter existing which no longer advertises a bona fide business conducted or product sold on the premises where such sign exists shall be removed or made to conform by the owner of the building, structure, or property upon which such sign is located within ninety (90) days after written notification by the Building Inspector, or the Building Inspector may cause the removal of such sign. Any cost accrued by the City shall be treated in the same manner as provided for dangerous signs.

3. Nonconforming Signs: For the purposes of this Section, the following time schedule for the permitted continuance of nonconforming signs shall apply:

a. Signs which are nonconforming because of their lighting, movement, or animation shall be made to conform or be removed within ninety (90) days after written notification by the Building Inspector.

b. When such nonconforming signs are removed at or before the end of the required amortization period, every future sign shall be in conformance with the provisions of this Section. Repairs and alterations necessary to maintain a nonconforming sign shall not be construed as lengthening the amortization period set forth by this Section.

E. Replacement Of Signs Upon Change Of Use: When a use within a building, a part of a building, or a site is changed to another use, the sign relating to the new use shall be made to conform to the provisions of this Section. (Ord. 527, 8-4-1997)

## CHAPTER 17

### GENERAL PROVISIONS AND EXCEPTIONS

**SECTION:**

**11-17-1: Addition Of Permitted Uses**

**11-17-2: Use Of Nonconforming Sites**

**11-17-3: Nonconforming Uses And Structures**

**11-17-4: Clarification Of Ambiguity Or Interpretation**

**11-17-5: Height Limitations; Measurement And Exceptions**

**11-17-6: Garage/Yard Sales Within Residential Districts**

**11-17-7: Landscaping**

**11-17-8: Maintenance Of Landscaped Areas**

**11-17-9: Adult Bookstores, Adult Theaters**

**11-17-1: ADDITION OF PERMITTED USES:**

A. Upon application or on its own initiative, the planning commission may add a use to the list of permitted uses prescribed in chapters 5 through

13 of this title, if the commission makes the following findings:

1. That the addition of the use to the list of permitted uses will be in accordance with the purposes of the district in which the use is proposed.
2. That the use has the same basic characteristics as the uses permitted in the district.
3. That the use reasonably can be expected to conform with the required conditions prescribed for the district.
4. That the use will not be detrimental to the public health, safety or welfare.
5. That the use will not create more vehicular traffic than the volume normally created by the uses permitted in the district.
6. That the use will not adversely affect the character of any district in which it is proposed to be permitted.
7. That the use will not create more odor, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the other uses permitted in the district.
8. That a use will not create any greater hazard of fire or explosion than the hazards normally created by any of the uses permitted in the district.

B. When a use has been added to a list of permitted uses in accordance with the procedure prescribed in this section, the use shall be deemed to be listed as a permitted use in the appropriate section and shall be added to the text of that section of this code when it is next published, with a notation of the date when the use was added to the list. (Ord. 527, 8-4-1997)

#### **11-17-2: USE OF NONCONFORMING SITES:**

Except as otherwise provided in this section, a site having an area, frontage, width or depth, less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to the adoption of this title, and which had a legal area, frontage, width and depth at the time that the subdivision map, deed or contract of sale was recorded, may be used for any permitted use listed for the district in which the site is located, but shall be subject to all other regulations for such district. (Ord. 527, 8-4-1997)

#### **11-17-3: NONCONFORMING USES AND STRUCTURES:**

##### **A. Purposes:**

1. A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this code, but which, under this code, does not conform with the use regulations for the district in which it is located. This section is intended to limit the number and extent of nonconforming uses by prohibiting their enlargement and their reestablishment after abandonment and by prohibiting the alteration of the structures they occupy and their restoration after destruction, within a reasonable period of time.

2. A nonconforming structure is a structure which was lawfully erected prior to the adoption of this Title, but which, under this Title, does not conform with the standards of coverage, yard space, height of structures or distance between structures prescribed in the regulations for the district in which the structure is located. While permitting the use and maintenance of nonconforming structures, this Section is intended to limit the number and extent of nonconforming structures by prohibiting their being moved, altered or enlarged so as to increase the discrepancy between existing conditions and the standards prescribed in this Code and by prohibiting their restoration after destruction, within a reasonable period of time.

3. Priorities for enforcement under this Section shall be as follows, in descending order of importance:

- a. Uses listed under subsection G1 of this Section.
- b. Nonconforming uses.

##### **B. Continuation And Maintenance:**

1. A use lawfully occupying a structure or a site on the effective date of this Code or of amendments thereto which does not conform with the use regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued, except as otherwise provided in this Section.

2. A structure lawfully occupying a site on the effective date of this Code or of amendments thereto, which does not conform with the standards of coverage, front yard, side yards, rear yard or distances between structures prescribed in the regulations for the district in which the structure is located, shall be deemed to be a nonconforming structure and may be used and maintained except as otherwise provided in this Section.

3. A sign or outdoor advertising display of any character lawfully occupying a site on the effective date of this Code or amendments thereto, which does not conform with the standards for subject matter, location, size, lighting, or movement prescribed for the district in which it is located, shall be deemed to be a nonconforming sign or outdoor advertising structure, and may be displayed and maintained except as otherwise provided in this Section.

4. Routine maintenance and repairs may be performed on a structure or site, the use of which is nonconforming, on a nonconforming structure, and on a nonconforming sign or outdoor advertising structure.

C. Alterations And Additions To Nonconforming Uses And Signs: Except as provided in Section 11-16-9D of this Title, no structure, the use of which is nonconforming, and no nonconforming sign shall be moved, altered, or enlarged unless required by law or unless the moving, alteration or enlargement will result in the elimination of the nonconforming use. No structure partially occupied by a nonconforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use. Exceptions to these regulations are permitted only for the minor expansion of a nonconforming use or structure under conditional use procedures of this Code.

D. Alterations And Additions To Nonconforming Structures: No nonconforming structure shall be altered or reconstructed so as to increase the amount of floor space or the discrepancy between existing conditions and the standards of coverage, front yards, side yards, rear yards, heights of structures or distances between structures prescribed for the district in which the structure is located, except as may be permitted through the granting of a conditional use permit under the provisions of Chapter 19 of this Title. The modest expansion of a nonconforming use which may be allowed within any zoning district under Chapter 19 of this Title shall not exceed fifty percent (50%) of the existing floor area of the structure.

E. Abandonment Of Nonconforming Use: Whenever a nonconforming use has been abandoned, discontinued or changed to a conforming use for a continuous period of six (6) months, the nonconforming use shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located.

##### **F. Restoration Of Damaged Structure:**

1. Whenever a nonconforming use, or a nonconforming structure shall be destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of less than seventy five percent (75%), the structure may be restored and the nonconforming use may be resumed, provided that restoration is started within one year and diligently pursued to completion. The extent of damage to any structure shall be determined by the Building Official, and shall be based upon the ratio of the estimated cost of restoring the use or structure to its condition prior to such damage

to the estimated cost of duplicating the entire structure as it existed prior thereto.

2. Whenever a nonconforming use or a nonconforming structure shall be destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of seventy five percent (75%) or more, or shall be voluntarily razed or shall be required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the nonconforming use shall not be resumed.

**G. Elimination Of Nonconforming Uses And Structures:**

1. The following nonconforming uses and structures shall be discontinued and completely removed or altered and converted to a conforming status within five (5) years after the effective date of this Code:

- a. A nonconforming use which does not occupy a structure.
- b. A nonconforming use occupying a structure having an assessed valuation of less than one hundred dollars (\$100.00).
- c. A nonconforming outdoor advertising structure.
- d. A nonconforming sign within a C District.
- e. Abandoned or dilapidated signs in accordance with the provisions of Chapter 16 of this Title.

2. A nonconforming home occupation shall be discontinued within one year.

3. Uses permitted only within an RA, R, or RM District which are located in a C or MI District, and uses permitted only in a C or M District which are located in an RA, R or RM District shall be completely removed or altered and converted to a conforming status upon abandonment for six (6) months or more.

4. The period of amortization shall begin on the date the use first became nonconforming on or after the effective date of this Code. The time schedule is deemed to provide for the amortization of the affected use. When a nonconforming use is removed, every future use shall be in conformity with the provisions of this Code. Repairs necessary to maintain a nonconforming use and other maintenance, not exceeding an assessed valuation of two thousand five hundred dollars (\$2,500.00), shall not be construed as lengthening the useful life of the nonconforming use, except in the case of repairs and maintenance to uses listed under subsection G1 of this Section.

5. Fences, walls and hedges which do not conform to the provisions of this Code governing the erection of fences, walls and hedges in relation to street intersections shall, within one month of receipt of written notification by the Planning Director, be removed or made to conform.

H. Time When Use, Structure Or Sign Becomes Nonconforming: Whenever a use or structure becomes nonconforming because of a change of zoning district boundaries or a change of regulations for the district in which the site is located, the period of time prescribed in this Section for the elimination of the use shall be computed from the effective date of the change of district or regulations, and the Building Official shall carry out the provisions of subsection I of this Section, in respect thereto.

I. Records And Notification Of Nonconforming Status Of A Use, Structure Or Sign: Within one hundred eighty (180) days after the effective date of this Title, and amendments thereto, the Planning Director shall compile a list of all structures or uses which shall have become nonconforming by the adoption of this Title under the provisions of subsection H of this Section, together with a description of their locations and the names and addresses of all persons whose names appear on the latest adopted tax roll of Kings County as owning such nonconforming structures, uses or signs, which list shall be recorded in the office of the Kings County Recorder with copies placed on file with each title company operating within Kings County.

Within one year after the effective date of this Title, the Planning Director shall notify, in writing, the owners of all nonconforming structures, uses signs and fences, walls and hedges of the nonconforming status of their property and the date when such structure or use shall be removed or made conforming by said owners, if such removal or conformance is required by the provisions of this Title. An excerpt of this Title will be attached to said notice which excerpt shall include all of the provisions of this Section.

J. Effect Of Eminent Domain: If any land, right-of-way easement be taken by eminent domain, or be granted to the condemnor under actual threat of suit in eminent domain, the following provisions and exceptions shall apply:

1. If the area of a lot is reduced below the minimum requirement thereby, such lot shall be deemed to be a legal substandard lot under the provisions of Section 11-17-2 of this Chapter, and any existing building or structure thereon shall be deemed to be nonconforming.

2. If a required yard is reduced or eliminated thereby, any affected building or structure shall be deemed nonconforming; provided, however that such building or structure may be structurally altered or enlarged as long as such alterations or enlargements comply with all other requirements of the Zoning District.

3. If any required parking space on a lot is reduced or eliminated thereby, the provisions of Chapter 14 of this Title shall not be construed to require the replacement of the required parking space.

K. Change Of Nonconforming Use: Except as otherwise set forth in this Section, the nonconforming use of a structure or site may be changed to another nonconforming use provided the change of use is approved by the Commission in accordance with the following procedure:

1. An application for a change of use shall be made to the Commission on a form prescribed by the Commission, which form shall include the following data:

- a. The name and address of the applicant;
- b. A statement that the applicant is the owner of the property or is the authorized agent of the owner;
- c. The address or description of the property; and
- d. A statement of the precise nature of the existing or preexisting nonconforming use and the proposed nonconforming use and any other data pertinent to the findings prerequisite to the granting of the application as set forth in subsection K4 of this Section.

The application shall be filed with the Planning Director. Notice shall be given to the applicant of the time when the application will be considered by the Commission, and notice may be given of the time to any other interested party.

2. The Commission shall hold a public hearing on an application for a change of use. Notice of the hearing shall be given not less than ten (10) days, nor more than thirty (30) days, prior to the date of the hearing in the manner set forth in Chapter 19 of this Title.

3. The Planning Director shall make an investigation of the application and shall prepare a written report thereon, which report shall be submitted to the Commission. The Commission shall consider the report of the Planning Director before action on the application.

4. The Commission may grant an application for a change of use if, on the basis of the application and the evidence submitted, the

Commission makes the following findings:

- a. That the proposed use is classified in a more restricted category than the existing or preexisting use by the district regulations of this Chapter. The classification of a nonconforming use shall be determined on the basis of the district in which it is first permitted; provided, however, a conditional use shall be deemed to be in a less restrictive category than a permitted use in the same district;
- b. That the proposed use will not more adversely affect the character of the district in which it is proposed to be located than the existing or preexisting use;
- c. That the proposed use will not create more vehicular or rail traffic than the volumes created by the existing or preexisting use;
- d. That the proposed use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount created by the existing or preexisting use; and
- e. That the proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

5. The Commission may grant an application for a change of use for a limited time period or subject to such conditions as the commission may prescribe. The commission may deny an application for a change of use.

6. An action of the commission granting an application for a change of use shall become null and void six (6) months following the date of the action unless, prior to the expiration of six (6) months, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion on the site which was the subject of the application. The action of the commission may be made effective for an additional six (6) months if, within six (6) months of the original application, an application to continue the action in effect is made to the commission. The commission may grant or deny an application to continue its action in effect.

7. An action of the commission granting an application for a change of use subject to conditions shall be revoked by the commission if the conditions are not complied with.

8. Following the date of denial of an application for a change of use or the revocation of an action of the commission granting an application, no application for the same, or substantially the same, structure on the same, or substantially the same, site shall be filed within six (6) months of the denial of the application or the revocation of the action of the commission. (Ord. 527, 8-4-1997)

#### **11-17-4: CLARIFICATION OF AMBIGUITY OR INTERPRETATION:**

A. In the event of need for any clarification or interpretation of the provisions of this title, the planning commission shall ascertain all pertinent facts and by resolution shall set forth its findings. Said resolution shall be transmitted to the city council. If approved by the council, said clarifications or interpretation shall govern until modified by resolution adopted in like manner or by appropriate amendment to this title.

B. The authority of the planning commission and city council prescribed by this section shall apply in all of the following cases:

1. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, subject to the additional requirements of section 11-17-1 of this chapter.
2. If ambiguity exists with reference to matters of height, yard area, and other requirements.
3. If uncertainty exists with reference to zone district boundary.
4. If an unforeseen condition arises or technological changes have been introduced which require interpretation of their impact on the provisions of this title.
5. If ambiguity or uncertainty arises as to the meaning of any word or provision contained in this title. (Ord. 527, 8-4-1997)

#### **11-17-5: HEIGHT LIMITATIONS; MEASUREMENT AND EXCEPTIONS:**

A. The height of a structure shall be measured vertically from the average elevation of the surface of the ground covered by the structure to the highest point of the structure; provided, however, the provisions of this section shall not apply to the height of any structure necessary for public safety or as required by any law or regulation of the state or an agency thereof.

B. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain buildings, and fire and parapet walls, skylights, towers, spires, cupolas, road signs (where permitted), flagpoles, chimneys, smokestacks, television and radio masts, or similar structures, may be erected above the height limit but shall not be allowed for the purpose of providing additional floor space. (Ord. 527, 8-4-1997)

#### **11-17-6: GARAGE/YARD SALES WITHIN RESIDENTIAL DISTRICTS:**

The sale of personal possessions in outdoor areas of a dwelling within an RA, R-1, RM, or PO zoning district shall be limited to no more than two (2) such sales per year. Commonly referred to as "garage sales"/"yard sales", such sales may be conducted on any three (3) consecutive days during the week, including weekends, and unsold possessions shall be removed from public view and stored within the premises. Materials offered for sale shall be personal possessions. No materials shall be offered for sale which have been acquired solely for purposes of the "garage/yard sale". Possessions offered for sale shall be neatly displayed. The driveway, garage/yard or other space used for purposes of the sale shall be restored to its normal residential character at the conclusion of the sale. (Ord. 595, 8-6-2007)

#### **11-17-7: LANDSCAPING:**

A. Whenever this Zoning Code requires landscaping, the following standards of design, installation and maintenance shall be observed:

1. When property is undeveloped at the time landscaping requirements are imposed, all required landscaping shall be provided and maintained prior to the time a main building is occupied for any use requiring a building or when any open use, other than agricultural occurs on the property.
2. Landscaping provided in conjunction with any use requiring a site plan shall be generally designated on the site plan. Prior to issuance of any building permit, a detailed landscape planting, irrigation and grading plan shall be submitted to a scale of not less than one inch (1") equalling forty feet (40'), which shall show the location, size and variety of all planting, water supply, contours and similar designations.

B. Every property owner or occupant shall be responsible for the maintenance and care of all trees, shrubs, plants and vegetation in the street right of way abutting such property.

C. Except for driveways and as otherwise provided by the Code, all required yard shall be landscaped. Each residential parcel of land or lot shall have a minimum of one medium sized tree (30–60 feet at maturity) for each residential unit. Each commercial or industrial parcel of land or lot shall have a minimum of one medium sized tree for every four (4) parking spaces. Two (2) small trees (15–30 feet at maturity) shall be counted as one medium sized tree. (Ord. 527, 8-4-1997)

#### **11-17-8: MAINTENANCE OF LANDSCAPED AREAS:**

A landscaped area provided in compliance with the regulations prescribed in this Title or as a condition of a site plan review, a use permit or



variance shall be planted with live and healthy plant materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be replaced as needed to screen or ornament the site. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed or otherwise maintained to assure compliance with the regulations requiring landscaped areas. Landscaped areas within sites subject to site plan review shall be watered by automatic systems. (Ord. 527, 8-4-1997)

**11-17-9: ADULT BOOKSTORES, ADULT THEATERS:**

The adult uses defined in Chapter 24 are recognized as having serious objectionable characteristics which are incompatible with, and may have a deleterious effect upon, adjacent areas. The adult uses subject to the provisions of this Section shall not be located or maintained within one thousand feet (1,000') of the nearest street entrance or exit from any residential area, public library, public playground or park, public or private school or elementary or high school grades, nursery schools or child care nurseries, church, convent, monastery, synagogue, or other place of worship, or another existing adult use. (Ord. 527, 8-4-1997)

## **CHAPTER 18**

### **USES PERMITTED BY ADMINISTRATIVE REVIEW/APPROVAL; UTILITY TOWERS AND LINES; WIRELESS COMMUNICATION TOWERS**

**SECTION:**

**11-18-1: Purpose And Application**

**11-18-2: Procedure**

**11-18-3: Findings**

**11-18-4: Notice Of Decision**

**11-18-5: Appeals**

**11-18-6: Revocation**

**11-18-7: Building Permit Review By Planning Department**

**11-18-8: Review Of Utility Towers And Lines**

**11-18-9: Wireless Telecommunications Towers**

**11-18-10: Site Requirements And Setbacks**

**11-18-11: Site Development Standards**

**11-18-12: Conditional Use Permit Application Requirements**

**11-18-13: Processing And Approval Of Conditional Use Permit**

**11-18-1: PURPOSE AND APPLICATION:**

A. The purpose of requiring administrative review/approval of certain enumerated uses is to determine whether or not, in any particular case, a use listed under a section of district regulations entitled "Permitted Uses: Administrative Review/Approval" should be treated as a conditional use because of the peculiar circumstances and conditions of the case. Some commercial uses require administrative review to ensure that the site is appropriate for the use. Such administrative review usually requires a site plan review as part of the administrative review process. This Chapter sets forth the procedure for review/approval of such use by an administrative act where findings can be made that such use is in conformance with the intent and provisions of the district regulations and other applicable regulation of this Code. The provisions of this Chapter take cognizance of the impracticality of listing certain uses as categorically possessing the characteristics of those uses listed under either the "Permitted Use" or "Conditional Use: Commission Approval" sections of the various districts provided in this Code.

B. Except as provided in subsections 11-18-5C and Section 11-18-7 of this Chapter, the provisions of this Section 11-18-1 through Section 11-18-6 of this Chapter shall apply to all uses listed as permitted uses, subject to administrative review/approval.

C. As a matter of policy, any use listed as subject to administrative review/approval shall be considered as if it were a permitted use in the district where listed unless otherwise found to require modifications under the review procedures provided in this Chapter. (Ord. 527, 8-4-1997)

**11-18-2: PROCEDURE:**

A. An application for administrative review/approval shall be submitted to the Planning Department on a form prescribed by the Planning Director. The application shall include a statement of the use proposed and a site plan prepared in accordance with and subject to the provisions of Chapter 20 of this Title.

B. The Planning Director shall review the proposed use to ascertain all facts pertinent thereto, and in writing, shall state either approval, approval with conditions of the proposed use, or denial of the application together with findings and reasons for such decision within fifteen (15) working days, of the acceptance of the application by the City.

1. The Planning Director may determine that an application for site plan review cannot be deemed complete without the appropriate environmental assessment or the obtaining of a permit from another agency which may have discretionary authority over some aspect of the proposed project.

2. Should the Planning Director make the determination that such conditions exist that require an environmental assessment or the discretionary approval of another agency, the applicant shall be notified in writing of such requirements and that the application will not be deemed complete until such requirements have been met.

C. In approving the use, the Planning Director shall impose such conditions and requirements as may be applicable as allowed in Chapter 19 or Chapter 20 of this Title. (Ord. 527, 8-4-1997)

**11-18-3: FINDINGS:**

A. The Planning Director may approve an application for administrative review/approval as the permit was originally filed, if on the basis of the application and information submitted, the findings prescribed in Chapter 19 of this Title can be made, plus the following additional findings.

B. That the use will not involve any process, equipment or materials which, in the opinion of the Planning Director, will be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any hazards of fire or explosion.

C. That the proposed use will be harmonious with existing structures and use of land in the vicinity. (Ord. 527, 8-4-1997)

#### **11-18-4: NOTICE OF DECISION:**

One copy of the signed and dated, written decision of the Planning Director shall be mailed to the applicant. (Ord. 527, 8-4-1997)

#### **11-18-5: APPEALS:**

A. In the event the applicant is not satisfied with any condition or conditions of review/approval imposed by the Planning Director, the applicant may submit an application to the Planning Commission to appeal the decision of the Planning Director in the same manner as subsection C of this Section.

B. Appeals filed in the event of Planning Director disapproval of an application for a mobile home on a permanent foundation shall be processed as provided under subsections C, D, and E of this Section.

C. Within fifteen (15) days following the date of a decision by the Planning Director, the decision may be appealed in writing to the Planning Commission by the applicant or any interested party. An appeal shall be filed with the Planning Director, and shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Director, or wherein the decision is not supported by the evidence in the record. The applicant shall submit such additional information and data not previously submitted with the application for administrative review/approval, within five (5) days following the filing of an appeal.

D. The Planning Director shall give notice in writing to the applicant and to the appellant (if the applicant is not the appellant) of the time when the appeal will be considered by the Planning Commission.

E. The Planning Commission shall hear the appeal at its next regular meeting to be held not less than fourteen (14) days after the filing of the appeal. The Commission may affirm, modify or reverse a decision of the Planning Director, provided that if the decision is modified or reversed, the Commission shall make such a decision on the basis of the record and such additional evidence as may be submitted. In the case of an appeal on a mobile home, the Planning Commission shall make a finding that the project is consistent with the requirements of subsection 11-10-2A of this Title. The decision of the Commission shall be final, unless appealed to the City Council under the provisions of Section 11-20-4 of this Title. (Ord. 527, 8-4-1997)

#### **11-18-6: REVOCATION:**

Upon violation of any applicable provisions of this Title, or if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, the administrative review/approval shall be automatically suspended. Once determined by the Planning Director that such noncompliance exists, a notice of suspension shall be sent immediately to the person or persons responsible for noncompliance by the Planning Director. Within thirty (30) days of the suspension, the City Council shall consider the suspension. If not satisfied that the regulation, general provision, condition or conditions are being complied with, the City Council may revoke the administrative review/approval or take such action as may be necessary to ensure compliance with the regulation, general provision, condition or conditions. Before acting on the suspension, the City Council may refer the matter to the Planning Commission for a report and recommendations. (Ord. 527, 8-4-1997)

#### **11-18-7: BUILDING PERMIT REVIEW BY PLANNING DEPARTMENT:**

Before a building permit shall be issued for any building or structure proposed as part of an approved application for administrative review/approval, the Planning Director shall determine that the proposed building location, facilities and improvements conform to the site plan and conditions as approved. (Ord. 527, 8-4-1997)

#### **11-18-8: REVIEW OF UTILITY TOWERS AND LINES:**

A. Application: The provisions of this Section shall not be construed as to limit or interfere with the construction, installation, operation and maintenance of any use coming under the jurisdiction of the Public Utilities Commission, which uses are related to the public utility purposes or water and gas pipes, mains and conduits, telegraph and telephone lines, pole-mounted repeaters, telephone booths, sewers and sewer mains, electric light and power distribution and transmission lines, except as provided in subsection B of this Section.

B. Procedure: The routes of proposed gas or electric transmission lines be submitted to the Planning Director for review and recommendations. The Planning Director shall confine review of an application to the route, placement and height of such towers or lines and effect on land use.

1. Power transmission lines shall be those lines which are intended to transmit gas or electric energy from:

- a. The source of such energy to a receiving substation.
- b. A receiving substation to a distribution substation.

2. Prior to the acquisition of rights of way, the following plans and information shall be submitted to the Planning Department for review and recommendations:

- a. The location of the proposed route.
- b. Type of towers and transmission lines.
- c. Approximate height of towers or size of lines.
- d. Widths of right of ways.
- e. Other pertinent data.

3. The Planning Director may, when in the public interest, recommend such modifications as deemed necessary to protect the health, safety and welfare.

4. The Planning Director shall complete the review and make findings within sixty (60) days after the filing of said plans and data.

C. Appeals: The recommendations of the Planning Director may be appealed to the City Council within fifteen (15) days of the completion of the review and findings. The appeal shall be placed on the agenda of the next regular meeting of the City Council. The Council shall review the findings and recommendations and shall act to uphold, modify or disapprove the recommendations of the Planning Director. (Ord. 527, 8-4-1997)

#### **11-18-9: WIRELESS TELECOMMUNICATIONS TOWERS:**

A. Application: This Section is directed at determining and permitting the appropriate location for the placement of towers and antennas to serve local resident and business needs for wireless telecommunications. It is the intent of this Section to permit towers and antennas that are not zoned for residential use and with sufficient setbacks from surrounding uses to ensure safety in the case of collapse caused by powerful storms or other natural disasters or lack of maintenance, and avoidance of the path of low flying aircraft. Such permitted towers or antennas should provide for adequate site safety, landscaping, access, and ensure the long-term maintenance and eventual removal of the tower or antenna. To the extent possible siting of new towers or antennas should consider the feasibility of shared use of towers and antennas by more than one service provider. A conditional use permit is required for the construction and operation of any wireless telecommunications towers and antennas to ensure that surrounding property owners have an opportunity to consider and comment with regard to the proposal and that appropriate conditions of approval are applied to the proposed use to ensure that public health, safety, and welfare are protected.

B. Permitted Locations: Wireless telecommunications towers and antennas may be constructed after first obtaining a conditional use permit in accordance with Chapter 19 of this Title and complying with the requirements of this Chapter. Wireless telecommunications towers and antennas may be permitted by conditional use permit in Industrial Zones, Service Commercial Zones, Highway Commercial Zones, and Agricultural Zones. (Ord. 527, 8-4-1997)

**11-18-10: SITE REQUIREMENTS AND SETBACKS:**

A. Any site upon which a wireless telecommunications tower or antenna is proposed shall meet the following development standards:

1. Site setbacks shall be equal to one hundred percent (100%) of the proposed height of the tower or antenna as measured from the base of the tower or antenna. Exception to the setback requirement shall be allowed if engineering documentation is provided that the tower or antenna is designed to collapse within itself, in such case the minimum setback shall be fifty percent (50%) of the tower or antenna height.

The size and dimensions of the minimum lot size shall be determined by the distance of the setback from the property boundary or any public street. (Ord. 527, 8-4-1997)

**11-18-11: SITE DEVELOPMENT STANDARDS:**

A. A condition of approval of any such facility is that the property owner or owner of the facility and successors in interest shall provide for and maintain performance security acceptable to the City in an amount equal to the estimated cost of removing the tower or antenna. Failure to maintain such performance security shall constitute a violation of the conditional use permit issued to the facility and grounds for revocation of such conditional use permit.

B. A condition of approval of any such facility is that landscaping shall be required for any facility within one hundred feet (100') of any public street and is visible to any public street. Such landscaping shall consist of a combination of ground cover and at least one row of six foot (6') tall (at maturity) evergreen trees adjacent or proximate to the security fence. Water conservative vegetation should be employed in the landscaping plan along with drip irrigation facilities.

C. Any other conditions of approval deemed appropriate by the Planning Commission and/or City Council which protect the public health, safety and welfare. (Ord. 527, 8-4-1997)

**11-18-12: CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS:**

A. In addition to any other conditional use permit requirements established by Chapter 19 of this Title, the applicant shall provide the Planning Director with the following:

1. A report prepared by a licensed civil engineer that addresses the following issues:

a. Safety criteria for the height of the proposed tower or antenna considering the maximum wind speeds that may be encountered;

b. A site plan consistent with the requirements of Chapter 20 of this Title. Included in the site plan shall be the engineer certification based on soils tests, that designed tower or antenna footings are appropriately designed for safety;

c. A statement that the tower or antenna complies with applicable structural standards, including maximum wind speeds. The statement shall also include a description of the failure characteristics of the tower or antenna and demonstrate that setbacks to the nearest property line are sufficient to contain debris should the tower collapse;

d. A statement regarding compliance with radio frequency standards of the Federal Communications Commission and that the tower or antenna and its reception and transmission functions will not interfere with the usual and customary transmission or reception of radio, television, and other services on adjoining properties;

e. A statement describing the tower's maximum capacity, including the number of antennas that it can accommodate for co-location.

2. A written statement from the property owner or facility owner that addresses the following issues:

a. Due diligence has been undertaken in seeking and subsequent failure to find space on an existing tower or antenna to co-locate the proposed antenna(s);

b. That alternative structures, such as roofs of existing buildings or structures, have been evaluated and that they cannot be successfully used to achieve the height needed for the tower or antenna;

c. Compliance with or exemption from FCC, FAA, NEPA, California Public Utilities Commission, CEQA, and any other Federal or State regulations applicable to the siting;

d. Agreement of the property owner or tower or antenna owner and their successors in interest to allow shared use of the tower or antenna if: 1) capacity exists based on existing and planned use, 2) a future applicant for space on the tower or antenna agrees in writing to pay reasonable charges for shared use, and 3) the potential use is technically compatible;

e. Delineation of the site boundaries and property boundaries of the proposed location;

f. Description of the tower or antenna structure to be constructed and the types of anchors (guy wires and anchors, etc.) to be used for the facility;

g. Description of the access to the facility including type of surface material to be installed and a description of the parking area and the surface to be installed;

h. Description of any accessory building to the tower or antenna, its location, size, shape, and public utilities necessary (water, sewer, electrical, etc.);

i. Anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, traffic generation, noise, or safety impacts of such maintenance;

j. Provision of liability insurance for the operation and maintenance of the tower and antenna, with a provision to notify the City if such insurance should expire for any reason;

k. The estimated cost of tower or antenna removal. The applicant shall also provide proof of a performance bond or other instrument acceptable to the City to cover the cost of tower or antenna removal should the property owner or tower or antenna owner or successors in interest fail to remove the tower or antenna in a period of six (6) months after the cessation of use as a wireless communication facility, or in the event that the City determines that the tower or antenna has become a hazard to the public health, safety or welfare because of lack of maintenance;

l. A plan for removal of the tower or antenna within six (6) months should the facility cease to be used as a wireless communication facility, or in the event that the City determines that the tower or antenna has become a hazard to the public health, safety or welfare because of lack of maintenance;

- m. A signage plan consistent with the sign regulations in Chapter 16 of this Title;
- n. A security plan which describes any fencing required for the facility and how such security plan will promote the security of the facility;
- o. A plan for landscaping any facility within one hundred feet (100') of any public street and is visible to any public street. Such landscaping shall consist of a combination of ground cover and at least one row of six foot (6') tall (at maturity) evergreen trees adjacent or proximate to the security fence. Water conservative vegetation should be employed in the landscaping plan along with drip irrigation facilities. (Ord. 527, 8-4-1997)

**11-18-13: PROCESSING AND APPROVAL OF CONDITIONAL USE PERMIT:**

The conditional use permit application shall be processed in the manner prescribed in Chapter 19 of this Title. Appeals to any decision of the Planning Director or the Planning Commission shall be consistent with Chapter 19 of this Title. (Ord. 527, 8-4-1997)

## CHAPTER 19

### PERMITS FOR CONDITIONAL USES

**SECTION:**

**11-19-1: Purpose And Application**

**11-19-2: Powers Of The Planning Commission**

**11-19-3: Application And Fee**

**11-19-4: Relationship To Environmental Assessment And Impact Reporting Procedures**

**11-19-5: Application–Public Hearing By Planning Commission**

**11-19-6: Public Hearing Notice Requirements**

**11-19-7: Public Hearing Conduct And Rules Of Procedure**

**11-19-8: Findings And Conditions Prerequisite To Granting Permit**

**11-19-9: Planning Commission Decision–Resolution Required**

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**11-19-11: Time Limit For Development–Renewal Restrictions**

**11-19-12: Mapping**

**11-19-13: Revocation Or Modification Procedures**

**11-19-14: New Application**

**11-19-15: Use Permit To Run With Land**

**11-19-16: Minor Revisions To A Previously Approved Conditional Use Permit**

**11-19-1: PURPOSE AND APPLICATION:**

In certain districts, conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special considerations so that they may be located properly with respect to the objectives of the Zoning Code and with respect to their effects on surrounding properties. In order to achieve these purposes, and thus give the district use regulations of this Title additional flexibility necessary to achieve the objectives of this Title, the Planning Commission following a public hearing is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon the granting of use permits, subject to review by the City Council. (Ord. 527, 8-4-1997)

**11-19-2: POWERS OF THE PLANNING COMMISSION:**

The Planning Commission, following a public hearing, may grant use permits for such conditional uses in such districts as are prescribed in the district regulations of this Title in accordance with the procedure prescribed in this Code. (Ord. 527, 8-4-1997)

**11-19-3: APPLICATION AND FEE:**

A. Application for a use permit shall be made to the Planning Department, which shall include the following data:

1. Name and address of applicant.
2. Statement that the applicant is the owner of the property or is the authorized agent of the owner or the plaintiff in an action of eminent domain to acquire the property involved.
3. Address or description of the property.
4. Statement setting forth the precise circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right, together with any other data pertinent to the findings prerequisite to the granting of a use permit.
5. A drawing of the site and the surrounding area for a distance of at least three hundred feet (300') from each boundary of the site showing the existing locations of streets and property lines and a list of the names and last known addresses of the recorded legal owners, as shown on the latest adopted assessment roll of Kings County, of all properties shown on the drawing. County Assessor's maps may be used for this purpose.
6. Seven (7) copies of a site plan, drawn to scale, which shall indicate clearly and with full dimensions, the following information:
  - a. Dimensions: Lot or site dimensions.
  - b. Floor Plans And Elevations: Preliminary floor plans and front, side and rear elevations of proposed structures, if available.
  - c. All Buildings And Structures: Location, size, height, proposed use.
  - d. Water, Sewer And Drainage Services: The location and size of water, sewer, and drainage service on-site and off-site systems to serve the proposed project.
  - e. Yards: Yards and space between buildings.

f. Landscaping Plan And Design: A landscaping plan and design for street frontages, surrounding signs, parking lots and, if necessary, open space areas. Landscaping plans shall include irrigation concept and provisions for maintenance of such landscaped areas.

g. Walls And Fences: Location, height and materials.

h. Off-Street Parking And Off-Street Loading: Location, number of spaces and dimensions of parking and loading areas, internal circulation pattern.

i. Access: Pedestrian, vehicular service, points of ingress and egress, internal circulation.

j. Signs: Location, size, height and type of illumination, if any, including a multi-tenant sign program as required by Chapter 16 of this Title.

k. Lighting: Location and general nature, specifications of hooding devices as necessary to confine lighting spillover to adjacent property. (Ord. 527, 8-4-1997)

#### **11-19-4: RELATIONSHIP TO ENVIRONMENTAL ASSESSMENT AND IMPACT REPORTING PROCEDURES:**

A. Environmental Assessment: A proposed conditional use permit application shall be considered in relation to requirements of City policy governing the preparation of environmental assessments. The conditional use permit may be approved with conditions that will enable findings that the proposed project will not have a significant adverse physical effect on the environment and that a negative declaration should be prepared which may or may not contain mitigation measures that may become conditions of the conditional use permit.

B. Environmental Impact Reports: Where it is determined by the City that an Environmental Impact Report (EIR) is required for a proposed project, action on a proposed site plan shall be deferred until such time as the EIR has been prepared and reviewed pursuant to provisions of the City's guidelines and State law. The Planning Commission shall, at the completion of said EIR review, attach such conditions to the approval of the conditional use permit as in their judgement will mitigate or reduce to acceptable levels any of the environmental impacts identified during review of the EIR. The Planning Commission may deny a conditional use permit if it is found that such mitigation or reduction of environmental impacts is not feasible. (Ord. 527, 8-4-1997)

#### **11-19-5: APPLICATION—PUBLIC HEARING BY PLANNING COMMISSION:**

A. A public hearing shall be held by the Commission not less than ten (10) nor more than forty (40) days after the filing of a complete application for a conditional use permit, notice of which shall be given in the manner prescribed in subsection 11-19-6C of this Chapter.

B. An application shall not be deemed complete until all applicable fees have been paid and the environmental assessment as described in Section 11-19-4 of this Chapter has been completed and accepted by the Planning Director.

C. At the public hearing, the Commission shall review the application and the statement and drawing submitted therewith, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 11-19-4 of this Chapter.

D. The public hearing shall be conducted in accordance with the rules and procedures specified in Section 11-19-7 of this Chapter. (Ord. 527, 8-4-1997)

#### **11-19-6: PUBLIC HEARING NOTICE REQUIREMENTS:**

A. For the purposes of this Chapter, any proposal for a conditional use permit or amendment or modification to a conditional use permit, or revocation or suspension of a use permit, shall be referred to as a "conditional use permit".

B. Notice of the time and place of any public hearing on the matter of any conditional use permit shall be given by the Commission or its secretary by at least one publication in a newspaper of general circulation, published and circulated in the City, not less than ten (10) calendar days prior to such hearing and by such other means as the Commission may deem necessary or desirable. The notice shall contain a general explanation of the matter to be considered and a general description of proposed conditional use permit.

C. Notice of the time and place of any public hearing on the matter of a conditional use permit shall also be given by the Commission or its secretary by mailing in the United States mail a written notice thereof, not less than ten (10) calendar days prior to such hearing, to all persons, including businesses, corporations or other public or private entities, whose names and addresses appear on the latest equalized assessment roll as owning real property within three hundred feet (300') of the outer boundaries of the parcel of land on which the conditional use permit will be considered; and additionally to the tenants of such property, if they are not the listed property owner within three hundred feet (300') of the outer boundaries of the parcel of land on which the conditional use permit will be considered. The notice shall contain a general explanation of the matter to be considered and a general description of the proposed conditional use permit. (Ord. 527, 8-4-1997)

#### **11-19-7: PUBLIC HEARING CONDUCT AND RULES OF PROCEDURE:**

A. The public hearings provided for in this Chapter shall be held at the time and place for which such hearings were set and notices thereof given.

B. Any such hearing may be continued by the majority of the members present at any hearing, who may fix a time and place to which such hearing may be continued, even in the absence of a quorum, in which case the presiding officer at such hearing shall publicly announce, prior to the conclusion of the hearing, the time and place to which the hearing is to be continued, and no further notice shall be required. In the absence of all of the members of the Commission at the time and place for which such hearing was set, it shall be deemed continued to the next regular meeting of the Commission, and no further notice shall be required.

C. A majority in number of the total voting membership of the Commission shall constitute a legal quorum for the purposes of conducting such hearing.

D. The decision of the Commission on any conditional use permit shall be by a resolution of the Commission, carried by the affirmative votes of not less than a majority of its total membership. A tie vote shall be considered a technical denial.

E. The Commission shall have the authority to establish any reasonable rules of procedure for the conduct of such hearing. The Commission may cause investigations to be made as it deems necessary and in the public interest in any matter to be heard by it. Such investigations may be made by a committee of one or more members of the Commission, or by the members of its staff, or by its agents or employees.

The facts established by such investigations shall be submitted to the Commission, either in writing to be filed with the records of the matter, or in testimony before the Commission, and may be considered by the Commission in making its decision.

F. The Commission shall cause a written summary of all pertinent testimony heard at such public hearing, together with a record of the names and addresses of all persons testifying, to be prepared and filed with the papers relating to such matter. (Ord. 527, 8-4-1997)

#### **11-19-8: FINDINGS AND CONDITIONS PREREQUISITE TO GRANTING PERMIT:**

The Planning Commission, before granting a conditional use permit, shall make all of the following findings:

A. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Title to adjust said use with land and uses in the neighborhood;

B. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

C. That the proposed use will have no adverse effect upon adjoining or other properties. In making this determination, the Commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings; walls and fences; landscaping; outdoor lighting; signs; and such other characteristics as will affect surrounding property;

D. That the proposed use is consistent with the objectives and policies of the Corcoran General Plan, or any specific plans, area plans, or planned developments approved by the City;

E. That the conditions established by the Commission for the conditional use permit are deemed necessary to protect the public health, safety and general welfare. Conditions may include the following:

1. Requiring special yards, spaces and buffers,
2. Requiring fences and walls,
3. Requiring enclosure of storage areas and limitation on outdoor display of merchandise,
4. Regulation of grading, surfacing, and drainage improvements,
5. Regulation of points of vehicular ingress and egress,
6. Regulation of signs,
7. Requiring landscaping and maintenance thereof,
8. Requiring maintenance of grounds,
9. Requiring fire prevention equipment and measures,
10. Regulation of noise, vibration, odors, etc.,
11. Regulation of time (hours or days of operation) for certain activities,
12. Establishing a time period within which the proposed use shall be developed,
13. Regulation of the time period for which the use permit will be valid and the use may be operated,
14. Regulation of lighting,
15. Requiring a bond or deposit of money to assure faithful compliance and performance on the part of the applicant for the completion of street improvements and other facilities or the removal of such facilities,
16. Requiring street dedications and improvements,
17. Requiring site plan review for a use, building or structure, and such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Chapter. (Ord. 527, 8-4-1997)

**11-19-9: PLANNING COMMISSION DECISION—RESOLUTION REQUIRED:**

A. The Commission, by written resolution, may approve, approve with conditions, disapprove, or disapprove without prejudice a conditional use permit application. The resolution shall describe the basis for the decision, including whether or not the findings set forth in Section 11-19-8 of this Chapter have been made.

B. The Commission shall have thirty (30) days after the conclusion of a public hearing to render its decision on a conditional use permit application. Failure of the Commission to adopt a resolution within the aforementioned thirty (30) day period shall be deemed to constitute a denial of the application.

C. The decision of the Commission shall be final unless appealed to the Council in accordance with the procedure specified in Section 11-19-10 of this Chapter.

D. The Commission shall cause a copy of its resolution to be mailed to the applicant within ten (10) days from the date of adoption thereof.

E. No building permit or business license shall be issued where a conditional use permit has been approved or conditionally approved by the Commission until such permit has been granted by the Commission and after the appeal period has expired and then only in accordance with the terms and conditions of the conditional use permit granted and only if the approval or conditional approval of the conditional use permit by the Commission has not been appealed to the Council pursuant to the procedure specified in Section 11-19-10 of this Chapter. (Ord. 527, 8-4-1997)

**11-19-10: APPEAL FROM PLANNING COMMISSION DECISION—CITY COUNCIL AUTHORITY:**

A. In case the applicant is not satisfied with the action of the Commission he may, within ten (10) days after the date of mailing as shown by the postmark of the resolution mentioned in subsection 11-19-9D of this Chapter, or within ten (10) days after the expiration of the thirty (30) day period mentioned in subsection 11-19-9B of this Chapter, file in writing with the City Clerk an appeal to the Council. Said appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Commission, or whereby its decision is not supported by the evidence in the record.

B. In case any party other than the applicant, including the Planning Director, is not satisfied with the action of the Commission he/she may, within ten (10) days after the date of adoption of the resolution of the Commission, or within ten (10) days after the expiration of the thirty (30) day period mentioned in subsection 11-19-9B of this Chapter, file in writing with the City Clerk an appeal to the Council. Said appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Commission, or whereby its decision is not supported by the evidence in the record.

C. The Council shall set a date for a public hearing on the appeal and shall post notices as set forth in Section 11-19-6 of this Chapter. The date for the public hearing shall not be less than ten (10) nor more than thirty (30) days from the date on which the appeal was filed.

D. Notice shall also be given to the Commission of such appeal, and the Commission shall submit a report to the Council setting forth the reason for its action or shall be represented at the hearing.

E. The Council may affirm, reverse or modify a decision of the Commission; provided, however, that if a decision denying a conditional use permit is reversed or a decision granting a use permit is modified, the Council shall, on the basis of the record transmitted and such additional evidence as may be submitted, make the findings prerequisite to the granting of a conditional use permit as prescribed in Section 11-19-8 of this Chapter.

F. The Council shall render its decision by resolution within thirty (30) days after the conclusion of the public hearing held on the appeal. Failure

of the Council to adopt a resolution within the aforementioned thirty (30) day period shall be deemed to constitute a denial of the appeal.

G. The Council shall cause a copy of its resolution to be mailed to the applicant within ten (10) days from the adoption thereof.

H. The decision of the Council shall be final, and shall have immediate effect. (Ord. 527, 8-4-1997)

**11-19-11: TIME LIMIT FOR DEVELOPMENT-RENEWAL RESTRICTIONS:**

A. A conditional use permit shall lapse and become void one year following the date on which the conditional use permit became effective unless by conditions of the conditional use permit a lesser or greater time is prescribed, or unless, prior to the expiration, either the use is being diligently pursued in accordance with the conditional use permit, or a building permit is issued by the Building Official and construction is commenced and is being diligently pursued in accordance with the conditional use permit. A conditional use permit may be renewed for an additional period of one year or for a lesser or greater period as may be specified, provided that an application for renewal is filed with the Commission prior to the expiration of the time period granted. The Commission, pursuant to the procedure set forth in Section 11-19-9 of this Chapter, may grant or deny an application for renewal.

B. A conditional use permit shall lapse and become void if there is a discontinuance for a continuous period of six months of the exercise of rights granted under said permit. A conditional use permit may be renewed for an additional period of time as may be specified by the Commission, provided that an application for renewal is filed with the Commission prior to the expiration of the aforementioned one- year period. The Commission, pursuant to the procedure set forth in Section 11-19-9 of this Chapter, may grant or deny an application for renewal. (Ord. 527, 8-4-1997)

**11-19-12: MAPPING:**

Within ten (10) days of the approval or conditional approval of a conditional use permit, the City Clerk shall indicate on the Official Zone Map the lot or lots affected by said permit. The indication shall show the number of the resolution adopting said permit. (Ord. 527, 8-4-1997)

**11-19-13: REVOCATION OR MODIFICATION PROCEDURES:**

A conditional use permit may be revoked or modified in the manner and under the conditions set forth in Section 11-19-9 of this Chapter. (Ord. 527, 8-4-1997)

**11-19-14: NEW APPLICATION:**

Should the Planning Commission deny an application for a use permit, no application for a use permit for the same or substantially the same use on the same or substantially the same site shall be filed within six (6) months from the date of denial or revocation of the use permit, except when the Planning Commission denies "without prejudice". (Ord. 527, 8-4-1997)

**11-19-15: USE PERMIT TO RUN WITH LAND:**

A. A use permit granted pursuant to the provisions of this Chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application.

B. Any expansion of the use or structures or area associated with such use not originally approved in the conditional use permit shall require a modification to the conditional use permit pursuant to Section 11-19-7 of this Chapter. (Ord. 527, 8-4-1997)

**11-19-16: MINOR REVISIONS TO A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT:**

A. A use permit granted under the provisions of this Chapter or a conforming conditional use established prior to the enactment of this Title may be revised as to features of the site plan previously approved, provided that such revisions are minor, as determined by the Planning Director. Application for minor revisions to the site plan shall be made in writing, including two (2) copies no larger than eleven by seventeen (11 x 17) of the revised site plan, to the Planning Director. The Planning Director may approve such revisions, if the Planning Director can determine that the revisions will not substantially change the intensity or character of the use as previously approved by the Planning Commission.

1. Such minor revisions shall be reduced to writing and included as a notation of amendment to such use permit.

2. The applicant for such minor amendment shall be informed as to the decision of the Planning Director within fifteen (15) working days after the decision of the Planning Director.

3. The Planning Director shall report to the Planning Commission at their next regular meeting as to the scope of the minor revision and the findings that allowed such minor revision. (Ord. 527, 8-4-1997)

## CHAPTER 20

### SITE PLAN REVIEW

**SECTION:**

**11-20-1: Purpose And Application**

**11-20-2: Site Plan Review Application To Be Submitted**

**11-20-3: Referral And Action**

**11-20-4: Appeal To The Planning Commission**

**11-20-5: Appeal To The City Council**

**11-20-6: Conditions Of Approval And Findings**

**11-20-7: Street Dedications And Improvements**

**11-20-8: Relationship To Environmental Assessment And Impact Reporting Procedures**

**11-20-9: Building Permit**

**11-20-10: Lapse Of Site Plan Approval**

**11-20-11: Revocation**

**11-20-12: Site Plan Approval To Run With Land**

**11-20-13: Minor Revisions To A Previously Approved Site Plan**

**11-20-1: PURPOSE AND APPLICATION:**

A. To provide a process where the Planning Director and, upon appeal, the Planning Commission are required to review proposed projects and

make findings that the proposed project conforms with the intent and provisions of the district and associated improvement standards and to guide the Building Official in the issuance of building permits. More specifically, the requirement for site plan review is provided to ensure that structures, parking areas, loading areas, access, walkways, refuse containers, landscaping, public water, sewer, and drainage, on-site drainage as necessary, and street improvements are properly related to their sites and to surrounding sites and structures; to ensure that public street capacities are not exceeded or require improvements to traffic conditions as appropriate; to prevent excessive grading of the land and creation of drainage hazards; to prevent the indiscriminate clearing of property and the destruction of trees and shrubs of ornamental value; to avoid unsightly, inharmonious, monotonous and hazardous site development, including signs; and to encourage originality in site design and development in a manner which will enhance the physical appearance and attractiveness of the community. The site plan review process is also intended to provide for expeditious review of environmental assessments required by official policy of the City and the State.

B. Site plan review provisions of this Chapter shall apply to the following uses:

1. Any use within the RCO, UR, RA, R, RM, PO, CN, CC, CS, CH, CD, CO, IL, IH, and IP Districts, and excepting single-family residential use which is to be constructed on a site with complete street improvements. Single-family residential units may require a conditional use permit in some districts.

2. Some uses subject to administrative review/approval as defined in Chapter 18 of this Title.

3. Any use subject to an environmental assessment under applicable provisions of City policy as adopted by resolution pursuant to the California Environmental Quality Act of 1970, as amended.

C. Minor change in property use or change in occupancy:

1. Minor changes in property use or occupancy that do not warrant full site plan review as determined by the Planning Director will be required to make reasonable minor improvements or upgrade existing improvements as per Section 11-20-5 of this Chapter.

2. Minor changes in property use or occupancy that are obviously in a neglected state of repair or maintenance as determined by the Planning Director will be required to be processed as a site plan review and be required to totally upgrade the property as per Section 11-20-5 of this Chapter.

D. Site plan review shall not be required for any use approved as a conditional use under Chapter 19 of this Title. (Ord. 527, 8-4-1997)

#### **11-20-2: SITE PLAN REVIEW APPLICATION TO BE SUBMITTED:**

A. The applicant shall submit seven (7) copies of the site plan review application, drawings and any specifications to the Planning Director. The site plan shall be drawn to scale and indicate clearly and with full dimensions, the following information:

1. Dimensions: Lot or site dimensions.

2. All Buildings And Structures: Location, size, height, proposed use.

3. Yards: Yards and space between buildings.

4. Walls And Fences: Location, height and materials.

5. Off-Street Parking And Off-Street Loading: Location, number of spaces and dimensions of parking and loading areas, internal circulation direction of travel.

6. Access: Pedestrian and vehicular points of ingress and egress from public streets, internal circulation.

7. Signs And Sign Program For Multi-Tenant Projects: Location, size, height and type of illumination, if any, including hooding devices.

8. Lighting: Location and general nature, hooding devices to prevent lighting spillover onto neighboring parcels.

9. Streets: Name all adjacent streets, roads or alleys, showing right of way and dedication widths, reservation widths, and all types of improvements existing or proposed.

10. Landscaping: Location, type, size and botanical name of plants and method of irrigation. A description of maintenance provisions for landscape areas.

11. Refuse Enclosures: Location, type and material.

12. Other: Such other data pertaining to site development as may be required by the Planning Director to make the required findings. (Ord. 527, 8-4-1997)

#### **11-20-3: REFERRAL AND ACTION:**

A. Within fifteen (15) working days after the site plan review application has been deemed to be complete, the Planning Director shall review the site plan. If the Planning Director determines that the site plan cannot be approved without the granting of a variance or use permit, or the enactment of an amendment to this Title, the applicant shall be informed in writing of such conclusion and the findings leading to that conclusion, and a recommendation as to the process for consideration of such variance, use permit, or amendment to this Title.

1. The Planning Director may determine that an application for site plan review cannot be deemed complete without the appropriate environmental assessment or the obtaining of a permit from another agency which may have discretionary authority over some aspect of the proposed project.

2. Should the Planning Director make the determination that such conditions exist that require an environmental assessment or the discretionary approval of another agency, the applicant shall be notified in writing of such requirements and that the application will not be deemed complete until such requirements have been met.

B. Except as provided under subsection A of this Section, within sixty (60) days after site plan review application is deemed to be complete, the Planning Director shall approve, approve with conditions, or disapprove the site plan. In approving the site plan, the Commission shall make the findings prescribed under Section 11-19-8 of this Title. The action of the Planning Commission shall be final unless appealed to the City Council.

1. The Planning Director may determine that based on the potential to impact surrounding property owners that an administrative public hearing on the site plan should be conducted. Should, in the opinion of the Planning Director, such a public hearing be desirable, an administrative public hearing shall be scheduled consistent with the requirements of Chapter 25 of this Title.

a. The Planning Director shall conduct the hearing as the hearing officer and shall present the application and take testimony in favor of, or in opposition to the proposed project.

b. Should an administrative public hearing be conducted, the Planning Director shall include evidence and testimony entered as part of the record at that hearing in any findings required for the site plan approval, modification, or denial.

C. The approved site plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the Planning Director, with one



copy mailed to the applicant and one copy filed with the Building Official.

D. Revisions by the applicant to an approved site plan shall be resubmitted to the Planning Department in the manner required for drawings first submitted. (Ord. 527, 8-4-1997)

**11-20-4: APPEAL TO THE PLANNING COMMISSION:**

Within fifteen (15) days following the date of a decision of the Planning Director on a site plan review application, the decision may be appealed to the Planning Commission in the manner as prescribed in Chapter 18 of this Title, by the applicant or any other interested party. (Ord. 527, 8-4-1997)

**11-20-5: APPEAL TO THE CITY COUNCIL:**

A. Within fifteen (15) days following the date of a decision of the Planning Commission on a site plan review application, the decision may be appealed to the City Council by the applicant or any interested party. A written appeal and required fees shall be filed with the City Clerk. The appeal document shall contain information claiming and documenting that there was an error or abuse of discretion by the Planning Commission or wherein the decision was not supported by the evidence in the record.

B. The City Clerk within ten (10) working days shall give notice to the applicant and to the appellant (if appellant is not the applicant) of the time when the appeal will be considered by the City Council at the next available regular meeting.

C. The City Council shall hear the appeal, and may affirm, reverse, or modify a decision of the Planning Commission, provided that if a decision is modified or reversed, the Council shall, on the basis of the record transmitted and such additional evidence as may be submitted, make the applicable findings prerequisite to the approval of a site plan as prescribed in Section 11-20-6 of this Chapter.

D. A site plan review appealed to the City Council shall become effective immediately following the date on which the site plan is affirmed or modified by the Council. (Ord. 527, 8-4-1997)

**11-20-6: CONDITIONS OF APPROVAL AND FINDINGS:**

A. In recommending approval of a site plan, the Planning Director shall state those conditions of approval necessary to protect the public health, safety and general welfare. Such conditions may include, but are not limited to, consideration and/or requirement of the following:

1. Special yards, spaces and buffers.
2. Fences and walls.
3. Surfacing of parking areas and provisions for surface water drainage subject to City specifications.
4. Requiring street dedications and improvements, subject to the provisions of Section 11-20-7 of this Chapter, including service roads or alleys when practical, and the requiring of drainage, sewer and water connection fees when applicable.
5. Regulation of points of vehicular ingress and egress.
6. Regulation of signs, in accordance with the standards prescribed under Chapter 16 of this Title.
7. Requiring maintenance of the grounds and the undergrounding of utilities.
8. Requiring the design and installation of landscaping and refuse enclosures and maintenance thereof.
9. Regulation of noise, vibration, odors and other similar characteristics.
10. Measures necessary to eliminate or to effect mitigation to acceptable levels of adverse environmental impacts.
11. Regulation of time for certain activities to be conducted on the site.
12. Regulation of the time period within which the proposed use shall be developed.
13. A bond, deposit of money, recorded lien secured by deed of trust, or letter of credit for the completion of street and site improvements and other facilities or for the removal of such use within a specified period of time, to assure conformance with the intent and purposes set forth in this Title.
14. Such other requirements to protect the public health, safety and welfare which reasonably may be required by the Planning Director.

B. In taking action on a proposed site plan, the Planning Director shall make all of the following findings:

1. All applicable provisions of this Title are complied with.
2. The following are so arranged that traffic congestion is avoided and that pedestrian and vehicular safety and welfare are protected and there will not be adverse effect on surrounding property:
  - a. Facilities and improvements;
  - b. Vehicular ingress, egress, internal circulation and off- street parking and loading;
  - c. Setbacks;
  - d. Height of buildings;
  - e. Location of service;
  - f. Walls and fences;
  - g. Landscaping, including screen planting and street trees;
  - h. Drainage of site;
  - i. Refuse enclosures;
  - j. Proposed lighting is so arranged as to deflect the light away from adjoining properties;
  - k. Proposed signs will comply with all of the applicable provisions of Chapter 16 of this Title;
  - l. That adequate provision is made to reduce adverse or potentially adverse environmental impacts to acceptable levels.

C. In making the above findings, the Planning Director shall determine that approvals will be consistent with established legislative policies relating to traffic safety, street dedications and street improvements, environmental quality, and to zoning, fire, police, building and health codes. (Ord. 527, 8-4-1997)

**11-20-7: STREET DEDICATIONS AND IMPROVEMENTS:**

A. Because of changes that may occur due to drainage conditions, utility service requirements, or vehicular traffic generated by facilities requiring a site plan review, the following dedications and improvements may be deemed necessary and may be required as a condition or conditions to the approval of any site plan:

1. Development bordering or traversed by an existing street: if the development borders or is traversed by an existing street, the applicant may be required to:

- a. Dedicate all necessary rights of way to widen a bordering minor or collector street to the extent on one-half ( $\frac{1}{2}$ ) the ultimate width established by the City as the standard for such minor or collector street, or the full extent required for a frontage road.
- b. Dedicate all necessary rights of way to widen a traversing minor or collector street to its ultimate width established by the City as the standard for such minor or collector street.
- c. Dedicate all necessary rights of way to widen a bordering or traversing major arterial street to the standards of width established by the City for an arterial street under subsection A1a and A1b of this Section.
- d. Set back all facilities the required distance from ultimate property lines along a major arterial street as shown on any master, official or precise plan of streets and highways, or by the General Plan.
- e. Install curbs, gutters, sidewalks, street signs, street lights and street trees along one side of a bordering or along both sides of a traversing minor, collector or major street.
- f. Install utilities and drainage facilities to the full extent of the service requirements generated by the development.
- g. Grade and improve traversing minor or collector streets from curb to center line of the ultimate right of way.
- h. Grade and improve traversing minor or collector streets from curb to curb.
- i. Grade and improve the parking lane and one traffic lane adjacent to the development, along a bordering major arterial street.
- j. Grade and improve both parking lanes and the two (2) outside traffic lanes of a traversing major arterial street.
- k. Except as provided in subsection A1b and A1c of this Section, all new roads shall be dedicated and improved in accordance with the requirements of subsection A1a hereof.

2. Where a frontage road is provided and improved along a major arterial street in accordance with City standards, the curb, gutter, sidewalk, street sign, street light, grading and paving requirements of subsection A1e and A1j of this Section, pertaining to the arterial street shall not be required.

3. Where total access to or from a bordering or traversing major arterial street is prohibited as a condition of approval or by law, the curb, gutter, sidewalks, street sign, street light, grading and paving requirements of subsection A1e and A1j of this Section, pertaining to arterial streets shall not be required.

B. All improvements shall be to City standards existing at the time the site plan is approved and shall be installed at the time of the proposed development. Where it is determined by the City that it is impractical to put in any or all improvements at the time of the proposed development, an agreement to make such improvements may be accepted in lieu thereof. In any event, the applicant shall enter into an agreement with the City for the provision of improvements before a building permit may be issued, at which time there shall be money deposited with or in favor of the City, or a letter of credit or performance bond posted with the City, in an amount equal to one hundred fifty percent (150%) of the estimated cost of improvements, as estimated by the City Engineer, to guarantee the making of such improvements.

C. Street dedications and improvements which may be required by this Section shall be considered only on the principle that they are required as near as practical in proportion to the traffic, utility and other demands generated by the proposed development. (Ord. 527, 8-4-1997)

**11-20-8: RELATIONSHIP TO ENVIRONMENTAL ASSESSMENT AND IMPACT REPORTING PROCEDURES:**

A. Environmental Assessment: A site plan approved pursuant to the provisions of this Chapter shall be considered in relation to requirements of City policy governing the preparation of environmental assessments. The site plan may be approved with conditions that will enable findings that the proposed project will not have a significant adverse physical effect on the environment and that a negative declaration should be prepared.

B. Environmental Impact Reports: Where it is determined by the City that an Environmental Impact Report (EIR) is required for a proposed project, action on a proposed site plan shall be deferred until such time as the EIR has been prepared and reviewed pursuant to provisions of the City's guidelines and State law. The Planning Commission and City Council shall, at the completion of said EIR review, attach such conditions to the approval of the site plan as in their judgment will mitigate or reduce to acceptable levels any of the environmental impacts identified during review of the EIR. The Planning Commission and City Council may deny a site plan if it is found that such mitigation or reduction of environmental impacts is not feasible. (Ord. 527, 8-4-1997)

**11-20-9: BUILDING PERMIT:**

Before a building permit shall be issued for any building, structure or sign proposed as part of an approved site plan, the Building Official shall determine that the proposed building location, facilities and improvements are in conformity with the approved site plan. Before a building may be occupied or a sign erected, the Building Official shall certify to the Planning Director that such improvements have been made in conformity with the plans and conditions approved by the City. (Ord. 527, 8-4-1997)

**11-20-10: LAPSE OF SITE PLAN APPROVAL:**

A site plan approval shall lapse and shall become void one year following the date on which approval by the Planning Director, Planning Commission or City Council became effective unless, prior to the expiration of one year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan. Approval may be extended for an additional period or periods of one year upon written application to the Planning Director before expiration of the first approval. (Ord. 527, 8-4-1997)

**11-20-11: REVOCATION:**

The revocation of a site plan shall be governed by the provisions of Chapter 18 of this Title. (Ord. 527, 8-4-1997)

**11-20-12: SITE PLAN APPROVAL TO RUN WITH LAND:**

A site plan approval pursuant to the provisions of this Chapter shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the site plan. (Ord. 527, 8-4-1997)

**11-20-13: MINOR REVISIONS TO A PREVIOUSLY APPROVED SITE PLAN:**

A site plan approved under the provisions of this Chapter may be revised as to features of the site plan previously approved, provided that such provisions are minor as determined by the Planning Director. Application for minor revisions shall be made in the same manner as prescribed in Chapter 18 of this Title. (Ord. 527, 8-4-1997)

## CHAPTER 21

### RECYCLING FACILITIES

#### SECTION:

##### 11-21-1: Definitions

##### 11-21-2: Permits Required

##### 11-21-3: Criteria And Standards

##### 11-21-1: DEFINITIONS:

A. Recyclable Material: Recyclable material is reusable material including, but not limited to, metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material may include used motor oil collected and transported in accordance with sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

B. Recycling Facility: A recycling facility is 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:

1. 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 except as indicated in subsection 11-21-3D of this Chapter. Collection facilities may include the following:

- a. Reverse vending machine(s);
- b. Small collection facilities which occupy an area of not more than five hundred (500) square feet, and may include:
  - (1) A mobile unit;
  - (2) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet;
  - (3) Kiosk type units which may include permanent structures;
  - (4) Unattended containers placed for the donation of recyclable materials.
2. Large collection facilities which may occupy an area of more than five hundred (500) square feet and may include permanent structures.

C. 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 (45,000) square feet of gross collection, processing and storage area and has up to an average of two (2) 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.

D. Reverse Vending Machine(s): A reverse vending machine is an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three (3) container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

A bulk reverse vending machine is a reverse vending machine that is larger than fifty (50) square feet; designed to accept more than one container at a time; and will pay by weight instead of container.

E. Mobile Recycling Unit: A mobile recycling unit means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials. (Ord. 527, 8-4-1997)

##### 11-21-2: PERMITS REQUIRED:

No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a permit pursuant to the provisions set forth in this Section. Recycling facilities may be permitted as set forth in following table. As used in the table "administrative permit" is the permit that may be sought for the applicable recycling uses if the required permit is denied, or at the discretion of an applicant who does not want to meet the standards for an administrative permit.

In addition to the permits described in the table below a reverse vending machine(s) or a small collection facility may also be allowed in special zones which allow uses permitted in commercial or industrial zones with an administrative permit; and a large collection facility or processing facility may be allowed in agricultural zones with a conditional use permit:

Type Of Facility	Zones Permitted	Permit Required
Type Of Facility	Zones Permitted	Permit Required
Reverse vending machine(s)	All commercial	
	All industrial	Administrative
Small collection	All commercial	Conditional use
	All industrial	
Large collection	Commercial	Conditional use
	Industrial	Site plan

Light processing	Heavy commercial	Conditional use
	All industrial	Site plan
Heavy processing	Light industrial	Conditional use
	Heavy industrial	Site plan

A. Permits For Multiple Sites: A single administrative permit may be granted to allow more than one reverse vending machine(s) or small collection facility located on different sites under the following conditions:

1. The operator of each of the proposed facilities is the same;
2. The proposed facilities are determined by the Planning Director to be similar in nature, size and intensity of activity; and

All of the applicable criteria and standards set forth in Section 11-21-3 of this Chapter are met for each such proposed facility. (Ord. 527, 8-4-1997)

#### 11-21-3: CRITERIA AND STANDARDS:

Those recycling facilities permitted with an administrative permit shall meet all of the applicable criteria and standards listed. Those recycling facilities permitted with a conditional use permit or site permit shall meet the applicable criteria and standards, provided that the Planning Director, Planning Commission, or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Section and the purposes of this Title.

A. Reverse Vending Machine(s): Reverse vending machine(s) located within a commercial structure do not require discretionary permits. Reverse vending machines do not require additional parking spaces for recycling customers and may be permitted in all commercial and industrial zones with an administrative use permit provided that they comply with the following standards:

1. Shall be 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;
2. Shall be located within thirty feet (30') of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
3. Shall not occupy parking spaces required by the primary uses;
4. Shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight feet (8') in height;
5. Shall be constructed and maintained with durable waterproof and rustproof material;
6. Shall be clearly marked to identify the type of material to be deposited, operating instruction, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
7. Shall have a sign area of a maximum of four (4) square feet per machine, exclusive of operating instructions;
8. Shall be maintained in a clean, litter-free condition on a daily basis;
9. Operating hours shall be at least the operating hours of the host use;
10. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

B. Small Collection Facilities: Small collection facilities may be sited in commercial and industrial zones with an administrative permit provided they comply with the following conditions:

1. Shall be established in conjunction with an existing commercial use or community service facility which is in compliance with the Zoning, Building and Fire Codes of the City;
2. Shall be no larger than five hundred (500) square feet and occupy no more than five (5) parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;
3. Shall be set back at least ten feet (10') from any street line and shall not obstruct pedestrian or vehicular circulation;
4. Shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil may be accepted with permission of the local public health official;
5. Shall use no power-driven processing equipment except for reverse vending machines;
6. Shall use containers that are constructed and maintained within durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
7. Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;
8. Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
9. Shall not exceed noise levels of sixty (60) dBA as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed seventy (70) dBA;
10. Attended facilities located within one hundred feet (100') of a property zoned or occupied for residential use shall operate only during the hours between nine o'clock (9:00) A.M. and seven o'clock (7:00) P.M.;
11. Containers for the twenty four (24) hour donation of materials shall be at least thirty feet (30') from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding use;
12. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
13. Signs may be provided as follows:
  - a. Recycling facilities may have identification signs with a maximum of sixteen (16) square feet, in addition to informational signs required in subsection B13c of this Section; in the case of a wheeled facility, the side will be measured from the pavement to the top of the container;

- b. Signs must be consistent with the character of the location;
  - c. Directional signs, bearing no advertising message, may be installed with the approval of the Planning Director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right of way;
  - d. The Planning Director may authorize increases in the number and size of signs upon finding that it is compatible with adjacent businesses.
14. The facility shall not impair the landscaping required by local ordinances for any concurrent use by this Title or any permit issued pursuant thereto;
15. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed;
16. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
17. Occupation of parking spaces by the facility and by the attendant may not reduce available parking for the primary host use unless all of the following conditions exist:
- a. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;
  - b. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;
  - c. The permit will be reconsidered at the end of eighteen (18) months.

A reduction in available parking spaces in an established parking facility may then be allowed as follows:

For a commercial host use:

Number Of Available Parking Spaces	Maximum Reduction
0-25	0
26-35	2
36-49	3
50-99	4
100+	5

For a community facility host use:

A maximum five (5) spaces reduction will be allowed when not in conflict with parking needs of the host use.

18. If the permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration.
- C. Large Collection Facilities: A large collection facility is one that is larger than five hundred (500) square feet, or is on a separate property not appurtenant to a host use, and which may have a permanent building. A large collection facility is permitted in neighborhood commercial zones with a minor use permit and in other commercial and industrial zones with a site development permit, provided the facility meets the following standards:
- 1. Facility does not abut a property zoned or planned for residential use;
  - 2. Facility will be screened from the public right of way by operating in an enclosed building or:
    - a. Within an area enclosed by an opaque fence at least six feet (6') in height with landscaping;
    - b. At least one hundred fifty feet (150') from property zoned or planned for residential use;
    - c. Meets all applicable noise standards in this Title;
  - 3. Setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located;
  - 4. All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the Fire Department and Health Department. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;
  - 5. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;
  - 6. Space will be provided on site for six (6) vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the Zoning Administrator determines that allowing overflow traffic above six (6) vehicles is compatible with surrounding businesses and public safety;
  - 7. One parking space will be provided for each commercial vehicle operated by the recycling facility. Parking requirements will be as provided for in the zone, except that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary such as when employees are transported in a company vehicle to a work facility;
  - 8. Noise levels shall not exceed sixty (60) dBA as measured at the property line of residentially zoned property, or otherwise shall not exceed seventy (70) dBA;
  - 9. If the facility is located within five hundred feet (500') of property zoned, planned or occupied for residential use, it shall not be in operation between seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M.;
  - 10. Any containers provided for after-hours donation of recyclables in areas zoned for or occupied by a residential use, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials;
  - 11. Donation areas will be kept free of litter and any other undesirable material, and the containers will be clearly marked to identify the type of material that may be deposited; facility shall display a notice stating that no material shall be left outside the recycling containers;
  - 12. Facility will be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs will meet the standards of the zone; and directional signs, bearing no advertising message, may be installed with the approval of the Building Inspector, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right of way;
  - 13. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities

necessary for efficient temporary storage and shipment of material, may be approved through a use permit process if noise and other conditions are met.

D. Processing Facilities: A light processing facility is permitted in heavy commercial zones and light industrial zones with a minor use permit. A large processor is permitted in light industrial zones with a conditional use permit. All processors are permitted in heavy industrial or manufacturing zones with a site development permit or according to the practice of the City for similar uses. The processing facility will meet the following conditions:

1. Facility does not abut a property zoned or planned for residential use;
2. In a commercial or light industrial zone, processors will operate in a wholly enclosed building except for incidental storage; or
  - a. Within an area enclosed on all sides by an opaque fence or wall not less than eight feet (8') in height and landscaped on all street frontages;
  - b. Located at least one hundred fifty feet (150') from property zoned or planned for residential use.
3. Power-driven processing shall be permitted, provided all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials;
4. A light processing facility shall be no larger than forty five thousand (45,000) square feet and shall have no more than an average of two (2) outbound truck shipments of material per day and may not shred, compact or bale ferrous metals other than food and beverage containers;
5. A processing facility may accept used motor oil for recycling from the generator in accordance with the California Health and Safety Code;
6. Setbacks and landscaping requirements shall be those provided for the zoning district in which the facility is located;
7. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the Fire and Health Department. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;
8. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present;
9. Space shall be provided on-site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space will be provided for a minimum of ten (10) customers or the peak load, whichever is higher, except where the Planning Director determines that allowing overflow traffic is compatible with surrounding businesses and public safety;
10. One parking space will be provided for each commercial vehicle operated by the processing center. Parking requirements will otherwise be as mandated by the zone in which the facility is located;
11. Noise levels shall not exceed sixty (60) dBA as measured at the property line of residentially zoned or occupied property, or otherwise shall not exceed seventy (70) dBA;
12. If the facility is located within five hundred feet (500') of property zoned or planned for residential use, it shall not be in operation between seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M. The facility will be administered by on-site personnel during the hours the facility is open;
13. Any containers provided for after-hours donation of recyclable materials will be at least fifty feet (50') from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials;
14. Donation areas shall be kept free of litter and other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers;
15. Sign requirements shall be those provided for the zoning district in which the facility is located. In addition, facility will be clearly marked with the name and phone number of the facility operator and the hours of operation;
16. No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties. (Ord. 527, 8-4-1997)

## CHAPTER 22

### COMBINING DISTRICTS

#### SECTION:

##### 11-22-1: PUD Planned Unit Development

##### 11-22-2: RMH Residential Manufactured Housing Combining District

##### 11-22-1: PUD PLANNED UNIT DEVELOPMENT:

A. Purpose And Application: The PUD Planned Unit Development Combining District is intended for application to those residential, professional office, commercial and industrial base zoning districts which are designated by the General Plan or by the City Council as areas to assure that property will be developed in a manner superior to that which would otherwise be achieved through regulations of the base zoning district. The PUD Combining District is also intended as an optional approach to achieving the purposes of Chapter 20 of this Title, at the discretion of the City rather than the landowner.

B. Applicable Regulations And Procedures: The development of property within the PUD Combining District shall be subject to all of the regulations and procedures prescribed in Chapter 20 of this Title. (Ord. 527, 8-4-1997)

##### 11-22-2: RMH RESIDENTIAL MANUFACTURED HOUSING COMBINING DISTRICT:

A. Purpose And Application: The RMH Residential Manufactured Housing District is intended to be applied to those R and RM Zoning Districts identified by the City Council as being suitable for the accommodation of manufactured housing on permanent foundations, in accordance with the standards prescribed under Section 11-10-4 of this Title. (Ord. 527, 8-4-1997)

## CHAPTER 23

### PLANNED UNIT DEVELOPMENTS

SECTION:

**11-23-1: Purpose And Application**

**11-23-2: Districts**

**11-23-3: Permitted Uses**

**11-23-4: Site Area**

**11-23-5: Standards**

**11-23-6: Required Conditions**

**11-23-7: Use Permit Procedure**

**11-23-1: PURPOSE AND APPLICATION:**

A. Planned unit developments (PUDs), involving the careful application of design, are encouraged to achieve a more functional, aesthetically pleasing and harmonious living and working environment within the City which otherwise might not be possible by strict adherence to the regulations of this Title.

B. In certain instances, the objectives of this Title may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zone plan or the district regulations prescribed by this Title. A planned unit development may include a combination of different dwelling types and/or a variety of land uses which are made to complement each other and harmonize with existing and proposed land uses in the vicinity, by design. In order to provide locations for such well-planned developments, the Planning Commission is empowered to grant use permits for planned unit developments, subject to review by the City Council, provided that such developments comply with the regulations prescribed in this Chapter. The Planning Commission is also empowered to zone lands for PUD under the provisions of Chapter 22 of this Title. The approval of a PUD is intended to be discretionary rather than an entitlement. (Ord. 527, 8-4-1997)

**11-23-2: DISTRICTS:**

A. A PUD may be located in any district upon the granting of a use permit in accordance with the provisions of this Chapter, or by applying the PUD Combining District in accordance with the provisions of Chapter 22 of this Title.

1. Such PUD projects including the map, development standards, and conditions, once approved by the City, shall become embodied in a map or written statement, or combination of map and written statement which shall constitute a part of the Official Zone Map of the City and this Chapter.

a. The PUD shall be designated on the Official Zone Map of the City and contain an identifying serial number consistent with the approval of, and documentation for the PUD. (Ord. 527, 8-4-1997)

**11-23-3: PERMITTED USES:**

A. A PUD shall include only those uses permitted, either as permitted uses or conditional uses, in the zoning district in which the planned unit development is located, subject to the following exceptions:

1. Any combination of uses permitted in an RA, R, RM or PO District as a permitted use, a use permitted by administrative review/approval, or a conditional use, may be included in a PUD located in an RA, R or RM District.

B. Any combination of use permitted in any CN, CC, CH, CS, CO, CD, IL or IH District as a permitted use, a use permitted by administrative approval, or conditional use, may be located in a PUD located in an IL or IH District. (Ord. 527, 8-4-1997)

**11-23-4: SITE AREA:**

A. The minimum site area for a PUD shall be one acre with the following exception:

B. For existing lots of record in older, predominantly single-family areas, where lot width is less than sixty feet (60'), the minimum site area shall be ten thousand (10,000) square feet. The minimum site area may be reduced at the discretion of the Planning Director based on exemplary PUD design. (Ord. 527, 8-4-1997)

**11-23-5: STANDARDS:**

A. The standards of site area and dimensions, site coverage, yard spaces, distances between structures, off-street parking and off-street loading facilities and landscaped areas need not be equivalent to the standards prescribed for the regulations for the district in which the PUD is located if the applicant has demonstrated by his design proposal, that the objectives of the Zoning Ordinance and the objectives of this Chapter will be achieved.

B. The average population density per net acre may exceed by not more than twenty five percent (25%), the maximum population density prescribed by the General Plan, the site area regulations or the site area per dwelling unit regulations for the district in which the PUD is to be located, if the applicant can demonstrate by his design proposal and such additional evidence as may be submitted, that the objectives of this Code will be achieved. Since planned unit development may also involve the subdivision process, the applicant must be prepared to show what changes in conventional street and lot design will be necessary to achieve desired goals. (Ord. 527, 8-4-1997)

**11-23-6: REQUIRED CONDITIONS:**

No use shall be permitted and no process, equipment or materials shall be employed which are found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or heavy truck traffic or to involve any hazard of fire or explosion. (Ord. 527, 8-4-1997)

**11-23-7: USE PERMIT PROCEDURE:**

A. The regulations prescribed in Chapter 19 of this Title shall control the procedure for making application for and processing of a use permit for a planned unit development, subject to the following procedures:

1. In lieu of the drawing of the site prescribed in Chapter 19 of this Title, the application shall be accompanied by a general development plan of the entire planned unit development, drawn to scale and showing provisions for: draining of surface waters, water courses, public utility rights of way, streets, driveways and pedestrian walks, off-street parking and loading facilities, reservations and dedications for public uses, private uses including dwelling types, lot layout, locations, heights and elevations of structures and landscaped areas.

2. The application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average population density and number of housing units per net acre in the area or areas proposed to be devoted to residential use.

3. All environmental assessment requirements shall be completed prior to the application for a PUD shall be deemed to be complete and forwarded to the Planning Commission for consideration.

4. When a PUD involves proposals which necessitate the filing of a tentative parcel map or a subdivision map and/or which would also necessitate the granting of exceptions to the regulations of the subdivision ordinance, the Planning Commission may grant tentative approval of the

proposal. Where such tentative approval is requested by the applicant, the requirements of subsection A1 and A2 of this Section may be waived temporarily, provided the applicant submits the following:

a. In lieu of the drawing of the site prescribed in subsection A1 of this Section, the application shall be accompanied by a schematic drawing drawn to a minimum scale of one inch equals one hundred feet (1" = 100'), showing the general relationships contemplated among all public and private uses and existing and proposed physical features.

b. A written statement setting forth the source of water supply, method of sewage disposal, means of drainage, dwelling types, nonresidential uses, lot layout, public and private access, height of structures, lighting, landscaped areas and provisions for maintenance of landscaped areas, area to be devoted to various uses and population density per net acre contemplated by the applicant.

Upon approval of a tentative subdivision map, in accordance with the procedures prescribed by the Subdivision Ordinance, the applicant shall submit a development plan in accordance with the requirements of subsection A1 and A2 of this Section before the Planning Commission may grant a final approval of the applicant's proposal.

B. The Planning Director shall give written notice to the applicant of the time when the application will be considered by the Planning Commission.

C. The Commission may grant a use permit for a PUD as the use permit was applied for or in modified form if, on the basis of the application and the evidence submitted, the Commission makes the following findings:

1. That the proposed location of the PUD is in accordance with the objectives of this Title.

2. That the proposed location of the PUD and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

a. And that all owners of the property within the proposed PUD have consented in writing to the adoption of a PUD and such consent has been filed with the Planning Director.

3. That the proposed PUD will comply with each of the applicable provisions of this Section.

4. That the proposed PUD will provide benefits and safeguards equal to, or greater than, those that would be provided by the regulations applicable to the proposed or existing district classifications, as the case may be, with respect to the public health, safety, comfort and general welfare, orderly physical development and growth of the City.

5. That the standards of population density, site area and dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking and off-street loading facilities, landscaped areas and street design will produce an environment of stable and desirable character consistent with the objectives of this Title, and will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.

a. Such PUD standards may vary from the property development standards of the existing or proposed underlying zoning district, provided that the variance has been clearly defined in the PUD proposal and that such variance will produce a more functional, enduring and desirable project environment, and/or affordable housing is provided, and no adverse impact to adjacent properties will result therefrom.

6. That the combination of different dwelling types and/or variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.

7. That the proposed PUD will satisfactorily mitigate potential environmental impacts in accordance with the provisions of Chapter 19 of this Title.

D. At the first regular City Council meeting held more than ten (10) days after a decision on a use permit application by the Planning Commission, the City Council shall review the decision. The City Council may affirm, reverse or modify the decision of the Planning Commission on an application for a use permit for a planned unit development, provided that if a decision denying a use permit is reversed or a decision granting a use permit is modified, the City Council shall, on the basis of the record transmitted by the Planning Commission and such additional evidence as may be submitted, make the findings prerequisite to the granting of a use permit for a PUD prescribed in subsection C of this Section. (Ord. 527, 8-4-1997)

## CHAPTER 24

### VARIANCES

#### SECTION:

##### 11-24-1: Purpose And Application

##### 11-24-2: Authority Of The Planning Commission

##### 11-24-3: Application And Fee

##### 11-24-4: Hearing And Notice

##### 11-24-5: Public Hearing; Procedure

##### 11-24-6: Action Of The Planning Commission

##### 11-24-7: Appeal To City Council

##### 11-24-8: Action Of The City Council

##### 11-24-9: Building Permit

##### 11-24-10: Lapse Of Variance

##### 11-24-11: Revocation

##### 11-24-12: New Application

##### 11-24-1: PURPOSE AND APPLICATION:

The Planning Commission is empowered to grant variances only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application this Title deprives such property of privileges enjoyed by other property in the



vicinity and under identical zoning classification. The power to grant variances does not extend to use regulations, because the flexibility necessary to avoid results inconsistent with the objectives of the Zoning Ordinance is provided by the conditional use, planned unit development and amendment provisions of this Code. (Ord. 527, 8-4-1997)

**11-24-2: AUTHORITY OF THE PLANNING COMMISSION:**

The Planning Commission may grant variances to the regulations prescribed by this Code only with respect to fences and walls, site areas, width, frontage, depth, coverage, front yard, rear yard, side yards, height of structures, lot coverage, distances between structures, off-street parking facilities and off-street loading facilities. (Ord. 527, 8-4-1997)

**11-24-3: APPLICATION AND FEE:**

A. Application for a variance shall be made to the Planning Director which shall include the following data:

1. Name and address of applicant.
2. Statement that the applicant is the owner of the property or is the authorized agent of the owner or the plaintiff in an action of eminent domain to acquire the property involved.
3. Address or description of property.
4. Statement of the precise nature of the variance requested and why approval is necessary under the purpose described in Section 11-24-1 of this Chapter, together with any other data pertinent to the findings prerequisite to the granting of variance prescribed in Section 11-24-6 of this Chapter.
- B. The application shall be accompanied by a drawing of the site and any adjacent property affected, showing all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas.
- C. A drawing of the site and surrounding area, showing all surrounding properties within three hundred feet (300') of the site, and a list of names and last known addresses of the recorded legal owners of such properties, as shown on the latest adopted assessment roll of Kings County. County Assessor's maps may be used for this purpose.
- D. The application shall be accompanied by a fee set by resolution of the City Council.
- E. The Planning Director shall give notice to the applicant of the time when the application will be considered, and may give notice of the time to any other interested party. (Ord. 527, 8-4-1997)

**11-24-4: HEARING AND NOTICE:**

The Commission shall hold a public hearing in accordance with the provisions of Chapter 19 of this Title. (Ord. 527, 8-4-1997)

**11-24-5: PUBLIC HEARING; PROCEDURE:**

At a public hearing, the Commission shall review the application and the statements and drawings submitted therewith and shall review pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 11-24-6 of this Chapter. (Ord. 527, 8-4-1997)

**11-24-6: ACTION OF THE PLANNING COMMISSION:**

A. The Commission shall act on the application within thirty (30) days after the close of the public hearing. The Commission may grant a variance to regulations prescribed by this Code, as the variance was applied for or in modified form, if, on the basis of the application, investigation and evidence submitted, the Commission makes the following findings:

1. That there are special circumstances or conditions applicable to the property involved, such that strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of the other properties classified in the same zoning district.
2. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the vicinity and in the same zoning district.
- B. The Commission may grant a variance to a regulation prescribed by this Title, with respect to off-street parking facilities or off-street loading facilities as the variance was applied for or in modified form, if, on the basis of the application, investigation and the evidence submitted, the Commission makes the findings prescribed in subsection A of this Section and the following additional findings:
  1. That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
  2. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
  3. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this Title.
- C. In approving a variance, the Commission shall add such conditions of approval as the Commission deems necessary to assure that the variance adjustment shall not constitute a grant of special privilege as described under Section 11-24-1 of this Chapter.
- D. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Commission may prescribe. The Commission may deny a variance application.
- E. A variance shall become effective ten (10) days following the date on which the variance was granted by the Commission unless an appeal has been taken to the City Council. (Ord. 527, 8-4-1997)

**11-24-7: APPEAL TO CITY COUNCIL:**

A. Within fifteen (15) days following the date of a decision by the Planning Commission on a variance application, the decision may be appealed in writing to the City Council by the applicant or any other interested party. An appeal shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record.

B. Within five (5) days of the filing of an appeal, the Planning Director shall transmit to the City Clerk the variance application, the scale drawing of the site and all other data filed therewith and the minutes of the public hearing, report of the Planning Department, the findings of the Commission and its decision on the application for review and action.

C. The City Clerk shall cause notice to be given to the applicant and to the appellant (if the applicant is not the appellant) and may give notice to any other interested party of the time when the appeal will be considered by the City Council. (Ord. 527, 8-4-1997)

**11-24-8: ACTION OF THE CITY COUNCIL:**

A. The City Council shall hear the appeal at its next regular meeting following a period of ten (10) days after the filing of the appeal. The City Council may affirm, reverse or modify a decision of the Planning Commission on a variance application, provided that if a decision denying a

variance is reversed or a decision granting a variance is modified, the City Council shall, on the basis of the record transmitted and such additional evidence as may be submitted, make the findings prerequisite to the granting of a variance as prescribed in subsections 11-24-6A, B and C of this Chapter, when applicable.

B. A variance which has been the subject of an appeal to the City Council shall become effective immediately following the date on which the variance is granted by the Council. (Ord. 527, 8-4-1997)

**11-24-9: BUILDING PERMIT:**

The issuance of a building permit shall be governed by the provisions of Chapter 19 of this Title. (Ord. 527, 8-4-1997)

**11-24-10: LAPSE OF VARIANCE:**

A variance shall lapse and shall become void one year following the date on which the variance becomes effective unless by condition of the variance a greater time is allowed, or unless prior to the expiration of one year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on a site which was the subject of the variance application. A variance may be renewed for an additional one year, provided that prior to the expiration of one year from the date when the variance originally became effective, an application for renewal of the variance is made to the Planning Commission. The Commission may grant or deny an application for renewal of a variance. (Ord. 527, 8-4-1997)

**11-24-11: REVOCATION:**

The revocation of a variance approval shall be governed by the provisions of Chapter 19 of this Title. (Ord. 527, 8-4-1997)

**11-24-12: NEW APPLICATION:**

Following the denial of a variance application or the revocation of a variance, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within six (6) months of the date of denial of the variance application or revocation of the variance. (Ord. 527, 8-4-1997)

## CHAPTER 25

### AMENDMENTS

**SECTION:**

**11-25-1: Purpose And Application**

**11-25-2: Initiation**

**11-25-3: Application And Fee**

**11-25-4: Public Hearing; Notice**

**11-25-5: Hearing**

**11-25-6: Investigation And Report**

**11-25-7: Action Of The Planning Commission**

**11-25-8: Action Of The City Council**

**11-25-9: Special Zoning Exceptions; Alternate Procedure For Action Of The Planning Commission And City Council**

**11-25-10: Change Of Zone Plan**

**11-25-11: New Application**

**11-25-1: PURPOSE AND APPLICATION:**

As the General Plan is put into effect over time, there will be a need for changes in district boundaries and other regulations of this Title. As the General Plan is reviewed and revised periodically, other changes in the regulations of this Title may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this Chapter. (Ord. 527, 8-4-1997)

**11-25-2: INITIATION:**

A. A change in the boundaries of any district may be initiated by the owner of the property within the area for which a change of district is proposed, or the authorized agent of the owner, as prescribed in Section 11-25-3 of this Title.

B. A change in boundaries of any district, or a change in a district regulation, off-street parking or loading facilities requirement, general provision, exception or other provision may be initiated by resolution of the Planning Commission, or by action of the City Council in the form of a request to the Commission that it consider a proposed change, provided that in either case the procedure prescribed in Sections 11-25-4, 11-25-8, and 11-25-10 of this Title shall be followed. (Ord. 527, 8-4-1997)

**11-25-3: APPLICATION AND FEE:**

A. A property owner or his authorized agent desiring to propose a change in the boundaries of the district in which the property is located, may file an application with the Planning Department for a change of district boundaries on a form which shall include the following data:

1. Name and address of the applicant.
2. Statement that the applicant is the owner of the property for which the change in district boundaries is proposed, or the authorized agent of the owner, or the plaintiff in an action of eminent domain to acquire the property involved.
3. Address and description of the property.

B. The application shall be accompanied by a drawing of the site and the surrounding area for a distance of at least three hundred feet (300') from each boundary of the site, showing the location of streets and property lines and the names and last known addresses of the recorded legal owners of all properties shown on the drawing, as shown on the latest adopted tax roll of the County of Kings. Assessor's maps may be used for this purpose.

C. The application shall be accompanied by a fee set by a resolution of the City Council.

D. Amendments required as the result of General Plan amendments initiated by the Planning Commission or City Council shall be processed at the expense of the City. (Ord. 527, 8-4-1997)

**11-25-4: PUBLIC HEARING; NOTICE:**

A. The Planning Commission shall hold a public hearing on each application for a change in district boundaries or of a district regulation of this Title within forty five (45) days of the date when the application was filed or the proposal was initiated and is deemed to be complete by the Planning Director.

B. Notice of a public hearing shall be given not less than ten (10) days prior to the date of the public hearing by: 1) publication of a notice of the time and place of the hearing in a newspaper of general circulation, published and circulated within the City; 2) first class mailing, postage prepaid, a notice of the time and place of the hearing to all persons whose names appear on the property owner's list submitted under the provisions of Section 11-24-3 of this Title; and 3) first class mailing, postage prepaid, a notice of the time and place of the hearing to any person who has filed a written request therefor, with the Planning Commission. Such request may be submitted at any time during the calendar year and shall apply to the balance of such year. (Ord. 527, 8-4-1997)

**11-25-5: HEARING:**

A. At the public hearing, the Planning Commission shall review the application or the proposal and may receive pertinent evidence and testimony as to why and how the proposed change is necessary to achieve the objectives of this Title prescribed in Section 11-1-2 of this Title, or how or why the proposed change is consistent with the General Plan and the stated purposes and application intended for the zone classification proposed.

B. The Commission may review proposals for the use of the property for which a change in district boundaries is proposed or plans or drawings showing proposed structures or other improvements, in light of the fact that under the provisions of this Title, a change in district boundaries cannot be made conditionally, except as provided in Section 11-25-9 of this Chapter, and the owner of the property is bound only to comply with the regulations prescribed in this Title. (Ord. 527, 8-4-1997)

**11-25-6: INVESTIGATION AND REPORT:**

The Planning Director shall make an investigation of the application and shall prepare a report thereon, which shall be submitted to the Planning Commission, including a recommendation as to the action to be taken by the Commission and a statement supporting such recommendation. (Ord. 527, 8-4-1997)

**11-25-7: ACTION OF THE PLANNING COMMISSION:**

Within thirty (30) days following the completion of the public hearing, the Planning Commission shall make a specific finding in writing as to whether the change is required to achieve the objectives of this Title prescribed in Section 11-1-2 of this Title and whether the change would be consistent with the General Plan and the purposes and intended application of the zone classification proposed. The Commission shall transmit a report to the City Council recommending that the application be granted or denied, including a written statement of the reasons for the recommendation, together with one copy of the application, resolution of the Commission or request of the City Council, the scale drawing of the site and the surrounding area and all other data filed therewith, the minutes of the public hearing, the report of the Planning Director and the findings of the Commission. (Ord. 527, 8-4-1997)

**11-25-8: ACTION OF THE CITY COUNCIL:**

A. Upon receipt of the resolution or report of the Planning Commission, the City Council shall schedule and advertise a public hearing to be conducted within forty five (45) days of such request; provided however, that if the matter under consideration is an amendment to change property from one district classification to another, and the Planning Commission has recommended against the adoption of such amendment, the City Council need not take any further action thereon unless an interested party shall request such a hearing by filing a written request with the City Clerk within five (5) days after the Planning Commission files its recommendations with the City Council.

B. Notice of the time and place of said hearing shall be given in the time and manner provided under Section 11-25-5 of this Chapter.

C. The City Council, after the close of the public hearing, shall make specific written findings as to whether the amendment is required in order to achieve the objectives of this Title prescribed in Section 11-1-2 of this Title and, when applicable, whether the amendment would be consistent with the General Plan and the purposes and application intended for the zoning district classification proposed.

D. The City Council may approve, modify or disapprove the recommendation of the Planning Commission; provided, however, that any modification shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a hearing thereon. Failure of the Planning Commission to report within thirty (30) days of the reference, or such longer period as may be designated by the City Council, shall be deemed to be approval of the proposed modification.

E. If the Council finds that the proposed change is required, in its original or modified form, it shall enact a code amending the regulations of this Title, or grant a special zoning exception as prescribed in Section 11-25-9 of this Chapter. If the Council finds that a change is not required, it shall deny the application or proposal for change. (Ord. 527, 8-4-1997)

**11-25-9: SPECIAL ZONING EXCEPTIONS; ALTERNATE PROCEDURE FOR ACTION OF THE PLANNING COMMISSION AND CITY COUNCIL:**

A. Whenever an application is filed with the Planning Commission for a change in district boundaries, the Planning Commission or City Council, in lieu of granting or denying said application, may grant to the applicant a special zoning exception by resolution which will permit said applicant (or his assignee) to develop or use said property in accordance with said application and the provisions of this Section.

B. Before a special zoning exception may be granted by the Planning Commission or City Council, the Commission or Council may require the applicant to submit additional information relative to his or her proposal in the manner required in the filing of an application for a conditional use permit under the provisions of Chapter 19 of this Title. In any event, the provisions of Sections 11-25-1 through 11-25-8 of this Chapter and Sections 11-25-10 and 11-25-11 of this Chapter shall apply in addition to the provisions of this Section. In filing an application, the applicant may request that the application be considered as a request for a special zoning exception.

C. The Planning Commission or City Council may grant a special zoning exception subject to any of the conditions prescribed in Section 11-19-8 of this Title and in accordance with the provisions of Sections 11-24-10 through 11-24-12 and Chapter 19 of this Title.

D. Upon being granted a special zoning exception by the City Council, the applicant shall develop his property in accordance with approved plans and conditions imposed under the provisions of this Section.

E. Upon the development and use of property in accordance with the provisions of subsection C of this Section, the district or part thereof for which the special zoning exception was granted, shall be thereon rezoned, altered, amended and established in accordance with the original application, or as set forth in the order of the City Council made at the time said zoning exception was granted. (Ord. 527, 8-4-1997)

**11-25-10: CHANGE OF ZONE PLAN:**

A change in a district boundary shall be indicated on the Zone Plan with a notation of the date and number of the ordinance amending the plan. (Ord. 527, 8-4-1997)

**11-25-11: NEW APPLICATION:**

Following the denial of an application for a change in district boundary, no application for the same or substantially the same change shall be filed within six (6) months of the date of denial of the application. (Ord. 527, 8-4-1997)

## CHAPTER 26

### ENFORCEMENT

#### SECTION:

##### 11-26-1: Permits, Certificates And Licenses

##### 11-26-2: Duties Of The Planning Director And Building Official

##### 11-26-1: PERMITS, CERTIFICATES AND LICENSES:

A. All officials, departments and employees of the city vested with the authority or duty to issue permits, certificates or licenses, shall comply with the provisions of this title and shall issue no permit, certificate or license which conflicts with the provisions of this title. Any permits, certificates or licenses issued in conflict with the provisions of this title shall be void.

B. Before issuing a business license for any new business or for a new location for any existing business activity, the city clerk or other authorized licensing official, shall obtain the approval of the planning director respecting compliance with the provisions of this title. (Ord. 527, 8-4-1997)

##### 11-26-2: DUTIES OF THE PLANNING DIRECTOR AND BUILDING OFFICIAL:

A. The planning director and building official shall be the officials responsible for the enforcement of this title. In the discharge of their duty, the officials shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection, provided that the right of entry shall be exercised only at reasonable hours and that in no case shall any structure be entered in the absence of the owner or tenant without the written order of a court of competent jurisdiction. The officials may serve notice requiring the removal of any structure or use in violation of this title to the owner or his authorized agent, on a tenant, or on an architect, builder, contractor or other person who commits or participates in any violation. The officials may call upon the city attorney to institute necessary legal proceedings to enforce the provisions of this title, and the city attorney is hereby authorized to institute appropriate actions to that end. The officials may call upon the chief of police and his authorized agents to assist in the enforcement of this title.

B. Any person violating any provision of this title shall be guilty of an infraction. A person shall be deemed guilty of a separate offense for each day during any portion of which a violation of this title is committed, continued or permitted by the person. (Ord. 527, 8-4-1997)

C. Any structure erected, moved, altered, enlarged or maintained and any use of site contrary to the provisions of this title, including, but not limited to, use of a single-family residential dwelling as a transient dwelling, shall be and is hereby declared to be unlawful and a public nuisance, and the city attorney shall immediately institute necessary legal proceedings for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure or use and restrain or enjoin the person from erecting, moving, altering or enlarging the structure or using the site contrary to the provisions of this title. (Ord. 583, 5-25-2005)

D. All remedies provided for herein shall be cumulative and not exclusive. (Ord. 527, 8-4-1997)

## TITLE 12

### SUBDIVISION REGULATIONS

## CHAPTER 1

### SUBDIVISION REGULATIONS

#### SECTION:

##### 12-1-1: Purpose And Application

##### 12-1-2: Effect Of Annexation

##### 12-1-3: Fees

##### 12-1-4: Definitions

##### 12-1-5: Administration And Enforcement

##### 12-1-6: Limitations On Issuance Of Permits

##### 12-1-7: Tentative Map, Requirements Processing Procedure

##### 12-1-8: Expiration Of Maps And Extensions

##### 12-1-9: Minor Modification Or Revision Of Maps

##### 12-1-10: Vesting Tentative Map

##### 12-1-11: Final Maps

##### 12-1-12: Parcel Maps

##### 12-1-13: Subdivision Standards And Requirements

##### 12-1-14: Improvements

##### 12-1-15: Agreement

##### 12-1-16: Security; Type

##### 12-1-17: Security; Form Of Bonds

##### 12-1-18: Security; Amount

**12-1-19: Security; Release**

**12-1-20: Security; Forfeiture**

**12-1-21: Notice To Commence Work**

**12-1-22: Inspection Required**

**12-1-23: Inspection; Fees**

**12-1-24: Inspection And Tests; Required**

**12-1-25: Final Inspection**

**12-1-26: As-Built Plans**

**12-1-27: School Site Dedication**

**12-1-28: Reservations**

**12-1-29: Park And Recreation Facilities**

**12-1-30: Exceptions**

**12-1-31: Drainage Area**

**12-1-1: PURPOSE AND APPLICATION:**

A. Purpose: The purpose of this Chapter is to promote the public health, safety, and general welfare and preserve the aesthetic quality of the City through the regulation and control of the division of land, and to supplement the provisions of the Map Act relating to design, improvement, and survey data of subdivisions, in addition to the form and content of all maps provided for by the Map Act, and the procedures to be followed in securing the official approval of the City regarding the maps. To achieve this purpose, the regulations contained in this Chapter are determined to be necessary to promote orderly growth and development, open space, protection and proper use of land; and to ensure adequate provision for traffic circulation, utilities, and other services in the City.

It is the intent of this Chapter to incorporate by reference, to the maximum extent feasible, the provisions of the Map Act, consistent with section 66411 of the Government Code, as may be amended from time to time.

B. Application: The subdivision regulations shall apply to all or part of any subdivision within the City, and to the preparation of any subdivision map or other map required by the Map Act.

C. Exclusions: This Chapter shall be inapplicable to those exclusions provided in the Map Act, section 66412 of the California Government Code. (Ord. 527, 8-4-1997)

**12-1-2: EFFECT OF ANNEXATION:**

Any subdivision subject to annexation to the City shall comply with the Map Act, section 66413 of the Government Code. (Ord. 527, 8-4-1997)

**12-1-3: FEES:**

All persons submitting applications for maps or other approvals required by this Chapter shall pay, at the time of application, all fees and/or other deposits as currently approved in the City's fee resolution and the provisions set forth therein. (Ord. 527, 8-4-1997)

**12-1-4: DEFINITIONS:**

In addition to those terms defined below, and specific terms defined in other Chapters of the Development Code, this Chapter shall incorporate by reference those terms defined in the Subdivision Map Act, section 66414 et seq. of the Government Code.

**ALLEY:** A public way permanently reserved primarily for vehicular access to the rear or side of properties otherwise abutting on a street.

**ARTERIAL STREET:** A street designated as an arterial street in the General Plan or adopted Specific Plan which, because of its design and location with respect to other streets and other sources of traffic, is used or designed to carry relatively heavy volumes of traffic through an urban area or between urban areas, which serves as an approach to a highway or freeway.

**BLOCK:** An area of land within a subdivision entirely bounded by any streets (other than alleys) freeways, railroad rights of way, natural barriers, or the exterior boundaries of the subdivision.

**CITY ENGINEER:** The person appointed to the position of City Engineer of the City of Corcoran by the City Manager or the City Council.

**COLLECTOR STREET:** A street designated as a collector street in the General Plan or adopted Specific Plan which, because of its location with respect to other streets and other sources of traffic, is used or designed to carry moderately heavy volumes of traffic between portions of urban areas or between arterial streets.

**COMMISSION:** The Planning Commission of the City of Corcoran.

**CONVERSION:** The creation of separate ownership of existing real property together with a separate interest in space of residential, industrial or commercial buildings.

**COUNTY RECORDER:** The County Recorder of the County of Kings.

**CUL-DE-SAC:** A street having only one outlet for vehicular traffic and which is not intended to be extended or continued to serve future development on adjacent lands.

**DEPARTMENT OF PUBLIC WORKS:** The Public Works Department of the City of Corcoran.

**ENVIRONMENTAL ASSESSMENT:** A detailed statement under the California Environmental Quality Act (CEQA), State Public Resources Code section 21000 et seq., describing and analyzing the significant effects of a project. The assessment shall determine pursuant to CEQA the level of analysis required and mitigation measures, if any, which are necessary to avoid such significant effects.

**FINAL MAP:** A map showing a subdivision for which a tentative and final map is required under the Subdivision Map Act, section 66426 of the Government Code, prepared in compliance with the provisions of this Development Code and the Subdivision Map Act and designed to be recorded in the office of the County Recorder.

**FRONTAGE ROAD:** A local street which is parallel and adjacent to an arterial street or limited access highway and which provides access to abutting properties while relieving them of effects of heavy volumes of fast through traffic.

**GENERAL PLAN:** The General Plan of the City of Corcoran as adopted and amended by the Council.

GOVERNMENT CODE: The Government Code of the State of California.

IMPROVEMENT STANDARD: A specified requirement imposed by this Chapter or the Development Code relating to the installation, modification or removal by the subdivider of a street, sidewalk, utility, well, tree, storm drain or other facility as necessary for the general use by the lot owners of the subdivision and local neighborhood.

LEGISLATIVE BODY: The City Council of the City of Corcoran.

LOCAL STREET: A street which, because of its design and location with respect to other streets, is used primarily for access to abutting properties.

LOT: A parcel of real property with a separate and distinct number or other designation shown on a subdivision map recorded in the office of the County Recorder; or

A parcel of real property delineated on an approved record of survey map or parcel map as filed in the office of the County Clerk Recorder.

LOT LINE ADJUSTMENTS: A minor shift or rotation of an existing lot line where no additional parcels are created, as approved by the Planning Director.

MERGER: The joining of two (2) or more contiguous parcels of land under one ownership into one parcel.

PARCEL MAP: A map showing a subdivision for which a parcel map is required under Subdivision Map Act section 66426, subdivision (a), (b), (c) or (d) and other subdivisions for which a final map is not required under the Subdivision Map Act prepared in compliance with the provisions of this Chapter and the Subdivision Map Act designed to be recorded in the office of the County Recorder.

REMAINDER: That portion of an existing parcel which is not considered a part of the subdivided land. The remainder is not considered part of the subdivision, pursuant to section 66424.6 of the Map Act, and may be shown on the required maps as part of the surrounding subdivision development. Also referred to as the unsubdivided remainder.

SHALL AND MAY: "Shall" is mandatory and "may" is permissive.

SPECIFICATIONS: All the standard specifications and standard detailed drawings prepared by the City Engineer and adopted by resolution of the City Council.

SUBDIVISION MAP ACT: The Subdivision Map Act of the State of California, commencing with section 66410 of the California Government Code, hereinafter referred to as the "Map Act".

TENTATIVE MAP: A map prepared in accordance with the provisions of the Subdivision Map Act to show the design of a proposed subdivision and the existing conditions in and around said proposed subdivision.

ZONING ORDINANCE: The Zoning Ordinance of the City of Corcoran. (Ord. 527, 8-4-1997)

#### **12-1-5: ADMINISTRATION AND ENFORCEMENT:**

A. Commission Responsibility: The Commission is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions and is authorized to recommend approval, disapproval or approval with conditions to the City Council.

B. Executive Secretary: The Planning Director shall be the executive secretary to the Planning Commission with the authority to receive preliminary and tentative subdivision maps of proposed subdivisions according to the Subdivision Map Act.

C. Tentative Maps, Final Maps Required: Tentative and final subdivision maps shall be required for all subdivisions creating five (5) or more parcels, pursuant to Map Act section 66426.

D. Tentative Parcel Maps Required:

1. A tentative and parcel map shall be required for all divisions of land creating four (4) or fewer parcels, as well as those divisions contained in Map Act section 66426.

2. A tentative parcel map shall not be required for those divisions outlined in Map Act section 66428, nor for lot line adjustments contained in Map Act section 66412(d).

E. Waiver Of Parcel Map Requirements:

1. The Planning Commission may waive a parcel map pursuant to Map Act section 66428 upon receiving and acting on an application for such parcel map waiver.

a. The Planning Commission may take action to approve such parcel map waiver provided findings are made that the proposed division of land meets the following:

- (1) Complies with the Corcoran General Plan and Zoning Ordinance;
- (2) All required improvements to serve the parcels created have been completed including, but not limited to, street, curb, gutter, and sidewalk, street lighting, drainage improvements, and utilities which provide sufficient capacity to serve development of the site;
- (3) An environmental assessment has addressed any significant environmental impacts;
- (4) No additional dedications for the purpose of public facilities or improvements are necessary for public safety or welfare;
- (5) A parcel map waiver may be conditioned to provide payment for park land dedication, area of benefit fees, or other fees.

b. Upon making these findings, the Planning Commission shall direct the issuance of a certificate of compliance for recording consistent with section 66499.35 of the Map Act.

(1) Fees for filing, checking, and processing the parcel map waiver and certificate of compliance shall be collected in the amount prescribed from time to time by the City Fee Resolution.

(2) A tentative map subject to the requirements of this Chapter or other additional information deemed necessary by the Planning Commission for waiver consideration shall be required with the request for a waiver. In addition, a preliminary title report required in accordance with this Chapter shall be submitted.

F. Lot Line Adjustment:

1. General: A lot line adjustment between two (2) or more adjacent parcels where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existing is not thereby created, may be approved by the Planning Director and the City Engineer, or their authorized representatives, with the filing of a lot line adjustment application and necessary information required by the Planning

Director and the City Engineer. A lot line adjustment shall not be approved unless the adjusted parcel, and any structures or parking spaces located thereon, comply with area, width, frontage, and yard requirements of the zone in which the parcels are located.

2. Application: The processing, review and approval of a lot line adjustment shall be pursuant to the provisions of the Subdivision Map Act and this Section.

3. Procedures For Filing An Application For A Lot Line Adjustment:

a. An original application and twelve (12) copies of the site plan must be filed with the Planning Director with such nonrefundable fee as established by resolution or order of the City Council, to cover the cost of processing, reviewing and recording all required documents for the lot line adjustment approval. All required County fees shall be collected by the tax collector prior to the tax clearance signature being placed on the lot line adjustment form which must be done prior to recording. In addition, all County Recorder's fees shall be collected by the Recorder at the time the documents are submitted to the County for recording.

b. The application shall be in a manner and form prescribed by the Planning Director. Copies of such an application form shall be available to the public at City Hall. The original application filed with the Planning Director shall be suitable for recording and must be neatly and accurately drawn, lettered and legible.

c. The application form shall be eight and one-half by eleven inches (8½ x 11") in size and shall contain the following information:

- (1) The actual legal description of the property being transferred, which will be used on the deed(s) transferring the property, including a statement that the transferred territory will be joined with a specific parcel and will not become a separate parcel;
  - (2) The legal descriptions of each of the properties after the adjustment;
  - (3) A site plan that shall be neatly and accurately drawn, lettered or typed, legible, and containing the following information:
    - (A) Date, north arrow, and scale of drawing;
    - (B) Existing parcel lines (broken and thin) with dimensions;
    - (C) Adjusted parcel lines (solid and bold) with dimensions;
    - (D) Location, dimensions, distance to adjusted lines, number of stories or height, of all existing surface and underground structures;
    - (E) Name, width, and location of existing or proposed, abutting or transversing streets, easements, or right of ways;
    - (F) Number of each parcel corresponding to the description and including the Assessor's Parcel Number (APN) below the parcel number;
    - (G) Area of each parcel after the adjustment;
    - (H) Location with dimensions to adjusted lines of existing wastewater disposal systems and all wells; and
  - (4) Copies of the deeds and other instruments of record title for all of the affected properties.
- d. The application shall be deemed filed when all provisions of this Section have been met.
- e. The lot line adjustment application form must be signed by all of the property owners involved, including trust deed holders.

4. Procedure For Review, Determination And Completion Of A Lot Line Adjustment Application:

a. A lot line adjustment is a ministerial action and shall be administratively reviewed by the Planning Director and City Engineer. The lot line adjustment shall conform to local zoning and building ordinances. Other departments and agencies will be contacted as necessary to adequately review the application.

b. A lot line adjustment shall not be recorded which does not conform to State law, local ordinance, or other regulation.

c. Upon completion of the review of the lot line adjustment the Planning Director shall notify the applicant that either additional information is necessary, and specify what that information is, or inform the applicant that the application is in order and may proceed. The applicant shall then submit copies of the new legal description(s) for the subject properties being used for the new deed(s). The Planning Director shall review the legal description(s) to determine that the new deed(s) will be consistent with the lot line adjustment. Recording deed(s) with legal description(s) different from the description(s) approved by the Planning Director shall not be deemed an appropriate lot line adjustment.

d. When the lot line adjustment is completed and any required deeds are recorded, title to the transferred territory shall be shown the same as the title on the property that is joined.

e. Items which will be recorded together are the approved lot line adjustment form and the deed(s) that transfer property where appropriate. Any deed that is recorded shall contain the following:

- (1) A description of the property being transferred;
- (2) A statement that the deed is being recorded pursuant to the advisory agency resolution for the lot line adjustment and the date of approval; and
- (3) A statement that the transferred territory will be joined with a specific parcel and will not become a separate parcel.

f. The deed(s) and the required lot line adjustment documents, recorded pursuant to the lot line adjustment approval, shall be reviewed and approved by the Planning Director prior to being recorded.

g. The Kings County Treasurer-Tax Collector shall review the lot line adjustment prior to recording the deed(s) and the lot line adjustment form to ensure that the property taxes are properly paid pursuant to section 66412.(d) of the Subdivision Map Act.

h. The lot line adjustment form will be recorded at the request of the applicant, or the applicant's agent. After the Kings County Treasurer-Tax Collector has reviewed the lot line adjustment, a representative from the Kings County Public Works Department will review and record the documents. The lot line adjustment form will be recorded first, followed immediately in sequence by any deed(s) transferring the property.

i. Recording of the lot line adjustment documents shall constitute the completion of the procedures by the local agency. Recording of the deed(s) by the applicant shall constitute completion of the lot line adjustment.

j. The lot line adjustment shall become null and void if the lot line adjustment documents and any required deed(s) have not been recorded within three (3) years of the date that the applicant is informed that the review is complete. Upon application of the applicant, filed prior to the expiration of the lot line adjustment, the time at which the lot line adjustment expires may be extended by the Planning Director for a period or periods not exceeding a total of three (3) years.

5. Appeals: An appeal of the action by the Planning Director on the lot line adjustment map may be initiated by the applicant pursuant to Title 11, Chapter 18 of this Code. (Ord. 527, 8-4-1997)

**12-1-6: LIMITATIONS ON ISSUANCE OF PERMITS:**

No permit shall be granted for the construction, installation or placement of any building for sale, lease, or financing on any lot or parcel, except for model homes, or to allow occupancy thereof, for which a final map or parcel map is required by this Chapter until such map has been filed for record by the County Recorder. (Ord. 527, 8-4-1997)

**12-1-7: TENTATIVE MAP, REQUIREMENTS PROCESSING PROCEDURE:**

The tentative map for which approval is sought for any proposed subdivision which requires a final or parcel map shall be prepared and processed in accordance with the provisions of the Subdivision Map Act and this Chapter.

A. Form: The tentative map shall be eighteen inches by twenty six inches (18" x 26") at a scale of not less than one hundred feet to the inch (1" = 100'). If more than one sheet is required, the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relationship to each adjoining sheet shall be clearly shown. When more than three (3) sheets are used, an index shall show the entire subdivision.

B. Information Required: Each tentative map shall contain the following information:

1. Number of proposed subdivision map as secured from the County Recorder's office preceded by the word "tentative" and date of preparation, or the number of the proposed parcel map as secured from the City Planning Department preceded by the word "tentative" and date of preparation;
2. Name and address of legal owner or owners;
3. Name and address of registered engineer or land surveyor preparing the map and his registration number;
4. The name and address of the subdivider and subdivider's agent;
5. Sufficient description to define the location and boundaries of the proposed subdivision and its relation to existing, adjacent subdivision maps, north point, scale and approximate acreage;
6. The boundary of the proposed subdivision as delineated by a heavy border;
7. The name, location and width of adjacent streets and alleys to a distance of two hundred feet (200');
8. The location, names and width of proposed streets and alleys within the boundary of the proposed subdivision and the proposed curve ratio;
9. Lot or parcel layout and approximate dimensions of each lot or parcel;
10. Lots or parcels shall be numbered consecutively;
11. Topographic contours (one foot minimum contour interval);
12. Proposed direction of drainage flow;
13. Boundaries of areas subject to inundation or storm water overflow and the locations, width and direction of flow of all watercourses, drainage channels and existing drainage structures;
14. All physical structures including, but not limited to, buildings, trees, fences, curbs and gutters, sidewalks, power poles, etc., shall be shown on the property being subdivided; such structures shall be dimensioned and accurately located by dimension in relation to lot or parcel lines or boundary lines of the proposed subdivision;
15. The existing use of all buildings located on the proposed subdivision and other uses of the property and whether they are to remain or be removed;
16. Existing and proposed zone district;
17. Assessor's parcel number;
18. Proposed method of water supply;
19. Proposed method of sewer and sewage disposal;
20. A reduced scale vicinity map shall be provided on the tentative tract map, which clearly shows the proposed subdivision with respect to the nearest major streets;
21. Proposed method of storm drainage disposal;
22. The width and location of all existing and proposed public or private easements;
23. The location, size, and description of any underground facilities such as wells, pipelines, telephone lines, septic tanks, etc.;
24. Statement of improvements and utilities proposed to be made or installed;
25. To the extent feasible, show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument;
26. Description of how the design of the tentative map has, to the extent feasible, provided for future passive or natural heating or cooling opportunities as imposed by section 66473.1 of the Subdivision Map Act;
27. Exception to any required development or improvement standard in this Chapter or contained in the Corcoran standard specifications;
28. Where circumstances exist with respect to the proposed project site that require additional technical information, including, but not limited to, grading plans, or soil and geotechnical studies, such information may be required with the filing of the tentative tract map.

C. Other Requirements: Much of the information specified in subsection A of this Section as may not practically be shown on the map shall be contained in a statement accompanying the tentative map.

D. Preliminary Review; Pre-Application Conference: Prior to the filing of a tentative map, the subdivider or his authorized representative shall file with the Planning Director five (5) copies of a preliminary tentative map. The Planning Director shall review the proposed subdivision for conformity with the Subdivision Map Act and this Chapter. The Planning Director shall confer with City staff as necessary to make such determinations. Within fifteen (15) days of receipt, the Planning Director shall complete the preliminary review and in writing notify the subdivider of any necessary corrections or modifications. The subdivider may, at his option, request a conference with the Planning Director for clarification of any determination made by the Planning Director and/or staff in the preliminary review.



E. Filing:

1. The tentative map application shall be filed with the Department. The application shall be determined by the Department to be complete only when the content and form of the tentative map conform to the requirements of subsections B and C of this Section, and when all accompanying data and reports as may be required, including an environmental assessment, have been filed, and all fees and/or deposits as required by Section 12-1-3 of this Chapter.

2. Each subdivider or his authorized representative shall file with the Planning Director a completed tentative map application along with twenty (20) full-sized copies and one sepia, one eight and one-half inch by eleven inch (8 1/2" x 11") copy and such other copies and data as may be required of the tentative map as determined by the Planning Director.

F. Transmittal To Public Agencies And Utilities:

1. Within ten (10) days after receiving the tentative map and other required documents, the Planning Director shall distribute copies to other City departments and officials, governmental agencies, private organizations and utilities who are directly concerned with the proposed subdivision.

2. Such entities may review the tentative map and transmit any comments, recommendations, or proposed requirements thereon to the Planning Director who shall incorporate them into his report and recommendations to the Commission. Should no comments be received within the time set forth in the Subdivision Map Act, it shall be presumed that such other agencies and departments approve the tentative map as submitted.

G. Report And Recommendations Of Planning Director - Service On Subdivider: The Planning Director shall prepare a report and recommendations which will include all comments received on the tentative map, a copy of which will be provided to the subdivider at the time the regular agenda is distributed to the Planning Commission for the meeting where any action on the tentative map by the Commission may take place. In no case shall the subdivider be served with the Planning Director's staff report on the proposed subdivision less than three (3) days prior to the public hearing at the meeting of the Planning Commission.

H. Extension Of Time:

1. Any applicable time limits for acting on the tentative map application may be extended by mutual written consent of the subdivider and the City, as outlined in Map Act section 66451.1. A waiver of application time limits may be required to permit concurrent processing of related project requests.

2. If an extension of time is requested, such request shall be prepared and submitted on a form prescribed by the Planning Director and shall contain the signature of the Planning Director and subdivider agreeing to a specific extension of time for processing a tentative map.

I. Public Hearing: A public hearing shall be held for all proposed divisions of land. The applicant will provide a list of all property owners as shown on the last equalized assessment roll within three hundred feet (300') of the proposed subdivision. These property owners shall be given notice of such hearing by direct mailing. The public hearing shall be held before any Planning Commission action on the tentative map.

J. Commission Action On Tentative Map:

1. The Planning Commission shall recommend approval, disapproval or approval with conditions of the tentative map to the City Council.

a. The Planning Commission may recommend denial of the tentative map on any grounds contained in the Map Act, General Plan or this Code. The Commission may recommend denial if it makes any of the following findings:

- (1) That the proposed map is not consistent with applicable General and Specific Plans as specified in section 65451 of the Map Act;
- (2) That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans;
- (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 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.

2. At the same time, the Commission shall recommend the improvements which will be required under the provision of this Chapter; the dedications, and irrevocable offers of dedication and the form thereof, which will be required under the provisions of the Chapter; and any other requirements or conditions of approval of the map.

3. The Planning Commission may further designate areas within the subdivision to be reserved for future schools, fire stations, libraries, recreational facilities, or other public uses, pursuant to the applicable provisions of the Subdivision Map Act.

K. Recommendation Of The Commission: The recommendation of the Commission, along with any appeal filed by the subdivider or interested person shall be presented to the City Council for final action.

1. A public hearing shall be scheduled by the City Council for consideration of the tentative map within thirty (30) days after the action by the Planning Commission.

2. The City Council shall examine the recommendations of the Planning Commission and consider testimony from the public hearing, and take action to approve, conditionally approve, or deny the tentative map.

3. Time periods specified in subsection K1 of this Section shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination by the City that the project is exempt from the requirements of division 13, commencing with section 21000, of the Public Resources Code. (Ord. 527, 8-4-1997)

**12-1-8: EXPIRATION OF MAPS AND EXTENSIONS:**

A. Expiration:

1. The approval or conditional approval of a tentative map shall expire no later than twenty four (24) months from the date the map was approved or conditionally approved. However, the map may be extended if the subdivider has complied with Map Act sections 66452.6(a) and (e).

2. The period of time as stated in this subsection A shall not include any period of time during which a lawsuit has been filed, whether or not first appealed to the Council, and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map only if a stay of time period is approved by the Council. After service of the initial petition or complaint upon the City, the subdivider shall, in writing to the Planning Director, request a stay in the time period of the tentative map. Within forty (40) days after receiving the request, the Commission

shall either stay the time period for up to five (5) years or deny the requested stay. The request for the stay shall be a hearing with notice to the subdivider and to the appellant, and upon conclusion of the hearing, the Council shall render its decision.

3. The period outlined in this subsection A shall not include any period of time during which a development moratorium is in effect pursuant to Map Act section 66452.6.

4. Expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map. The final map or parcel map documents submitted for filing must be accepted as adequate for approval by the Council, by the City Engineer and Planning Director prior to the expiration date.

**B. Extension:**

1. The subdivider may request an extension of the tentative map approval or conditional approval by filing a written application with the Director before the approval or conditional approval expires. The application shall state the reasons for requesting an extension. The subdivider shall be solely responsible for the filing of the application for extension.

2. The Director shall present the application to the Commission within thirty (30) days after such filing. The Commission shall grant or deny the request for an extension. The Commission may impose new conditions and revise existing conditions if an extension is granted and the map is not a vesting tentative map.

3. An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of not to exceed five (5) years. (Ord. 527, 8-4-1997)

**12-1-9: MINOR MODIFICATION OR REVISION OF MAPS:**

The modification or revision of an approved tentative map shall not extend the time limits imposed by the Subdivision Map Act and this Chapter. Minor revisions will be limited to those changes to a tentative map which do not substantially alter the street pattern, lot configuration, or overall design scheme, and which changes are consistent with the intent of the original tentative map approval, and that there are no resulting violations of the Map Act, or City development standards. The amendment shall be indicated on the approved or conditionally approved tentative map and certified by the Planning Director. Amendments to the tentative map conditions of approval which, in the opinion of the Planning Director, are not minor shall be presented to the Planning Commission and City Council for approval. Processing shall comply with the provisions for processing a tentative map as contained in this Chapter. The Planning Commission and/or City Council may impose new conditions of approval or revise previously imposed conditions of approval. (Ord. 527, 8-4-1997)

**12-1-10: VESTING TENTATIVE MAP:**

A. Purpose: The purpose of this Section is to establish procedures necessary for the processing, reviewing and approving a vesting tentative map application, and to supplement the provisions of the Map Act and this Chapter. Except as otherwise contained in this Chapter, the provisions of the Subdivision Regulations shall apply to a vesting tentative map application.

**B. Application:**

1. Whenever a provision of the Map Act, as implemented and supplemented by this Chapter, requires the filing of a tentative map or tentative parcel map, a vesting tentative map may be filed pursuant to the provisions of this Chapter.

2. If a subdivider does not seek the rights conferred by a vesting tentative map, the filing of a vesting tentative map shall not be a prerequisite to an approval for any proposed subdivision, permit for construction, or work preparation to construction.

**C. Filing And Processing:**

1. A prospective subdivider, or agent, may request a preliminary map conference with the Planning Director prior to formal submittal of a subdivision application, pursuant to subsection 12-1-7D of this Chapter. During this conference, the Planning Director shall inform the subdivider of applicable policies, plans, and requirements as they apply to the proposed subdivision, review appropriate procedures outlined in this Chapter and examine possible alternatives or modifications relating to the proposed subdivision.

2. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as contained in Section 12-1-7 of this Chapter, except as hereinafter provided:

a. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map";

b. An application for a vesting tentative map shall not be accepted for filing until the subdivision has been determined by the Planning Director to be consistent with the General Plan, applicable specific plans and this Chapter;

c. All required discretionary City approvals shall have been previously obtained or applications for same shall be filed concurrently with the vesting tentative map;

d. At the time a vesting map is filed a subdivider shall supply the following information satisfactory to the Planning Director, in addition to those requirements specified in subsection 12-1-7B of this Chapter:

- (1) Completed application;
- (2) Fees;
- (3) Property owner list of addresses (within 300 foot radius of property boundaries) printed on two (2) sets of gummed labels;
- (4) Environmental information form;
- (5) Site plans, including the following items of information:
  - (A) Project boundary and dimensions;
  - (B) Dimensions relating to center line, property line and curb;
  - (C) Building dimensions;
  - (D) Building locations and size dimensions;
  - (E) Street, driveway widths;
  - (F) Bike paths, if required;
  - (G) Mechanical equipment, location and dimensions;
  - (H) Trash storage design, location and dimensions;

- (I) Recreation area location and design;
- (J) Wall and fence location and design;
- (6) Floor plans, dimensions and scale;
- (7) Elevations:
  - (A) Dimensions and scale;
  - (B) Color and materials;
  - (C) Roof pitch and type;
- (8) Landscape plans:
  - (A) Tree sizes, locations and species;
  - (B) Shrub species, range of sizes, typical locations;
  - (C) Groundcover (if not lawn, on center dimension should be noted);
  - (D) Curbing and planter areas;
  - (E) Lighting;
- (9) One colored print of site plan, elevations and landscape plan, for public presentation;
- (10) Colored rendering;
- (11) Vicinity map (minimum 31/2 inches by 31/2 inches);
- (12) Phasing map, if applicable;
- (13) Preliminary grading plan;
- (14) Sample materials board;
- (15) Model, if required by the Planning Director;
- (16) Soils report, geological and hydrological studies, as required by the City Engineer.

D. Development Inconsistent With Zoning; Conditional Approval: Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the Zoning Ordinance in existence at that time, that inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve or conditionally approve providing that the subdivider, or his or her designee, obtain the necessary change in the Zoning Ordinance to eliminate the identified inconsistency. If the change in the Zoning Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding subsection G of this Section, confer the vested right to proceed with the development in substantial compliance with the change in the Zoning Ordinance and the map, as approved.

E. Applications Inconsistent With Current Policies: Notwithstanding any provision of this Code, a property owner or his or her designee may seek approvals or permits for developments which depart from the ordinances, policies, and standards described in Section 12-1-30 of this Chapter, and the City may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

F. Expiration: The approval or conditional approval of a vesting tentative map shall expire at the end of the same period, and shall be subject to the same extensions established by this Chapter for the expiration of an approved tentative map.

#### G. Rights Of A Vesting Tentative Map:

1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Map Act section 66474.2.

2. However, if Map Act section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

3. Notwithstanding subsection G1 of this Section, a permit approval, extension or entitlement may be made conditional or denied if any of the following findings are determined:

a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

b. The condition or denial is required in order to comply with State or Federal law.

4. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in subsection F of this Section. If the final map is approved, these rights shall last for the following periods of time:

a. An initial time period of one year beyond the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded. All final maps must be recorded within the time period contained in Section 12-1-8 of this Chapter or the vesting tentative map approval shall expire for those parcels for which final maps are not timely recorded.

b. The initial time period contained in Section 12-1-8 of this Chapter shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if the processing exceeds thirty (30) days, from the date a complete application is filed.

c. A subdivider may apply for a one year extension at any time before the initial time period outlined in Section 12-1-8 of this Chapter expires.

d. If the subdivider submits a complete application for a building permit during the periods of time outlined in subsections G4a through G4c of this Section the rights referred to herein shall continue until either expiration or extension of that permit.

e. Consistent with this subsection G, an approved or conditionally approved vesting tentative map shall not limit the City from imposing reasonable conditions on subsequent required approvals or permits necessary for the development.

H. Amendments: Amendments to the approved or conditionally approved vesting tentative map shall be made pursuant to Section 12-1-9 of this

**12-1-11: FINAL MAPS:**

**A. Filing With The City:**

1. Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if the subdivider, at the time the tentative map application is filed, notifies the Planning Director in writing of the subdivider's intention to file multiple final maps on the tentative map, pursuant to subsection 12-1-7B of this Section. In providing the notice, the subdivider shall not be required to define the number or configuration of the proposed multiple maps.

The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. Each final map which constitutes part, or unit, of the approved or conditionally approved tentative map shall have a separate subdivision number. The subdivision improvement agreement executed by the subdivider shall provide for the construction of improvements as required to constitute a logical and orderly development of the entire subdivision.

2. Any time after the approval or conditional approval of the tentative subdivision map and prior to the expiration thereof, the subdivider may file with the Planning Director the original and five (5) prints of the final map completed in accordance with the Subdivision Map Act and this Chapter. Such final map shall be accompanied by:

- a. Three (3) sets of improvement plans;
  - b. Engineer's estimated (estimate cost of improvements);
  - c. Preliminary title report;
  - d. Calculation and traverses sheets used in computing the distances, angles and courses shown on the final map and ties to existing and proposed monuments, and showing closures. Closures shall be within the allowable limits specified in this Chapter;
  - e. Other documents and design calculations as may be required.
  - f. Three (3) copies of the proposed deed restrictions, if applicable.
3. Fee for checking and processing final map and related documents as set forth in this Chapter.
4. Preliminary soils report.

**B. Checking And Processing Fees:** Fees for checking and processing maps, improvements plans, and related documents shall be in the amounts prescribed from time to time by resolution of the City Council.

**C. Transmittal To City Engineer:** After issuance of a receipt by the Planning Director for the final map and improvement plans processing fee, the Planning Director shall transmit documents to the City Engineer for the final checking and approval.

**D. Form:**

1. The final map which is filed shall be in full accord with the Subdivision Map Act, section 66434.
2. The final map shall be drawn in accordance with an accurate survey of the subdivision, the tentative map and any conditions of its approvals, and in accordance with the Subdivision Map Act and include all the following:
  - a. **Index And Page Numbers:** When more than three (3) sheets are used, an index shall show the entire subdivision. If more than one sheet is required, the total number of sheets comprising the final map shall be stated on each of the sheets and its relationship to each adjoining sheet shall be clearly shown.
  - b. **Tract Number:** The tract number followed by the words "in the City of Corcoran".
  - c. **Names:** The names without abbreviations of all:
    - (1) Proposed streets;
    - (2) Adjoining streets;
    - (3) Proposed public areas; and
    - (4) Adjacent tracts, records of survey or parcel maps.
  - d. **Scale:** North arrow and scale used shall be shown on each sheet except the title sheet. The scale used shall not be less than one hundred feet to the inch (100' = 1").
  - e. **Lot Data:** All lots shall be numbered consecutively beginning with the number one with no omissions or duplications; provided, however, where the subdivision is a continuation of or an addition to an existing subdivision being the same tract number, the lot number shall commence with the number immediately following the last highest number of the existing subdivision and in all other respects conform to the above requirements. Each lot shall be shown entirely on one sheet. No block numbers shall be used. Lots shall show net acreage to the nearest hundredth or net square footage to the nearest square foot.
  - f. **Survey Data:**
    - (1) All survey data shown on the map shall be determined by a field survey made in accordance with standard practices and principles for land surveying.
    - (2) A traverse of the boundaries of the tract and all blocks must close within a limit of error not to exceed one foot (1') in ten thousand feet (10,000'). A traverse of the interior lots of the tract must close within a limit of error not to exceed one foot (1') in ten thousand feet (10,000').
    - (3) Sufficient data shall be shown so that the length and bearing of every line on the map including the center lines of all streets can be readily determined. The radius, tangent, arc length and central angle of all curves shall be shown. The bearings of radial lines to the beginning and end of each curve shall be shown.
  - g. **Width:** The final map shall show the width of each street; the width of the portion being dedicated, the width of the existing dedication, and the width of each side of the center lines; and the width of rights of way of railroads and any other easements appearing on the map.
  - h. **City Boundaries:** The final map shall show City boundaries adjoining the subdivision.
  - i. **Monuments:** The final map shall clearly describe and show the location of stakes, monuments or other evidence found on the ground to determine the boundaries of the tract. The map shall identify and show the locations of all new monuments.

j. Record Of Easements: The final map shall show the location, width, and side lines of all easements to which the lots are subject. If an existing easement already of record cannot be definitely located, a statement as to the easement shall appear on the title sheet. Public utility easements for storm drains, sewers, utilities and other purposes shall be denoted by broken lines. Distance and bearings on the side lines of the lots which are cut by easement shall be shown as to indicate clearly the actual lengths of the lot lines. The width of the easement, the lengths and bearings of the lines thereof, and sufficient ties to locate the easement shall be clearly labeled and identified, and if already of record, proper reference to the records shall be given. Easements being dedicated shall be so indicated in the certificate of dedication.

k. Dedications: All streets, alleys, access rights, drainage easements, public utilities easements, and other easements and parcels of land shown on the final map as intended for public use shall be offered for dedication for public use in accordance with the Subdivision Map Act.

l. Reservations: All property reserved for schools, fire stations, libraries, recreation facilities or other public uses shall be shown on the final map.

m. Certificates: The following certificates and acknowledgements must appear on the title sheet of a final map:

- (1) Owner's certificates and acknowledgment and offer of dedication, if any;
- (2) Certificate of engineer with his registered engineer's number or of surveyor with his licensed land surveyor's number;
- (3) Certificate of approval of the City Engineer;
- (4) Certificate of approval by executive secretary of Planning Commission;
- (5) Certificate of the City Clerk of approval by the Council and acceptance of the offer of dedication;

(6) Said title sheet shall also contain such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law and the provisions of this Chapter.

E. Approval By The City Engineer:

1. The City Engineer shall examine all the documents as to conformity with the tentative map, as to the sufficiency of affidavits and acknowledgements, and such other matters as require checking to ensure compliance with the provisions of the Subdivision Map Act and of this Chapter.

2. The City Engineer shall either approve or return one copy of the map, improvement plans or other documents to the subdivider or his engineer noting the necessary corrections. On subsequent resubmittals to the City Engineer, the subdivider shall submit corrected documents and plans in duplicate. The City Engineer shall respond approving or showing required corrections. At such time as the final map, improvement plans, and other required documents are found to be in correct form and the matters shown thereon are sufficient, the City Engineer shall endorse his approval thereon and transmit it to the City Council for approval.

F. Action By The City Council: The City Council shall approve the final map if it conforms to all the requirements of this Chapter and the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map. If the City Council does not approve or disapprove the map within the time prescribed in the Subdivision Map Act, or any authorized extension thereof, and the map conforms to all the requirements and rulings, it shall be deemed approved, and the City Clerk shall certify its approval thereon.

G. Taxes And Assessments: Prior to the filing of the final map with the City Council, the owner or subdivider shall file such certificates and such security and make such payments as are required by sections 66492, 66493 and 66494 of the Subdivision Map Act.

H. Improvement Security And Agreement: The City Council, as a condition precedent to the approval of the final map, shall require the subdivider to enter into an improvement completion agreement upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense. The City shall require that performance of such agreement be guaranteed by the security in accordance with Sections 12-1-17, 12-1-18, and 12-1-20 of this Chapter.

I. Subdivision Guarantee: Before recording of the final subdivision map, the subdivider shall obtain a subdivision guarantee from a company authorized to issue title insurance which shall guarantee the County and the City in a designated sum that according to public records which, under the recording laws, impart construction notice of matters affecting the title to the land contained in the subdivision, the only parties having any record title interest in the land whose signatures are necessary under the Subdivision Map Act on the certificates consenting to the recordation of the final map of the land offering for dedication any streets, roads, avenues, and other easement offered for dedication by the final map are as stated in the subdivision guarantee.

J. Transmittal To County: When the subdivider has filed the agreement and bond or other security with the City Clerk and has made the deposits and cost payments required by the provisions of this Chapter and the Subdivision Map Act and when such agreement, deposits and/or security has been approved by the City Attorney as to form and by the City Engineer as to sufficiency, the final map shall be transmitted to the County Official for ultimate transmittal to the County Recorder.

K. Amending Of Final Map: A recorded final map shall be modified by a certificate of correction or an amending map, as per section 66472.1 of the Subdivision Map Act, if the City finds that there are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary and that modifications do not impose any additional burden on the present fee owner of the property, and if the modifications do not alter any right, title or interest in the real property reflected on the recorded map and the local agency finds that the map as modified conforms to the provisions of section 66474. Any such modification shall be set for public hearing as provided for in section 66451.3 of the Subdivision Map Act. (Ord. 527, 8-4-1997)

**12-1-12: PARCEL MAPS:**

A. Survey Requirements: In all cases where a parcel map is required, such map shall be based upon a field survey or record data made in conformity with the Land Surveyor's Act. The parcel map shall clearly describe and show the locations of stakes, monuments or other evidence found on the ground to determine the boundaries of the subdivision. The map shall identify and show the locations of all monuments.

B. Dedications: Dedications or offers of dedication shall be made and signed by the same parties and in the same manner as set forth in section 66439 of the Subdivision Map Act for dedications by a final map.

C. Form And Content: The parcel map shall be prepared in conformance with section 66445 of the Subdivision Map Act. Scale shall not be less than two hundred feet to the inch (200' = 1"). When the Commission has deferred improvements in accordance with subsection 12-1-14C of this Chapter, the following certificate shall be ascribed on the map:

*Pursuant to section 66411.1 of the Subdivision Map Act, all improvements have been deferred until such time as development of these parcels occurs. Notice is hereby given that no building permit shall be issued until such time as improvements are completed in accordance with the Corcoran Municipal Code and Corcoran Standard Specifications.*

D. Public Hearing: See subsection 12-1-7I of this Chapter.

E. Commission Action:

1. The Planning Commission shall take an action to approve, disapprove, or approve with conditions, the tentative parcel map. Said tentative parcel map shall be prepared pursuant to Section 12-1-7 of this Chapter.

2. At the same time, the Commission shall designate the improvements which will be required under the provisions of this Chapter; the dedications, and irrevocable offers of dedication and the form thereof, which will be required under the provisions of this Chapter; and any other requirements or conditions of approval.

F. Filing With The City: Any time after the approval or conditional approval of the tentative map and prior to the expiration thereof, the subdivider may file with the Planning Director the original and five (5) prints of the parcel map completed in accordance with the Subdivision Map Act and this Chapter. Such parcel map shall be accompanied by:

1. Title Report: A preliminary title report issued by a title insurance company with offices in the County, in the name of the owner of the land, issued to or for the benefit and protection of the City, showing all parties whose consent is necessary and their interest therein;

2. Dedications: Documents for dedications or offers of dedications as described in subsection 12-1-12E of this Section;

3. Improvement Plans: Improvement plans as may be required;

4. Fees: Fees for checking parcel map and related documents as set forth in Section 12-1-3 of this Chapter;

5. Reports/Documents: Preliminary soils reports or other documents or material as may be required;

6. Calculations: Calculation and traverse sheets used in computing the distance, angles and courses shown on the final map and ties to existing and proposed monuments, and showing closures. Closures shall be within allowable limits specified in this Chapter.

G. Transmittal To City Engineer: After issuance of a receipt by the Planning Director for the parcel map and related documents processing fee, the Planning Director shall transmit such documents to the City Engineer for the final check and approval.

H. Approval Of The City Engineer:

1. The City Engineer shall examine all the documents as to conformity with the tentative map, as to the sufficiency of affidavits and acknowledgements, and such other matters as require checking to ensure compliance with the provisions of the Subdivision Map Act and of this Chapter.

2. The City Engineer shall either approve or return one copy of the map, improvement plans or other documents to the subdivider or his engineer noting the necessary corrections. On subsequent resubmittals to the City Engineer, the subdivider shall submit correct documents and plans in duplicate. The City Engineer shall respond approving or showing required corrections. At such time as the parcel map, improvement plans, and other required documents are found to be in correct form and the matters shown thereon are sufficient, the City Engineer shall endorse his approval thereon.

I. Action By The City Council: If dedications or offers of dedications are required, then within the time limits set forth in the Subdivision Map Act, the City Council shall approve the parcel map if it conforms to all the requirements of the Chapter and the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder, or, if it does not so conform, disapprove the map. If the City Council does not approve or disapprove the map within the time prescribed in the Subdivision Map Act, or any authorized extension thereof, and the map conforms to all the requirements and rulings, it shall be deemed approved, and the City Clerk shall certify its approval thereon.

J. Improvement Requirements: Improvements required by the Planning Commission and City Council shall be in full conformity with all the requirements in Section 12-1-14 of this Chapter.

K. Subdivision Guarantee: Prior to recordation of the parcel map, the subdivider shall obtain a subdivision guarantee in conformity to the requirements as set forth in Section 12-1-15 of this Chapter.

L. Transmittal To County: At such time as all the requirements of this Chapter and the Subdivision Map Act have been satisfied and all required fees have been paid, the parcel map shall be transmitted directly to the County official for ultimate transmittal to the County Recorder. (Ord. 527, 8-4-1997)

**12-1-13: SUBDIVISION STANDARDS AND REQUIREMENTS:**

A. Requirements: Except where modified by the City Council, each subdivision or parcel map and the map thereof shall be in conformity with the standards set forth or referred to in this Chapter and the standard specifications of the City.

B. Conformance To Plans: All subdivision maps shall conform to any specific plans of streets, public areas or other projects or plans adopted or approved by the Council. There shall be conformity with the principles and standards of the General Plan, Specific Plan and to the City Zoning Regulations.

C. Buildable Lots: All subdivisions shall result in the creation of lots which are developable and capable of being built upon. The minimum area of any lot shall be as required by the Zoning Ordinance. No subdivision shall create lots which are impractical of improvement due to size or shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other natural physical conditions.

D. Access To Public Streets: All lots or parcels created by the subdivision of land shall have direct access to a public street except where adequate internal circulation is provided by a private street. If private streets are proposed, 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 street, and plan satisfactory to the City Council for ownership and maintenance of said 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.

E. Lot Standards: The size, shape and orientation of lots in the subdivision shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The following principles and standards shall be observed:

1. The minimum area and dimensions of all lots shall conform to the requirements of the Zoning Ordinance for the district in which the subdivision is located;

2. The sidelines 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. Sidelines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces;

3. No lot shall be divided by a City boundary line, tax district line, special district line, nor any boundary between parcels registered under separate ownership. Each such boundary line shall be made a lot line;

4. 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 unless designated alphabetically on the subdivision map for a specific use or nonuse and referred to as an outlot;

5. Lot numbers shall begin with the number one and shall continue consecutively through the tract, with no omissions or duplications, and no block designation shall be used;

6. Lots having double frontage shall not be approved except where necessitated by topographic or other unusual conditions. Where such lots are approved, vehicular access from one frontage shall be waived. The width of each block shall be sufficient for an ultimate layout of two (2) 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 arterial streets or freeways justify or make necessary a variation from this requirement.

F. Streets:

1. Conformance: The subdivision design shall conform to the pattern of arterials designated in the Corcoran General Plan, and to any future street plan lines approved by the City Council. Whenever a subdivision fronts on a designated arterial, it shall be included on said map and shall be platted by the subdivider in the location indicated in the General Plan.

2. Minimum Standards: Street standards shall be adopted by the City in the City of Corcoran Improvement Standards or Standard Specifications. All streets and arterials shall be platted according to the standards provided for in the City of Corcoran Standard Specifications in effect at the time of the preparation of the subdivision map, except where it can be shown by the subdivider, to the satisfaction of the City Council, that the topography or the small number of lots served and the probable future traffic development are such as to unquestionably justify a lesser standard. But in no case shall the right-of-way width be less than the minimum specified in the City of Corcoran Standard Specifications, with the exception of a planned unit development which may further modify these standards.

3. Street Pattern: The street pattern in the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood or district. The following principles shall be observed:

a. Continuous Streets: Where appropriate to the design and terrain, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect;

b. Extension Of Streets: Proposed streets shall be extended to the boundary line 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;

c. Access: Where necessary to give access to or permit a satisfactory subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead end streets may be approved with a temporary turnaround. In all other cases, a turnaround having a minimum pavement radius as specified in the City of Corcoran Standard Specifications in effect at the time the subdivision map is submitted is required;

d. Intersections: Proposed streets shall intersect one another as nearly at right angles as possible. "T" intersections rather than "cross" intersections shall be used wherever possible. The center line of all streets shall be the continuation of the center line of existing streets or shall be offset at least the distance as specified in the City of Corcoran Standard Specifications in effect at the time the subdivision map is submitted;

e. Certain Streets Prohibited: Excessively long, straight, local residential streets, conducive to high speed traffic, shall be prohibited;

f. Cul-De-Sacs: Cul-de-sacs or dead-end streets should not be more than the length specified in the City of Corcoran Standard Specifications in effect at the time the subdivision map is submitted;

g. Street Types: All streets shall be known as "avenues". All curvilinear or diagonal streets shall be known as "drives". Cul-de-sac streets shall be known as "courts" or "circles";

h. Street Names: All street names shall be approved by the Planning Commission. Duplication of existing names shall not be allowed unless the streets are approximately in alignment with existing streets and not so far removed;

i. Alleys: The City Council may require alleys if there is a demonstrated need to maintain continuity of existing alleys. If alleys are required, they shall be constructed to City standards as specified in the City of Corcoran Standard Specifications in effect at the time the subdivision map is submitted;

j. Design Adjacent To Arterials: Subdivision design adjacent to arterials shall be as specified in the Corcoran General Plan and as specified in the City of Corcoran Standard Specifications in effect at the time the subdivision map is submitted;

k. Frontage Roads: Frontage roads, if required, shall conform to the standards and shall be separated from the arterial or freeway by a strip of permanent landscaping as specified in the City of Corcoran Standard Specifications in effect at the time the subdivision map is submitted, subject to approval by the Planning Director. Frontage roads shall enter arterials by means of intersections designed with turning and stacking capacity adequate for the traffic volume as estimated by the City Engineer;

l. Lots Adjacent To Arterials: Where residential lots are adjacent to an arterial street and no frontage road is provided, access from such lots is prohibited. In such cases, an additional ten foot (10') dimension is required in either lot width or depth to provide for a permanent landscaped setback. A wall or fence as approved by the Commission shall be required at the rear or side of lots adjacent to the arterial;

m. Rear Of Lot Borders Arterial: When the rear of any lot borders an arterial, the subdivider may be required to execute and deliver to the City an instrument, deemed sufficient by the City Attorney, prohibiting the right of ingress and egress from said arterial to said lot;

n. Grades, Curves, And Sight Distances: Grades, curves and sight distances shall be subject to approval by the City Engineer, to ensure proper drainage and safety for vehicles and pedestrians. The following principles and minimum standards shall be observed:

(1) Grades of streets shall not be less than as specified in the City of Corcoran Standard Specifications in effect at the time the subdivision map is submitted;

(2) Whenever any street intersects an arterial street or State highway, the property line at such intersection shall be rounded with a curve having a radius of not less than as specified in the City of Corcoran Standard Specifications in effect at the time the subdivision map is submitted. On all other street intersections, the property line at each block corner shall be rounded with a curve having a radius of not less than as specified in the City of Corcoran Standard Specifications in effect at the time the subdivision map is submitted. In either case, a greater curve radius may be required if streets intersect at other than right angles;

(3) The center line curve radius on all streets and highways shall conform to accepted engineering standards of design and as specified in the City of Corcoran Standard Specifications in effect at the time the subdivision map is submitted.

G. Curbs And Sidewalks: Curbs and sidewalks shall be installed as specified in the City of Corcoran Standard Specifications in effect at the time the subdivision map is submitted. Sidewalks shall be required on both sides of the street unless it can be shown through design or lot size (in excess of 1/2 acre) that elimination will not jeopardize the public safety.

H. Landscaping: The developer shall be responsible for providing one street tree (minimum 15 gallon) in the front yard setback of all residential lots, the variety of tree to be approved by the Planning Director. The developer shall pay a fee as established by City Council in lieu of providing

trees.

I. Utilities And Easements: All utility distribution facilities shall be placed underground. Utility easements shall be provided within the subdivision where required for public utility purposes. Modification of the easement width requirement may be granted only when approved by both the City Engineer and the public utility or utilities concerned.

J. Watercourses: The subdivider shall dedicate a right of way for storm drainage conforming substantially with the liens of any natural watercourse or channel, stream or creek that traverses the subdivision, or at the option of the City Council the subdivider shall provide by dedication further and sufficient easements or construction, or both, to dispose of such surface and storm water.

K. Block Design: When at all possible a block shall have sufficient width for an ultimate layout of two (2) tiers of lots of the size required by the provisions of the Zoning Ordinance.

L. Block Standards: Blocks shall not normally exceed nine hundred feet (900') in length between street lines, except where subdivisions containing parcels of one-half (1/2) acre or larger justify or require a variation from this requirement.

M. Commercial And Industrial Areas: When property is designated for commercial or industrial use either in the General Plan, Specific Plan or the Zoning Regulations, the plan of the subdivision shall be appropriate for such uses. Streets shall have adequate capacity to handle the anticipated traffic which will utilize them. As far as practicable, streets shall be laid out so that there will be direct access to the commercial or industrial area from arterial or collector streets without utilizing local streets traversing residential areas. Lot areas and dimensions shall be adequate to accommodate the yard spaces, off-street parking facilities, and off-street loading facilities required by the Zoning Regulations.

N. Reserve Strips: A one foot (1') reserve strip shall be provided at the dead end of a stubbed street or at the edge of a partial width street and shall be offered for dedication to the City for future street purposes and shown on the final map. (Ord. 527, 8-4-1997)

#### **12-1-14: IMPROVEMENTS:**

A. General Requirements: All improvements shall be constructed at the subdivider's expense in accordance with the requirements of this Chapter.

B. In A Subdivision For Which A Final Map Is Required: As a condition of approval of a tentative map for which a final map is required, the subdivider shall agree to construct, install, or provide all improvements as set forth in this Chapter.

C. In A Subdivision For Which A Parcel Map Is Required: As a condition of approval of a tentative map for which a parcel map is required, improvements as set forth in this Chapter may be required. The extent of such improvements shall be determined by the Planning Commission pursuant to section 66411.1 of the Subdivision Map Act. The Planning Commission may defer improvements until development of proposed division of land occurs. Improvements shall not be waived in any developed area.

#### **D. Standards And Design Criteria:**

1. The criteria and standards used for the design and construction of improvements shall be in accordance with the following:

- a. "City of Corcoran Standard Specifications", copies of which are available for examination by the public in the offices of the City Engineer;
- b. All the applicable provisions of Section 12-1-13 of this Chapter;
- c. All other requirements set forth in this Chapter.

2. Exceptions: The City Engineer or other designated City official may make minor changes in typical sections and details if unusual conditions apply to the subdivision or arise during construction to warrant such change.

#### **E. Plans:**

1. Improvement plans shall include all drawings and specifications necessary for the orderly construction of improvements for the subdivision.

2. All such plans shall be prepared by a civil engineer licensed in the State of California in keeping with standard engineering practices. All plans shall be stamped and signed by a licensed engineer.

3. All such plans shall be drawn on tracing paper or polyester base film in ink or pencil capable of producing a legible print.

4. All sheets shall be twenty four inches by thirty six inches (24" x 36") and shall be incorporated into one complete set of plans. When more than three (3) sheets of drawings are required, an index to drawings shall be ascribed on the first sheet of the set.

5. Elevations of all improvements shall be based on City of Corcoran datum.

F. Required Improvements; Generally: The improvements set out in City of Corcoran Standard Specifications shall be clearly set forth in the improvement plans and shall be constructed or installed in accordance therewith. The following improvements shall also be required:

1. Plan Check And Inspection Fees: Subdivider shall be required to pay plan check and inspection fees which shall include all charges for engineering and inspection services rendered by the City, including cost of recording maps in an amount prescribed by resolution of the City Council;

2. Street Drainage: Grading, curbs and gutters, paving, drainage structures necessary for the proper use and drainage of streets and pedestrianways and for the public safety;

3. Site Grading: Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate as though fully improved;

4. Street Grading And Surfacing: All streets and pedestrianways shall be graded and surfaced to widths and grades shown on the improvement plans and profiles signed by the City Engineer, and approved by the City Council or as established by law;

5. Extension Improvements: The subdivider shall improve the extension of all subdivision streets and pedestrianways to the intercepting paving line of any County road, City street or State highway;

6. Sidewalk Installation: Sidewalks shall be installed as shown on the improvement plans and profiles signed by the City Engineer;

7. Sanitary Sewer Facilities: Sanitary sewer facilities connecting with the existing City sewer system shall be installed in accordance with the requirements of the City Engineer and shall serve the subdivision with a separate private lateral for each lot and to grades and sizes shown on the plans signed by the City Engineer. No septic tanks or cesspools will be permitted;

8. Storm Water Drains: Storm water drains shall be installed as shown on the plans signed by the City Engineer. Existing installations and facilities to be utilized for storm drainage shall be piped in accordance with the requirements of the City Engineer;



9. Water Mains And Fire Hydrants: Water mains and fire hydrants connection to the water system serving the City shall be installed as required by the City Engineer and shown on the plans signed by the City Engineer. Mains and individual lot services shall be of sufficient size to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection;

10. Street Signs: Street signs shall be installed by the subdividers;

11. Barricade Installation: Any required barricades to prevent traffic access at dead-end streets shall be provided by the subdivider in accord with the standard specifications;

12. Street Trees: Street trees, if required, shall be of a type approved by the City Council and planted in locations approved by it;

13. Monuments, Barricades And Safety Devices: Permanent monuments, barricades and traffic safety devices shall be placed as required by the City Engineer;

14. Street Lights: Street lighting facilities shall be provided in accordance with the City Council's policy for the area of the City where the subdivision is located. Lighting shall be adequate to permit proper policing of the subdivision;

15. Pavement Markings: Pavement markings shall be provided as required by the City Engineer;

16. Underground Utilities: All utility distribution facilities including, but not limited to, electric, communication, and cable television lines installed in and for the purpose of supplying service to any subdivision, shall be placed underground in accordance with the utility's rules and regulations on file with the California Public Utilities Commission;

17. Underground Facilities Equipment: Equipment appurtenant to underground facilities such as surface-mounted transformers, street light poles, pedestal-mounted terminal bases and meter cabinets and concealed ducts may be installed above the surface of the ground and in a manner so as to avoid any adverse impact on the aesthetics of the subdivision. 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 said facilities;

18. Construction Of Underground Utilities: All underground utilities, sanitary sewers, and storm drains installed in streets, service roads, alleys, or highways shall be constructed in accordance with the standard specifications prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed in such length as will avoid the necessity for disturbing the street or alley improvements when service connections thereto are made;

19. Railroad Crossings: Provisions shall be made for any railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation for all documents necessary for application to the State Public Utilities Commission or the establishment and improvement of such crossings;

20. Landscaping: Landscaping in accordance with subsection 12-1-13(H) of this Chapter;

21. Lot Corners: The subdivider's engineer or surveyor shall set at all lot corners a marker consisting of one inch (1") diameter iron pipe twenty four inches (24") long with the engineer's marker thereon;

22. Other Improvements: Where deemed necessary by the City Council for the public health, safety or welfare, other improvements may be required.

G. Supplemental Improvements Required: The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public. Supplemental size, capacity or number shall mean that size capacity or number in excess of the minimum standard City requirements.

H. Supplemental Improvements; Reimbursement Agreement: The City may enter into an agreement for reimbursement to the subdivider of the cost of the supplemental capacity, size or number. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only and the actual cost of oversize improvements.

I. Utility Fees And Off-Site Charges: The subdivider shall pay utility and off-site charges as may be required by Council resolution or ordinance in effect at the time of approval of the tentative subdivision map. The schedule of charges shall terminate at the time the tentative map expires or is reapproved by the City Council. Utility and off-site charges in effect at the time of reapproval of a tentative subdivision map shall apply to the subdivision. These charges shall be paid prior to the approval of the subdivision agreement by the City Council or included in the instrument of credit if such is the form of security for the subdivision agreements.

J. Completion Of Subdivision Improvements: A subdivision for which a final or parcel map is required shall not be approved and subsequently recorded until improvements required as a condition of approval of the tentative map have been completed or an agreement to complete the improvements has been entered into pursuant to section 66462 of the Subdivision Map Act. Such agreement to complete improvements shall be guaranteed by security in the amount, type, form and content as set forth in this Chapter. (Ord. 527, 8-4-1997)

#### **12-1-15: AGREEMENT:**

The agreement to complete required improvements shall contain such stipulations as may be required to assure completion of the subdivision in accordance with the requirements of the City. Such stipulations shall specify that the subdivider shall complete the improved work within twelve (12) months and provide that if he/she fails to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider. The agreements shall provide for inspection of all improvements by the City. The form and content of such agreement shall be approved by the City Attorney.

The improvement agreement shall be secured by a bond or security in the amount, type, form and content as set forth in this Chapter. (Ord. 527, 8-4-1997)

#### **12-1-16: SECURITY; TYPE:**

Improvement security shall be of the type as provided for in section 66499 of the Subdivision Map Act subject to review by the City Attorney and approval of the City Council. (Ord. 527, 8-4-1997)

#### **12-1-17: SECURITY; FORM OF BONDS:**

When a bond is used to secure the faithful performance of the agreement for subdivision improvements it shall be in substantially the same form as provided for in section 66499.1 of the Subdivision Map Act subject to review by the City Attorney and approval by the City Council. Appropriate modifications shall be made in such form if the bond is being furnished for the performance of an act not provided for by agreement. (Ord. 527, 8-4-1997)

#### **12-1-18: SECURITY; AMOUNT:**

The improvement security shall be provided in the amount as follows:

A. Performance Security: One hundred percent (100%) of the City Engineer's total estimated cost of the improvement or act to be performed

securing payment to the contractor, the subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act.

B. Labor And Materials Security: Fifty percent (50%) of the total estimated cost of the improvement or act to be performed securing payment to the contractor, the subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act. (Ord. 527, 8-4-1997)

**12-1-19: SECURITY; RELEASE:**

A. Security For Performance: May be reduced as work progresses only for the work satisfactorily completed. Upon written request from the subdivider, the City Engineer or other designated City official shall determine the value of work completed satisfactorily. In no event shall such security be reduced more than ninety percent (90%) of the value of the work completed. Upon recommendation of the City Engineer and determination of the City Council, a notice of completion shall be filed with the County Recorder.

B. Security For Labor And Materials: Shall be released thirty five (35) days after such notice of completion is filed; provided that no claims are filed. If any claims are filed, the amount of such security retained shall be equal to the amount of such claims. No security given for the guarantee or warrant of work shall be released until the expiration of the period thereof.

C. Maintenance Bond: After filing the notice of completion and before final release of any security, the subdivider shall provide the City with a one year maintenance bond in the amount of ten percent (10%) of the City Engineer's estimated cost of improvements. Such bond or other security shall be subject to review by the City Attorney and approved by the City Council. (Ord. 527, 8-4-1997)

**12-1-20: SECURITY; FORFEITURE:**

Upon the failure of the subdivider to complete any improvement, act, or obligations within the time specified, or an approved extension thereof, the City Council may, upon notice in writing of not less than ten (10) days, served upon the person responsible for the performance thereof, or upon notice in writing of not less than twenty (20) days, served by certified mail addressed to the last known address of such person, determine that the subdivider is in default and may cause the improvement security or such portion thereof as is necessary to complete the work or act or other obligation of the subdivider secured thereby to be forfeited to the City. (Ord. 527, 8-4-1997)

**12-1-21: NOTICE TO COMMENCE WORK:**

Improvement work shall not be commenced until the City Engineer or other designated City official has been given twenty four (24) hours' notice. If the work is discontinued for any reason, it shall not be commenced until such notice is given. (Ord. 527, 8-4-1997)

**12-1-22: INSPECTION REQUIRED:**

The construction of all required improvements shall be inspected by the City Engineer or other designated City official for conformance with improvement plans. Any work completed without such required inspection shall be subject to removal and reconstruction at the cost of the subdivider. (Ord. 527, 8-4-1997)

**12-1-23: INSPECTION; FEES:**

Inspection and plan check fees shall be in the amount prescribed from time to time by resolution of the City Council. (Ord. 527, 8-4-1997)

**12-1-24: INSPECTION AND TESTS; REQUIRED:**

A. General: All testing required by this Section shall be performed by a City-approved certified testing laboratory. The subdivider shall be responsible for all tests required under this Section. Test results shall be provided to the City Engineer as testing is performed.

B. Grading: All embankments and excavation shall be compacted in accordance with the City standards. There shall be a sufficient number of tests at sufficient depths to ensure proper compaction and moisture content. At such time as the grading is completed, a resume of such tests shall be submitted to the City Engineer or other designated City official for review and approval.

C. Concrete Work: Prior to the placement of any concrete in public rights of way, the subdivider or his contractor shall notify the City. The City shall inspect the work for proper compaction. The City Engineer may require additional compaction tests to assure proper compaction and moisture content. The Engineer or other designated City official may take concrete cylinder samples as he may deem necessary. The breaking of such samples shall be at the subdivider's expense. The City shall check all curbs and gutters which fail to meet required tolerances as set forth in the City standards.

D. Underground Utilities: All trench backfill shall be compacted to City requirements. The contractor may use any approved method to obtain required compaction. There shall be a sufficient number of tests at sufficient depth to assure proper compaction and moisture content.

E. Streets And Alleys:

1. Prior to placement of any required base, the subgrade shall be prepared and a sufficient number of compaction tests taken at sufficient depths to assure proper compaction and moisture content. The laboratory shall submit reports of such tests to the City Engineer or other designated City official for review and approval. No base shall be placed until such approval is obtained.

2. After the placement of base and prior to placement of pavement, the City Engineer or other designated City official may require additional compaction tests to be taken. The laboratory shall submit reports of such tests to the City for review and approval.

3. In addition to the above tests and requirements, the City Engineer or other designated City official may require certification of the concrete, aggregate base and asphalt concrete material and such additional testing or other information necessary to assure proper construction in compliance with the improvement plans. (Ord. 527, 8-4-1997)

**12-1-25: FINAL INSPECTION:**

At such time as all improvements are completed, the subdivider shall arrange a meeting with the City Engineer or other designated City official for an inspection of the work. The subdivider or his representative shall be present during the time of inspection. The City may require all required monuments as required in this Chapter to be exposed including all street monuments and lot corner monuments. No deferment of monuments shall be allowed. When all improvements are completed, the City Engineer or other designated City official shall proceed to release security as provided for in this Chapter. (Ord. 527, 8-4-1997)

**12-1-26: AS-BUILT PLANS:**

At such times as the improvement work has been satisfactorily completed and approved as set forth in this Chapter, before filing the notice of completion, the subdivider shall submit a complete set of photo Mylar reproducible as-built improvement plans. Said as-builts shall be based upon comments provided by the City Engineer. Such plans shall clearly show any changes that were made during construction. As-built improvement plans shall include permanent elevation bench marks based upon the City datum at such locations as may be required by the City Engineer or other designated City official. Bench mark elevations shall be set to the nearest one-hundredth of a foot (1/100'). (Ord. 527, 8-4-1997)

**12-1-27: SCHOOL SITE DEDICATION:**

The provisions for school site dedication shall be as outlined in section 66478 of the Subdivision Map Act. (Ord. 527, 8-4-1997)

**12-1-28: RESERVATIONS:**

A. General: As a condition of approval of a tentative map, the subdivider shall reserve sites appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards and formula contained in this Chapter.

B. Standards For Reservation Of Land: Where a park, recreational facility, fire station, library, or other public use is shown on an adopted Specific Plan or adopted General Plan containing a community facilities element, recreation and parks element and/or a public building element, the subdivider may be required by the City to reserve sites, as determined by the City in accordance with the principles and standards contained in the Specific Plan or General Plan. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The reserved area shall conform to the adopted Specific Plan or General Plan, and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

C. Procedure: The public agency for whose benefit an area has been reserved shall, at the time of approval of the final map or parcel map, enter into a binding agreement to acquire such reserved areas within two (2) years after the completion and acceptance of all improvements, unless the period of time is extended by mutual agreement of the subdivider and the agency.

D. Payment To Subdivider: The purchase price shall be the fair market value thereof at the time of the filing of the tentative map plus the real property taxes against the reserved area after the date of the reservation and any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs incurred on any loan covering the reserved area. The fair market value of the property shall be established considering the value of the property as it may be enhanced by approval of the subdivision map, rezoning, or other entitlement for use.

E. Termination: If the public agency for whose benefit an area has been reserved does not enter into a binding agreement, the reservation of the area shall automatically terminate. (Ord. 527, 8-4-1997)

#### **12-1-29: PARK AND RECREATION FACILITIES:**

A. General: The provisions for determination of park site dedication or payment of fees in lieu thereof, shall be as outlined in section 66477 of the Subdivision Map Act.

B. Credit For Private Recreation Or Open Space: Where private park and recreational area is provided in a proposed subdivision, and the developer requests credit for such area against the requirement of land or payment of fees in lieu thereof, any credit shall be determined by resolution of the City Council. (Ord. 527, 8-4-1997)

#### **12-1-30: EXCEPTIONS:**

A. Purpose: The purpose of this Chapter is to allow the City Council to approve or conditionally approve exceptions to any of the requirements and regulations set forth in this Chapter in accord herewith.

B. Exceptions Permitted: Exceptions to the regulations and requirements of this Chapter may be allowed for the following conditions:

1. When property is impossible or impractical to develop in accordance with any of the provisions of this Chapter because of special circumstances or conditions which affect such property.

2. When a subdivider proposes to develop property using modern site planning techniques in a manner which does not conform or literally comply to the design standards or regulations set forth in this Chapter but would serve to facilitate the ultimate development of the land in a manner that will be commensurate with contemporary living patterns and technical progress.

C. Memorandum Of Justification: At no time later than the time of filing of the tentative map the subdivider shall submit a memorandum in writing containing the following information:

1. A complete list of all the exceptions requested and justification of such exceptions;

2. Tentative plans, plan of development or any other material necessary to support justification of such exception;

3. If applicable, any decision previously made by the City Council on the proposed property with respect to the Zoning Regulations, complete with all material and information required therewith.

D. Planning Commission Review And Decision:

1. At such time as the Planning Commission reviews the tentative map it shall review the memorandum of justification. The Commission shall recommend approval, approval with conditions or disapproval of the request exceptions. The decision and findings of the Commission shall be transmitted to the City Council for final decision. However, if the exception is granted, the following findings must be made:

a. That there are special circumstances or conditions affecting the property;

b. That the exception is necessary for the preservation and enjoyment of a substantial property right;

c. That the total development of the property with the exceptions shall in the aggregate be at least equivalent to standard requirements set forth in this Chapter and be in harmony with other developed areas in the immediate vicinity;

d. That such exceptions will not be detrimental to the public health, safety, convenience and public welfare;

e. That such exceptions conform to the requirements of the Zoning Ordinance or any approved exception thereof.

2. The findings of fact described in subsection B1 and B2 of this Section may not be necessary when a subdivider files for an exception based on the condition described in subsection 12-1-7B27 of this Chapter.

E. Planned Unit Developments: Where in accordance with the provisions of the Zoning Ordinance a planned unit development has been tentatively approved subject to the approval of exceptions required in these regulations the Commission shall find that the tentative map conforms to such plan.

F. Appeals: The subdivider or any interested person may appeal any action or decision of the Planning Commission with respect to granting or denying any exception as set forth in this Chapter. All appeals shall be filed and processed in accordance with section 66452.5 of the Subdivision Map Act.

G. Final Map: A copy of such exceptions and all required findings shall be transmitted to the City Council with the final map. (Ord. 527, 8-4-1997)

#### **12-1-31: DRAINAGE AREA:**

A. Adoption: Pursuant to section 66483(b) of the Subdivision Map Act, the City Council does adopt as one complete drainage area that area within the urban improvement boundary as delineated on the Land Use Element of the General Plan.

B. Fees; Required: Pursuant to section 66483 of the Subdivision Map Act, the subdivider shall pay fees for the purpose of defraying the estimated cost of constructing planned drainage facilities for the removal, transportation, and disposal of storm drain waters from the City.

- C. Fees; Calculation And Payment: Drainage fees shall be calculated on a per acre basis and paid prior to filing the final or parcel map.
- D. Fees; Amount: Fees shall be in the amount prescribed from time to time by resolution of the City Council. All such fees shall be determined and administered in accordance with Subdivision Map Act. (Ord. 527, 8-4-1997)

## CHAPTER 2

### DEVELOPMENT FEES

#### SECTION:

##### 12-2-1: Title

##### 12-2-2: Findings

##### 12-2-3: Definitions

##### 12-2-4: Establishment Of Development Fees

##### 12-2-5: Adoption Of Fees By Resolution

##### 12-2-6: Imposition Of Development Fee

##### 12-2-7: Annual Adjustment

##### 12-2-8: Creation Of Special Fund

##### 12-2-9: Computation Of Fees

##### 12-2-10: Payment Of Fees

##### 12-2-11: Fee Adjustments

##### 12-2-12: Use Of Funds

##### 12-2-13: Refund Of Fees Paid

##### 12-2-14: Exemptions

##### 12-2-15: Credits

##### 12-2-16: Developer Construction Of Facilities

##### 12-2-17: Review

##### 12-2-18: State Law To Control

##### 12-2-19: Superseding Provisions

##### 12-2-20: Severability

##### 12-2-1: TITLE:

This chapter shall be known, and may be cited, as the *DEVELOPMENT FEE ORDINANCE* of the city of Corcoran, California. (Ord. 587, 7-12-2006)

##### 12-2-2: FINDINGS:

The city council of the city of Corcoran hereby finds and declares as follows:

- A. The state of California, through the enactment of Government Code sections 66001 through 66008 has, among other things, determined the nexus that must be established in the enactment of development fees.
- B. The imposition of development fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of public facilities and service improvements necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.
- C. This chapter recognizes that all new development within the city will result in additional growth and that such growth will place additional burdens on various city facilities, infrastructure and services. This chapter further recognizes the types of land development that will generate impacts necessitating the acquisition of land and construction of public facilities and expansion of services and infrastructure in order to meet and accommodate them.
- D. All land uses within the city should bear a proportionate financial burden in the construction and improvement of public facilities and services necessary to serve them.
- E. The cost of providing public facilities and service improvements occasioned by development projects within the city of Corcoran exceeds the revenue generated by fees exacted from the development projects.
- F. The development fees established by this chapter are based upon the costs which are generated through the need for new facilities and other capital acquisition costs required, incremental, by new development within the city of Corcoran.
- G. The fees established by this chapter do not exceed the reasonable cost of providing public facilities occasioned by development projects within the city of Corcoran.
- H. The fees established by this chapter relate rationally to the reasonable cost of providing public facilities occasioned by development projects within the city of Corcoran, which public facilities are consistent with the general plan and the various elements of the general plan of the city of Corcoran.
- I. The public facilities and anticipated future development herein referenced are based upon an analysis of existing land use and zoning.
- J. The fees established by this chapter are consistent with the goals and objectives of the city's general plan and are designed to mitigate the impacts caused by new development throughout the city. Development fees are necessary in order to finance the required public facilities and service improvements and to pay for new development's fair share of construction costs.
- K. Imposition of fees to finance public facilities and service improvements is necessary in order to protect the public health, safety and welfare. (Ord. 587, 7-12-2006)

### **12-2-3: DEFINITIONS:**

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings respectively ascribed to them by this section:

**CITY COUNCIL:** The city council of the city of Corcoran.

**DEVELOPMENT PROJECT:** Any project undertaken for the purpose of development. "Development project" shall include a project involving the issuance of a permit for construction or reconstruction, remodeling, or any work requiring any permit under the ordinances of the city of Corcoran, as the same presently exists or may be amended from time to time hereafter. The term "development project" shall also include permits for erection of manufactured housing or structures, and structures moved into the city.

**FEE:** A monetary exaction, other than a tax or special assessment, which is charged by the city to an applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, but does not include fees specified in section 66477 of the California Government Code, fees for processing applications for governmental regulatory actions or approvals, or fees collected under development agreements adopted pursuant to article 2.5 (commencing with section 65864) of chapter 4, division 1, title 7 of the California Government Code.

**PERMITS AND BUILDING PERMITS:** Permits for construction of new housing only and shall not apply to permits issued in relation to rehabilitation of existing homes or where city has, in its discretion, waived permit requirements for any existing reconstruction project.

**PUBLIC FACILITIES:** Include public improvements, public services and community amenities. (Ord. 587, 7-12-2006)

### **12-2-4: ESTABLISHMENT OF DEVELOPMENT FEES:**

The following development fees are hereby established and imposed on the issuance of all building permits for development within the city to finance the cost of the following categories of public facilities and improvements required by new development. The development impact fees consist of the following fees which are hereby established:

- A. Law Enforcement Facilities And Equipment: A development fee is hereby established for law enforcement facilities and training;
- B. Fire Facilities And Equipment: A development fee is hereby established for fire facilities and equipment;
- C. General Facilities And Equipment: A development fee is hereby established for general facilities and equipment;
- D. Streets, Interchanges And Traffic Signals: A development fee is hereby established for streets, interchanges and traffic signals;
- E. Bridges And Culverts: A development fee is hereby established for bridges and culverts;
- F. Street Medians And Landscaping: A development fee is hereby established for street medians and landscaping;
- G. Water Supply Facilities: A development fee is hereby established for water supply facilities;
- H. Water Distribution And Holding Facilities: A development fee is hereby established for water distribution and holding facilities;
- I. Sewage Collection Facilities: A development fee is hereby established for sewage collection facilities;
- J. Wastewater Treatment Facilities: A development fee is hereby established for wastewater treatment facilities;
- K. Storm Drainage Facilities: A development fee is hereby established for storm drainage facilities;
- L. Street Sweeping: A development fee is hereby established for street sweeping;
- M. Parks And Recreation Facilities: A development fee is hereby established for parks and recreation facilities. (Ord. 587, 7-12-2006)

### **12-2-5: ADOPTION OF FEES BY RESOLUTION:**

The city council shall, by resolution, set forth the specific amount of the fees, describe the benefit and impact area on which the fees are imposed, list the specific public improvements to be financed and describe the estimated cost of these facilities. (Ord. 587, 7-12-2006)

### **12-2-6: IMPOSITION OF DEVELOPMENT FEE:**

A. Any person who, after the effective date hereof, seeks to develop land within the city by applying for a building permit or applying for any discretionary land use permit, is hereby required to pay the appropriate development fees established pursuant to this chapter as the same may be applicable, in the manner, amount and for the purposes therein referenced.

B. No permits or extension of permits for the activities referenced in subsection A of this section shall be granted unless and until the appropriate development fees hereby required have been paid to the city. (Ord. 587, 7-12-2006)

### **12-2-7: ANNUAL ADJUSTMENT:**

Each fee imposed by this chapter shall be adjusted on July 1 of each fiscal year, beginning on July 1, 2007, by resolution of the city council. In the alternative, the council may elect, by resolution, to automatically adjust fees by a percentage equal to the engineering cost index as published by "Engineering News Record" for the preceding twelve (12) months or any other index which the council adopts by resolution. Any such automatic adjustments shall not apply to fees which are based on variable factors which themselves result in an automatic adjustment or those which are specifically indicated otherwise. (Ord. 587, 7-12-2006)

### **12-2-8: CREATION OF SPECIAL FUND:**

Each fee collected pursuant to this chapter shall be deposited in a special fund created to hold the revenue generated by each such fee. Monies within each such fund may be expended only by appropriation by the city council for specific projects which are of the same category as that for which the money was collected. In this regard, the following special funds are hereby created and established for the purposes indicated:

A. A law enforcement facilities and equipment fund is hereby established. The law enforcement facilities and equipment fund is a fund for the deposit of fees collected for, and the payment of, the actual or estimated costs of law enforcement facilities and equipment, including any required acquisition of land.

B. A fire facilities and equipment fund is hereby established. The fund is a fund for the deposit of fees collected for, and the payment of, the actual or estimated cost of fire facilities and equipment, including any required acquisition of land.

C. A general facilities and equipment fund is hereby established. The general facilities fund is a fund for the deposit of fees collected for, and the payment of, the actual or estimated costs of constructing and improving the general municipal facilities within the city, including any required acquisition of land.

D. A streets, interchanges and traffic signals fund is hereby established. The fund is a fund for the deposit of fees collected for, and the payment of, the actual or estimated costs of the design, upgrading or improvement of the traffic network, including any required acquisition of land.

E. A bridges and culvert fund is hereby established. The fund is a fund for the deposit of fees collected for, and the payment of, the actual or

estimated cost of constructing and improving all bridges and culverts within the city, including any required acquisition of land.

F. A street medians and landscaping fund is hereby established. The fund is a fund for the deposit of fees collected for, and the payment of, the actual estimated cost of constructing and improving all street medians and landscaping facilities within the city, including any required acquisition of land.

G. A water supply fund is hereby established. The fund is a fund for the deposit of fees collected for, and the payment of, the actual estimated cost of constructing and improving the water supply facilities within the city, including any required acquisition of land and/or the purchase of any required water rights.

H. A water distribution and holding facilities fund is hereby established. The fund is a fund for the deposit of fees collected for, and the payment of, the actual or estimated cost of constructing and improving the water distribution and holding facilities within the city, including any required acquisition of land.

I. A sewage collection facilities fund is hereby established. The fund is a fund for the deposit of fees collected for, and the payment of, the actual or estimated cost of constructing and improving the sewage collection facilities and system within the city, including any required acquisition of land.

J. A wastewater treatment facilities fund is hereby established. The wastewater treatment facilities fund is a fund for the deposit of fees collected for, and the payment of, the actual or estimated costs of constructing and improving the sewage treatment facilities within the city, including any required acquisition of land.

K. A storm drainage facilities fund is hereby established. The storm drainage facilities fund is a fund for the deposit of fees collected for, and the payment of, the actual or estimated costs of constructing and improving the storm drain facilities within the city, including any required acquisition of land.

L. A street sweeping fund is hereby established. The street sweeping fund is a fund for the deposit of fees collected for, and the payment of, the actual or estimated cost of street sweeping facilities and equipment.

M. A parks and recreation facilities fund is hereby established. The parks and recreation facilities fund is a fund for the deposit of fees collected for, and the payment of, the actual or estimated costs of constructing and improving the parks and recreation facilities within the city, including any required acquisition of land, as well as grading, irrigation and turfing costs associated therewith. (Ord. 587, 7-12-2006)

#### **12-2-9: COMPUTATION OF FEES:**

If a parcel contains more than one zone, then the applicable fees shall be prorated by acreage or units, as appropriate, attributable to each zone. Public properties shall be classified into the category of use as between residential, commercial or industrial, and shall pay fees pursuant to that classification, as determined by the city manager or duly authorized designee. All fees due hereunder shall be determined and calculated by the city manager and/or designated agent. The city manager or designee shall have the further authority to determine the specific amount of development fees to be assessed against a use which is not specifically or typically associated with the various land use zone districts for which the development fees are established. In the determination and calculation, the city shall establish a written record of the calculation and nexus to infrastructure impacts for the projects identified above. (Ord. 587, 7-12-2006)

#### **12-2-10: PAYMENT OF FEES:**

The fees established pursuant to this chapter shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit, except as otherwise provided below:

A. Fees imposed on residential development shall be collected in accordance with the provisions of California Government Code section 66007, as the same presently exists or may hereafter be amended from time to time. An applicant for a residential building permit may request that payment be deferred until the date of final inspection. Said request shall be approved when the property owner posts proper security in the form of cash deposit, letter of credit or other similar instrument retrievable at the time request is made for final inspection. The form and manner of the security shall be approved by the city manager.

B. Fees imposed on industrial and commercial development may be deferred by action of the city council. Such action shall consist of the adoption of a resolution consistent with the following terms and conditions:

1. A determination is made that such action will promote and stimulate economic development within the city. The city council shall make specific findings setting forth how the subject project accomplishes this goal.

2. Establish a specific timetable for payment in full of the deferred fees. The council may also require a percentage to be paid with the issuance of a building permit. In no event shall deferral of payment in full be permitted for more than five (5) years.

3. Interest on the unpaid portion of deferred fees shall accrue at a rate equal to the local agency investment fund (LAIF) interest rate in effect at the time the resolution is adopted and shall be articulated in said resolution. Interest shall be due and payable, in full, with the final payment, although interest may be paid earlier at the election of the party developing the project.

4. A written guarantee of payment in full of said fees, in the form of a surety bond or some other form of surety instrument as may be acceptable to the city engineer and the city attorney, shall be executed and delivered to the city prior to the issuance of a building permit for the project. Interest in real property may be deemed an appropriate form of surety.

5. A determination is made that such deferral of the fees shall not materially affect the financial ability of the city to satisfy its then current five (5) year capital improvement program.

C. Except as provided for within California Government Code section 66007(a), development fees shall be paid at the time of application for a building permit.

D. The fees created pursuant to this chapter shall be calculated on the basis of gross acreage, or number of units, as set forth in the resolution referenced in section 12-2-5 of this chapter. For development projects containing a fraction of a net acre, the fee shall be calculated on the fraction of the acre involved in the development project. All fees collected shall be promptly deposited in the appropriate fund referenced in section 12-2-8 of this chapter. All fees paid pursuant to this chapter shall be the fees in effect at the time of collection; provided that fees collected pursuant to subsection B of this section shall be those in effect at the time the council adopts the required resolution. (Ord. 587, 7-12-2006)

#### **12-2-11: FEE ADJUSTMENTS:**

A. A developer of any project subject to the fees described herein may apply to the city council for a reduction, adjustment, or waiver of any one or more of the fees, based upon the absence of any reasonable relationship or nexus between the impacts of that development and either the amount of the fee(s) charged or the type of facilities to be financed. The application shall be made in writing and filed with the city clerk not later than: 1) ten (10) days prior to the public hearing on the development permit application for the project; or 2) if no development permit is required, at the time of the filing of the request for a building permit.

B. The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment.

C. The city council shall consider the application at the public hearing on the permit application or at a separate public hearing held within sixty (60) days after the filing of the fee adjustment application, whichever is later. The hearing shall be noticed and conducted in the same fashion and manner as prescribed by the laws of the city for hearing on development permits. The decision of the city council shall be final.

D. If a reduction, adjustment or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee if such change in use would render the same inappropriate.

E. The city council may, from time to time, and as the need may arise, set forth, by council resolution, specific limitations which will apply to reductions, adjustments or waivers of development fees which may be made pursuant to this section. In this regard, this chapter shall be considered enabling and directory. (Ord. 587, 7-12-2006)

#### **12-2-12: USE OF FUNDS:**

A. Funds collected from development fees shall be used for the purpose of: 1) paying the actual or estimated costs of constructing and/or improving the public facilities within the city to which the specific fee or fees relate, including any required acquisition of land or rights of way therefor; 2) reimbursing the city for the development's share of those public facilities already constructed by the city or to reimburse the city for costs advanced, including, without limitation, administrative costs incurred with respect to a specific public facilities project; or 3) to reimburse other developers who have constructed public facilities described in the resolution adopted pursuant to section 12-2-5 of this chapter, where those facilities were beyond that needed to mitigate the impact of the developer's project or projects.

B. In the event that bonds or similar debt instruments are issued for advanced provision of public facilities for which development fees may be expended, fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type to which the fees involved relate.

C. At least once each fiscal period, the city manager of the city of Corcoran (herein "city manager"), or duly authorized designee, shall present to the city council a proposed five (5) year capital improvement program for the various public facilities referenced in the resolution adopted pursuant to section 12-2-5 of this chapter assigning monies (including any accrued interest) from the funds referenced in section 12-2-8 of this chapter to specific improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same fund until the next fiscal period except as provided by the refund provisions of section 12-2-13 of this chapter.

D. Funds may be used to provide refunds as described in section 12-2-13 of this chapter.

E. The city shall be entitled to make loans of funds collected from one fund to another, provided that the loans are properly recorded in the records of the finance department and repaid with interest equal to the interest earned by the city on its funds invested with the local agency investment fund (LAIF) through the state. (Ord. 587, 7-12-2006)

#### **12-2-13: REFUND OF FEES PAID:**

A. If a building permit expires without commencement of construction, then the fee payer shall be entitled to a refund, without interest, of the fee paid as a condition for its issuance, except that the city shall retain one percent (1%) of the fee to offset a portion of the costs of collection and refund. The fee payer must submit an application for such a refund to the city manager within thirty (30) calendar days of the expiration of the permit. Failure to timely submit the required application for refund shall constitute a waiver of any right to the refund.

B. In the event any fee collected pursuant to this chapter remains unexpended or uncommitted in any fund established pursuant to section 12-2-8 of this chapter five (5) or more years after deposit of the fee, the city shall make findings once each fiscal year to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged.

C. The unexpended or uncommitted portion of the fee, and any interest accrued thereon, for which need cannot be demonstrated pursuant to subsection B of this section shall be refunded to the then current record owner or owners of lots or units of the development project or projects on a prorated basis.

D. The provisions of California Government Code sections 66001(d), (e) and (f) shall apply fully to any refund of fees remaining unexpended or uncommitted in any such city fund for five (5) or more years after deposit, and the provisions of subsections B and C of this section shall be subordinate to the sections and shall be applied consistent therewith. (Ord. 587, 7-12-2006)

#### **12-2-14: EXEMPTIONS:**

A. Any claim of exemption with respect to any one or more of the fees referenced in section 12-2-4 of this chapter must be made no later than the time of application for a building permit. The following shall be exempted from payment of the development fees of this chapter:

1. Alterations or renovations of an existing building or structure where no additional dwelling units are created and/or the use is not changed;
2. The replacement of a destroyed or partially destroyed or damaged building or structure with a new building or structure of the same size and use. (Ord. 587, 7-12-2006)

#### **12-2-15: CREDITS:**

A. New development that, through demolition or conversion, will eliminate existing development is entitled to a fee credit if the existing development is a lawful use under the zoning ordinance, including a nonconforming use.

B. New development that will replace development that was partially or totally destroyed by fire, flood, earthquake, mudslide, or other casualty or act of God, is entitled to a fee credit if the development that was partially or totally destroyed was a lawful use under the zoning ordinance, including a nonconforming use, at the time thereof.

C. Credit for such eliminated development or development that was partially or totally destroyed (as above specified) shall be calculated by the city engineer in accordance with the fee schedule set forth in the resolution adopted pursuant to section 12-2-5 of this chapter and shall be applied to new development on the same site. (Ord. 587, 7-12-2006)

#### **12-2-16: DEVELOPER CONSTRUCTION OF FACILITIES:**

A. In Lieu Fee Credits For Construction Of Improvements:

1. A developer that has been required by the city to construct any facilities or improvements (or a portion thereof) described in the resolution adopted pursuant to section 12-2-5 of this chapter as a condition of approval of a development permit may request an in lieu credit of the specific development fee(s) involved for the same development. Upon request, an in lieu credit of fees shall be granted for facilities or improvements that mitigate all or a portion of the need therefor that is attributable to and reasonably related to the given development.

2. Only costs proportional to the amount of the improvement or facility that mitigates the need therefor attributable to and reasonably related to the given development shall be eligible for in lieu credit, and then only against the specific relevant fee(s) involved to which the facility or improvement relates.

3. Fees required under this chapter shall be reduced by the actual construction costs of the facilities or improvements that relate to the fees, as demonstrated by the applicant and reviewed and approved by the city engineer, all consistent with the provisions of subsections A1 and A2 of this section. Subject to the applicable provisions of subsection B of this section, if the cost of the facilities or improvements is greater than required

relevant fees, this chapter does not create an obligation on the city to pay the applicant the excess amount.

4. An amount of in lieu credit that is greater than the specific fee(s) required under this chapter may be reserved and credited toward the fee of any subsequent phases of the same development, if determined appropriate by the city engineer. The city engineer may set a time limit for reservation of the credit.

5. Credits shall be calculated by the city engineer in accordance with the fee schedule set forth in the resolution adopted pursuant to section 12-2-5 of this chapter.

B. Developer Construction Of Facilities Exceeding Needs Related To Development Project: Whenever an applicant is required, as a condition of approval of a development permit, to construct any facility or improvement (or a portion thereof) described in the resolution adopted pursuant to section 12-2-5 of this chapter, which facility or improvement is determined by the city to exceed the need therefor attributable to and reasonably related to the given development project, a reimbursement agreement with the applicant and a credit against the specific relevant fee which would otherwise be charged pursuant to this chapter on the development project, shall be offered. The credit shall be applied with respect to that portion of the improvement or facility which is attributable to and reasonably related to the need therefor caused by the development, and shall be determined, administered and processed in accordance with and subject to the provisions of this section. The amount to be reimbursed shall be that portion of the cost of the improvement or facility which exceeds the need therefor attributable to and reasonably related to the given development. The reimbursement agreement shall contain terms and conditions mutually agreeable to the developer and the city, and shall be approved by the city council.

C. Site Related Improvements: Credit shall not be given for site related improvements, including, but not limited to, traffic signals, right of way dedications, or providing paved access to the property, which are specifically required by the project in order to serve it and do not constitute facilities or improvements specified in the resolution referenced in section 12-2-5 of this chapter.

D. Determination Of Credit: The developer seeking credit and/or reimbursement for construction of improvements or facilities, or dedication of land or rights of way, shall submit such documentation, including, without limitation, engineering drawings, specifications and construction cost estimates, and utilize such methods as may be appropriate and acceptable to the city engineer to support the request for credit or reimbursement. The city engineer shall determine credit for construction of improvements or facilities based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if he determines that such estimates submitted by the developer are either unreliable or inaccurate. The city engineer shall determine whether facilities or improvements are eligible for credit or reimbursement.

E. Time For Making Claim For Credit: Any claim for credit must be made no later than the application for a building permit, or within sixty (60) days of completion of the construction dedication, whichever occurs first. Any claim not so made shall be deemed waived.

F. Transferability Of Credit; Council Approval: Credits shall not be transferable from one project or development to another without the approval of the city council.

G. Appeal Of Determinations Of City Engineer: Determinations made by the city engineer pursuant to the provisions of this section may be appealed to the city council by filing a written request with the city manager, together with a fee established by resolution of the city council, within ten (10) calendar days of the determination of the city engineer. (Ord. 587, 7-12-2006)

#### **12-2-17: REVIEW:**

A. Except for the first year the ordinance codified in this chapter is in effect, no later than six (6) months following the end of each fiscal year, the city manager shall prepare a report for the city council identifying the balancing of fees in the various funds established pursuant to section 12-2-8 of this chapter, the facilities constructed, and the facilities to be constructed. In preparing the report, the city manager shall adjust the estimated costs of the public improvements in accordance with the approved cost adjustment criteria established pursuant to section 12-2-7 of this chapter.

B. At a noticed public hearing, the city council shall review the report and the development fees to determine whether the fee amounts continue to be reasonably related to the impact of development and whether the described public facilities are still needed. The council may revise the development fees to include additional projects not previously foreseen as being needed.

C. The report prepared by the city manager and its review by the city council, as well as any findings thereon, shall be subject to the provisions of California Government Code section 66001(d), to the extent applicable (which shall be controlling in the event of any conflict). (Ord. 587, 7-12-2006)

#### **12-2-18: STATE LAW TO CONTROL:**

The provisions of this chapter and any resolution adopted pursuant hereto, shall at all times be subject and subordinate to the provisions of chapter 5 (commencing with section 66000), division 1, of title 7 of the California Government Code, as the same presently exists or may hereafter be amended from time to time, to the extent the same are applicable. In the event of any conflict between the provisions of this chapter and the state law, the latter shall control. (Ord. 587, 7-12-2006)

#### **12-2-19: SUPERSEDING PROVISIONS:**

The provisions of this chapter and any resolution adopted pursuant hereto, shall supersede any previous ordinance or resolution to the extent the same is in conflict herewith. (Ord. 587, 7-12-2006)

#### **12-2-20: SEVERABILITY:**

If any section, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any 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 hereof. (Ord. 587, 7-12-2006)