TITLE 1 – GENERAL PROVISIONS

Chapter 1.01 - CODE ADOPTION*

1.01.010 Adoption
1.01.020 Title—Citation—Reference
1.01.030 Content And Authority
1.01.040 Ordinances Passed Prior To Adoption Of Code
1.01.050 Reference Applies To All Amendments
1.01.060 Title, Chapter And Section
1.01.070 Reference To Specific Ordinances
1.01.080 Effect Of Code On Past Actions And Obligations
1.01.090 Effective Date
1.01.100 Constitutionality

Chapter 1.04 - GENERAL PROVISIONS

1.04.010 Definitions
1.04.020 Title Of Office
1.04.030 Interpretation Of Language
1.04.040 Grammatical Interpretation
1.04.050 Acts By Agents
1.04.060 Prohibited Acts Include Causing And Permitting
1.04.070 Computation Of Time
1.04.080 Construction
1.04.090 Repeal Shall Not Revive Any Ordinances

Chapter 1.08 - POSTING PLACES

1.08.010 Designated

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

1.11.010 Purpose And Intent
1.11.020 Definitions
1.11.030 Public Nuisance
1.11.040 Procedures For Enforcement
1.11.050 Refusal To Issue Permits, Licenses Or Other Entitlements

Chapter 1.12 - GENERAL PENALTY*

1.12.010 Designated

Chapter 1.16 - ADMINISTRATIVE FEES AND CHARGES

1.16.010 Fee For Returned Checks

Chapter 1.17 - ADMINISTRATIVE VIOLATIONS AND ADMINISTRATIVE ENFORCEMENT PROCEDURES

1.17.010 Designation Of Administrative Violations
1.17.020 Administrative Violations Are Not Exclusive Remedy
1.17.030 Levels Of Administrative Violations
1.17.040 Sanctions For Administrative Violations
1.17.050 Standards For Imposition Of Administrative Sanctions
1.17.060 Responsibility And Authority
1.17.070 Purpose Of Enforcement
# TITLE 2 – ADMINISTRATION AND PERSONNEL

Chapter 2.04 - RULES AND REGULATIONS GOVERNING THE CONDUCT OF COUNCIL MEETINGS, PROCEEDINGS AND BUSINESS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.04.010</td>
<td>Meetings</td>
<td>60</td>
</tr>
<tr>
<td>2.04.020</td>
<td>Order Of Business</td>
<td>61</td>
</tr>
<tr>
<td>2.04.030</td>
<td>Agenda—Posting Action On Other Matters</td>
<td>62</td>
</tr>
<tr>
<td>2.04.040</td>
<td>Rules Of Conduct</td>
<td>63</td>
</tr>
<tr>
<td>2.04.050</td>
<td>Rules Of Decorum</td>
<td>66</td>
</tr>
<tr>
<td>2.04.060</td>
<td>Approval Of Legislation And Contract</td>
<td>67</td>
</tr>
</tbody>
</table>

Chapter 2.08 - CITY OFFICERS’ COMPENSATION*

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.08.010</td>
<td>Purpose</td>
<td>67</td>
</tr>
<tr>
<td>2.08.020</td>
<td>Population Of City</td>
<td>68</td>
</tr>
<tr>
<td>2.08.030</td>
<td>Salaries—Designated</td>
<td>68</td>
</tr>
<tr>
<td>2.08.040</td>
<td>Salaries—Increase Or Decrease</td>
<td>68</td>
</tr>
<tr>
<td>2.08.050</td>
<td>Reimbursement</td>
<td>68</td>
</tr>
<tr>
<td>2.08.060</td>
<td>City Treasurer’s Salary</td>
<td>68</td>
</tr>
</tbody>
</table>

Chapter 2.12 - PLANNING COMMISSION*

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.12.010</td>
<td>Created</td>
<td>68</td>
</tr>
<tr>
<td>2.12.020</td>
<td>Membership—Terms—Voting Power.</td>
<td>69</td>
</tr>
<tr>
<td>2.12.030</td>
<td>Duties</td>
<td>69</td>
</tr>
</tbody>
</table>

Chapter 2.16 - ENVIRONMENTAL PROTECTION COMMITTEE *

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.16.010</td>
<td>Purpose</td>
<td>70</td>
</tr>
<tr>
<td>2.16.020</td>
<td>Environmental Guidelines Adopted</td>
<td>70</td>
</tr>
<tr>
<td>2.16.030</td>
<td>Committee—Established</td>
<td>70</td>
</tr>
<tr>
<td>2.16.040</td>
<td>Committee—Composition</td>
<td>70</td>
</tr>
<tr>
<td>2.16.050</td>
<td>Committee—Environmental Evaluation Duty</td>
<td>70</td>
</tr>
<tr>
<td>Section</td>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>----------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>3.17.030</td>
<td>Imposition Of Tax</td>
<td>96</td>
</tr>
<tr>
<td>3.17.040</td>
<td>Exemptions</td>
<td>96</td>
</tr>
<tr>
<td>3.17.050</td>
<td>Use of Funds</td>
<td>96</td>
</tr>
<tr>
<td>3.17.060</td>
<td>Amendments</td>
<td>96</td>
</tr>
<tr>
<td>3.20.010</td>
<td>Purpose And Objectives</td>
<td>97</td>
</tr>
<tr>
<td>3.20.020</td>
<td>Definitions</td>
<td>98</td>
</tr>
<tr>
<td>3.20.030</td>
<td>Purchasing Subject To Other Regulations</td>
<td>98</td>
</tr>
<tr>
<td>3.20.040</td>
<td>Exemptions From Centralized Purchasing</td>
<td>98</td>
</tr>
<tr>
<td>3.20.050</td>
<td>Purchasing Officer—Powers And Duties</td>
<td>98</td>
</tr>
<tr>
<td>3.20.060</td>
<td>Estimates Of Requirements</td>
<td>99</td>
</tr>
<tr>
<td>3.20.070</td>
<td>Requisitions</td>
<td>99</td>
</tr>
<tr>
<td>3.20.080</td>
<td>Open Market Purchases And Sales</td>
<td>99</td>
</tr>
<tr>
<td>3.20.090</td>
<td>Purchases And Sales Above Limits</td>
<td>100</td>
</tr>
<tr>
<td>3.20.100</td>
<td>Bidder’s Security</td>
<td>101</td>
</tr>
<tr>
<td>3.20.110</td>
<td>Performance Bonds</td>
<td>101</td>
</tr>
<tr>
<td>3.20.120</td>
<td>Exemptions From Competitive Bidding</td>
<td>101</td>
</tr>
<tr>
<td>3.20.130</td>
<td>Emergency Purchases</td>
<td>101</td>
</tr>
<tr>
<td>3.20.140</td>
<td>Purchase Orders—Preparation</td>
<td>101</td>
</tr>
<tr>
<td>3.20.150</td>
<td>Purchase Orders—Transmittal</td>
<td>101</td>
</tr>
<tr>
<td>3.20.160</td>
<td>Receipt Of Purchases</td>
<td>102</td>
</tr>
<tr>
<td>3.20.170</td>
<td>Invoices</td>
<td>102</td>
</tr>
<tr>
<td>3.20.180</td>
<td>Inspections Of Goods Received</td>
<td>102</td>
</tr>
<tr>
<td>3.20.190</td>
<td>Storerooms And Warehouses</td>
<td>102</td>
</tr>
<tr>
<td>3.20.200</td>
<td>Surplus Stock And Unclaimed Property</td>
<td>102</td>
</tr>
<tr>
<td>3.20.210</td>
<td>Rules And Regulations</td>
<td>103</td>
</tr>
<tr>
<td>3.22.010</td>
<td>Warrants Drawn—To Be Signed By Legally Designated Persons</td>
<td>103</td>
</tr>
<tr>
<td>3.24.010</td>
<td>Special Tax Imposed On Parcels</td>
<td>103</td>
</tr>
<tr>
<td>3.24.020</td>
<td>Rate of tax</td>
<td>103</td>
</tr>
<tr>
<td>3.24.030</td>
<td>Manner Of Collection Of Tax And Purposes For Which Taxes May Be Used</td>
<td>104</td>
</tr>
</tbody>
</table>

**Chapter 5.04 - DEFINITIONS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.04.010</td>
<td>Business</td>
<td>107</td>
</tr>
<tr>
<td>5.04.020</td>
<td>City</td>
<td>107</td>
</tr>
<tr>
<td>5.04.030</td>
<td>Collector</td>
<td>107</td>
</tr>
<tr>
<td>5.04.040</td>
<td>Gross Receipts</td>
<td>107</td>
</tr>
<tr>
<td>5.04.050</td>
<td>Person</td>
<td>108</td>
</tr>
<tr>
<td>5.04.060</td>
<td>Sale</td>
<td>108</td>
</tr>
<tr>
<td>5.04.070</td>
<td>Sworn Statement</td>
<td>108</td>
</tr>
</tbody>
</table>

**Chapter 5.08 - GENERAL PROVISIONS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.08.010</td>
<td>Revenue Measure</td>
<td>109</td>
</tr>
</tbody>
</table>
Chapter 5.56 - COMMUNITY ANTENNA TELEVISIONS SYSTEMS*

Section 1. Preamble ........................................................................................................... 137
Section 2. Definitions ........................................................................................................ 137
Section 3. Franchise To Operate ....................................................................................... 138
Section 4. Public, Educational And Government Programming Service ......................... 139
Section 5. System Design Standards ................................................................................ 139
Section 6. Subscriber Complaints ..................................................................................... 139
Section 7. Subscriber Complaints; Failure To Remedy ..................................................... 140
Section 8. Government Services ....................................................................................... 141
Section 9. Interconnection ................................................................................................. 141
Section 10. Uses Permitted ............................................................................................... 141

Chapter 5.52 - CARD TABLES.......................................................................................... 130

5.52.010 Licensing Requirements ....................................................................................... 131
5.52.020 Cardroom—Defined—Location Restrictions ....................................................... 131
5.52.030 License—Application—Contents .......................................................................... 132
5.52.040 License—Application—Investigation—Approval Or Denial—Appeal .................. 132
5.52.050 License—Issuance Limitations ............................................................................ 133
5.52.060 License - Fees - Bond .......................................................................................... 133
5.52.070 License—Nontransferability—Revocation ........................................................... 134
5.52.080 Employees—Permit Requirements ..................................................................... 134
5.52.090 Sign Requirements .............................................................................................. 134
5.52.100 Cardroom—Accessibility To Police ..................................................................... 134
5.52.110 Cardroom—Persons Under Twenty-One Years Prohibited ................................ 135
5.52.120 Cardrooms—Regulations For Operation ................................................................ 135
5.52.130 Permits—Revocation Or Suspension .................................................................. 136
5.52.140 License—Revocation Or Suspension .................................................................. 136
5.52.150 Appeal Procedure ............................................................................................... 136
5.52.160 Games Prohibited By State Law Not Permitted ................................................... 136
5.52.170 Fraternal, Social, Or Religious Groups Exempted .............................................. 136

Chapter 5.48 - BINGO GAMES* ..................................................................................... 126

5.48.010 Definitions ......................................................................................................... 127
5.48.020 Bingo Authorized ............................................................................................... 127
5.48.030 License—Required ............................................................................................. 127
5.48.040 License—Application—Contents .......................................................................... 127
5.48.050 License—Term—Fees ........................................................................................ 128
5.48.060 Application Investigation ................................................................................... 128
5.48.070 Nontransferability Of License ............................................................................ 128
5.48.080 Limitations ......................................................................................................... 128
5.48.090 Inspection .......................................................................................................... 129
5.48.100 Application Denial—License Revocation Or Suspension .................................... 129
5.48.110 Appeal Procedure ............................................................................................. 130
5.48.120 Receiving Profit Or Wage Prohibited ................................................................. 130

Chapter 5.36 - REMEDIES CUMULATIVE ................................................................... 126

5.36.040 License Tax A Debt ............................................................................................ 126
5.36.050 Remedies Cumulative ....................................................................................... 126
5.36.060 Effect Of Provisions On Past Actions ................................................................ 126
5.36.070 Penalty For Violation ....................................................................................... 126

Section 5.52.160 Games Prohibited By State Law Not Permitted .................................... 136
Section 5.52.170 Fraternal, Social, Or Religious Groups Exempted ................................ 136
Section 5.56.070 Nontransferability Of License ............................................................... 128
Section 5.52.060 License - Fees - Bond ............................................................................ 133
Section 5.52.070 License—Nontransferability—Revocation ............................................ 134
Section 5.52.080 Employees—Permit Requirements ......................................................... 134
Section 5.52.090 Sign Requirements ................................................................................ 134
Section 5.52.100 Cardroom—Accessibility To Police ....................................................... 134
Section 5.52.110 Cardroom—Persons Under Twenty-One Years Prohibited ................... 135
Section 5.52.120 Cardrooms—Regulations For Operation ................................................ 135
Section 5.52.130 Permits—Revocation Or Suspension ....................................................... 136
Section 5.52.140 License—Revocation Or Suspension ....................................................... 136
Section 5.52.150 Appeal Procedure ................................................................................... 136
Section 5.52.160 Games Prohibited By State Law Not Permitted .................................... 136
Section 5.52.170 Fraternal, Social, Or Religious Groups Exempted ................................ 136

Chapter 5.56 - COMMUNITY ANTENNA TELEVISIONS SYSTEMS* ......................... 137

Section 1. Preamble ........................................................................................................... 137
Section 2. Definitions ........................................................................................................ 137
Section 3. Franchise To Operate ....................................................................................... 138
Section 4. Public, Educational And Government Programming Service ......................... 139
Section 5. System Design Standards ................................................................................ 139
Section 6. Subscriber Complaints ..................................................................................... 139
Section 7. Subscriber Complaints; Failure To Remedy ..................................................... 140
Section 8. Government Services ....................................................................................... 141
Section 9. Interconnection ................................................................................................. 141
Section 10. Uses Permitted ............................................................................................... 141
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.1</td>
<td>Duration Of Franchise</td>
<td>142</td>
</tr>
<tr>
<td>12.1</td>
<td>Renewal</td>
<td>142</td>
</tr>
<tr>
<td>13.1</td>
<td>Franchise Payments</td>
<td>142</td>
</tr>
<tr>
<td>14.1</td>
<td>Limitations Of Franchise</td>
<td>142</td>
</tr>
<tr>
<td>15.1</td>
<td>Rights Reserved To The Grantor</td>
<td>144</td>
</tr>
<tr>
<td>16.1</td>
<td>Location Of The Property Of Grantee</td>
<td>145</td>
</tr>
<tr>
<td>17.1</td>
<td>Removal And Abandonment Of Property Of Grantee</td>
<td>146</td>
</tr>
<tr>
<td>18.1</td>
<td>Continuity Of Service</td>
<td>146</td>
</tr>
<tr>
<td>19.1</td>
<td>Changes Required By Public Improvements</td>
<td>146</td>
</tr>
<tr>
<td>20.1</td>
<td>Failure To Perform Street Work</td>
<td>147</td>
</tr>
<tr>
<td>21.1</td>
<td>Faithful Performance Bond</td>
<td>147</td>
</tr>
<tr>
<td>22.1</td>
<td>Customer Service And Reception Quality</td>
<td>148</td>
</tr>
<tr>
<td>23.1</td>
<td>Indemnification Of Grantor</td>
<td>148</td>
</tr>
<tr>
<td>24.1</td>
<td>Inspection Of Property And Records</td>
<td>149</td>
</tr>
<tr>
<td>25.1</td>
<td>Operational Standards</td>
<td>150</td>
</tr>
<tr>
<td>26.1</td>
<td>Emergency Use Of Facilities</td>
<td>150</td>
</tr>
<tr>
<td>27.1</td>
<td>Regulation Of Rates And Service</td>
<td>150</td>
</tr>
<tr>
<td>28.1</td>
<td>Modifications</td>
<td>151</td>
</tr>
<tr>
<td>29.1</td>
<td>Use Of Utility Poles And Facilities Agreement</td>
<td>151</td>
</tr>
<tr>
<td>30.1</td>
<td>Application For An Initial Franchise</td>
<td>151</td>
</tr>
<tr>
<td>31.1</td>
<td>Acceptance And Effective Date Of An Franchise</td>
<td>153</td>
</tr>
<tr>
<td>32.1</td>
<td>Construction Schedule</td>
<td>153</td>
</tr>
<tr>
<td>33.1</td>
<td>Line And Service Extensions; Tree Trimming</td>
<td>154</td>
</tr>
<tr>
<td>34.1</td>
<td>Community Television Authority</td>
<td>154</td>
</tr>
<tr>
<td>35.1</td>
<td>Cable Casting Facilities</td>
<td>156</td>
</tr>
<tr>
<td>36.1</td>
<td>Subscriber Protection</td>
<td>156</td>
</tr>
<tr>
<td>37.1</td>
<td>Service Standards</td>
<td>156</td>
</tr>
<tr>
<td>38.1</td>
<td>Equal Opportunity Employment</td>
<td>158</td>
</tr>
<tr>
<td>39.1</td>
<td>Miscellaneous Provisions</td>
<td>158</td>
</tr>
<tr>
<td>40.1</td>
<td>Violations</td>
<td>158</td>
</tr>
<tr>
<td>41.1</td>
<td>Violations: Penalties</td>
<td>159</td>
</tr>
<tr>
<td>42.1</td>
<td>Severability</td>
<td>159</td>
</tr>
<tr>
<td>43.1</td>
<td>Waiver</td>
<td>159</td>
</tr>
</tbody>
</table>

Chapter 5.60 - GARAGE SALES

5.60.010 Definition                                           160
5.60.020 Garage Sales                                        160
5.60.030 Penalty For Failure to Obtain License              160

TITLE 6 - ANIMALS*

Chapter 6.04 - REGULATIONS PERTAINING TO DOGS AND OTHER ANIMALS

6.04.010 Purpose                                              165
6.04.020 Authority                                            165
6.04.030 Authority As Peace Officers                         165
6.04.040 Uniforms And Badges                                165
6.04.050 Enforcement                                         165
6.04.060 Duty Of General Public                              166
6.04.070 Establishment Of Public Animal Shelter              166
<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.04.630</td>
<td>Trespassing Prohibited</td>
<td>180</td>
</tr>
<tr>
<td>6.04.640</td>
<td>Trespassing Animals</td>
<td>180</td>
</tr>
<tr>
<td>6.04.650</td>
<td>Commission Of Nuisances Prohibited</td>
<td>180</td>
</tr>
<tr>
<td>6.04.660</td>
<td>Disturbing The Peace</td>
<td>180</td>
</tr>
<tr>
<td>6.04.670</td>
<td>Entering Upon Premises</td>
<td>181</td>
</tr>
<tr>
<td>6.04.680</td>
<td>Cost Of Capture</td>
<td>181</td>
</tr>
<tr>
<td>6.04.690</td>
<td>Expense Borne By Owner</td>
<td>181</td>
</tr>
<tr>
<td>6.04.700</td>
<td>Redemption, Sale, Gift, Or Destruction Of Impounded Cats</td>
<td>181</td>
</tr>
<tr>
<td>6.04.710</td>
<td>Redeeming Impounded Animals Other Than Dogs And Cats</td>
<td>182</td>
</tr>
<tr>
<td>6.04.720</td>
<td>Extermination Of Rats</td>
<td>182</td>
</tr>
<tr>
<td>6.04.730</td>
<td>Isolation Of Infected Animals</td>
<td>182</td>
</tr>
<tr>
<td>6.04.740</td>
<td>Disposal Of Carcasses Of Infected Animals</td>
<td>183</td>
</tr>
<tr>
<td>6.04.750</td>
<td>Cats: Spay/Neuter Deposit Required</td>
<td>183</td>
</tr>
<tr>
<td>6.04.760</td>
<td>Definitions</td>
<td>183</td>
</tr>
<tr>
<td>6.04.770</td>
<td>Permit - Requirements General</td>
<td>184</td>
</tr>
<tr>
<td>6.04.780</td>
<td>Exemptions To Chapter Applicability</td>
<td>184</td>
</tr>
<tr>
<td>6.04.790</td>
<td>Permit - Application - Period Of Validity</td>
<td>184</td>
</tr>
<tr>
<td>6.04.800</td>
<td>Permit - Fees</td>
<td>184</td>
</tr>
<tr>
<td>6.04.810</td>
<td>Permit - Renewal Procedures</td>
<td>185</td>
</tr>
<tr>
<td>6.04.820</td>
<td>Permit - Transfer Prohibited</td>
<td>185</td>
</tr>
<tr>
<td>6.04.830</td>
<td>Permit Privilege - Revocation Conditions - Note</td>
<td>185</td>
</tr>
<tr>
<td>6.04.840</td>
<td>Removal Of Animals Following Permit Or Privilege Revocation - Time</td>
<td>185</td>
</tr>
<tr>
<td></td>
<td>Limit</td>
<td>185</td>
</tr>
<tr>
<td>6.04.850</td>
<td>Side Setback Area</td>
<td>185</td>
</tr>
<tr>
<td>6.04.860</td>
<td>Premises To Be Fenced Or Enclosed</td>
<td>185</td>
</tr>
<tr>
<td>6.04.870</td>
<td>Sanitary Enclosures Required</td>
<td>186</td>
</tr>
<tr>
<td>6.04.880</td>
<td>Refuse Container Requirements</td>
<td>186</td>
</tr>
<tr>
<td>6.04.890</td>
<td>Number Of Animals - Restrictions</td>
<td>186</td>
</tr>
<tr>
<td>6.04.900</td>
<td>Noisy Animals Prohibited</td>
<td>186</td>
</tr>
<tr>
<td>6.04.910</td>
<td>Inspection Of Premises Authorized When</td>
<td>187</td>
</tr>
<tr>
<td>6.04.920</td>
<td>Inspection By Health Officer Or Animal Control Officer</td>
<td>187</td>
</tr>
<tr>
<td>6.04.930</td>
<td>Conditions Relating To Animal Facilities</td>
<td>187</td>
</tr>
<tr>
<td>6.04.940</td>
<td>Expiration And Renewal Of Permit</td>
<td>189</td>
</tr>
<tr>
<td>6.04.950</td>
<td>Inspection</td>
<td>189</td>
</tr>
<tr>
<td>6.04.960</td>
<td>Denial Or Revocation Of Permit</td>
<td>189</td>
</tr>
<tr>
<td>6.04.970</td>
<td>Permit Not Transferable</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td>Chapter 6.12 - KILLING ANIMALS</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td>Generally</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td>Chapter 6.16 - KEEPING OF DANGEROUS ANIMALS</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td>Definitions</td>
<td>191</td>
</tr>
<tr>
<td>6.16.010</td>
<td>Keeping Dangerous Animals Without Special Permit Prohibited</td>
<td>191</td>
</tr>
<tr>
<td>6.16.020</td>
<td>Special Permit—Application Requirements</td>
<td>191</td>
</tr>
<tr>
<td>6.16.040</td>
<td>Special Permit—Issuance Conditions</td>
<td>192</td>
</tr>
<tr>
<td>6.16.050</td>
<td>Special Permit—Liability Insurance Or Cash Deposit Required</td>
<td>192</td>
</tr>
<tr>
<td>6.16.060</td>
<td>Special permit—Consent to entry for inspection,</td>
<td>192</td>
</tr>
<tr>
<td>Section</td>
<td>Title</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td>6.16.070</td>
<td>Special Permit—Limit On Number Of Animals</td>
<td></td>
</tr>
<tr>
<td>6.16.080</td>
<td>Special Permit—Fee</td>
<td></td>
</tr>
<tr>
<td>6.16.090</td>
<td>Special Permit—Not Required When</td>
<td></td>
</tr>
<tr>
<td>6.16.100</td>
<td>Appeal—Fee For Council Review</td>
<td></td>
</tr>
<tr>
<td>6.16.110</td>
<td>Violation—Penalty</td>
<td></td>
</tr>
<tr>
<td>Chapter 6.18 - KEEPING BEES IN RESIDENTIAL AREAS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.18.010</td>
<td>Definitions</td>
<td></td>
</tr>
<tr>
<td>6.18.020</td>
<td>Prohibition</td>
<td></td>
</tr>
<tr>
<td>6.18.110</td>
<td>Violation—Penalty</td>
<td></td>
</tr>
<tr>
<td>TITLE 7 (RESERVED)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TITLE 8 - HEALTH AND SAFETY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chapter 8.01</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.01.010</td>
<td>Purpose and Intent</td>
<td></td>
</tr>
<tr>
<td>8.01.020</td>
<td>Definitions</td>
<td></td>
</tr>
<tr>
<td>8.01.030</td>
<td>Permit Required</td>
<td></td>
</tr>
<tr>
<td>8.01.040</td>
<td>Educational Requirements</td>
<td></td>
</tr>
<tr>
<td>8.01.050</td>
<td>Exemption</td>
<td></td>
</tr>
<tr>
<td>8.01.060</td>
<td>Application for Massage Establishment Permit or Massage Practitioner Permit</td>
<td></td>
</tr>
<tr>
<td>8.01.070</td>
<td>Renewal Application</td>
<td></td>
</tr>
<tr>
<td>8.01.080</td>
<td>Permit Fee</td>
<td></td>
</tr>
<tr>
<td>8.01.090</td>
<td>Permit Referral</td>
<td></td>
</tr>
<tr>
<td>8.01.100</td>
<td>Permit - Criteria for Granting and Denying Permits</td>
<td></td>
</tr>
<tr>
<td>8.01.110</td>
<td>Issuance of Permit</td>
<td></td>
</tr>
<tr>
<td>8.01.120</td>
<td>Suspension or Revocation of Permit</td>
<td></td>
</tr>
<tr>
<td>8.01.130</td>
<td>Hearing by Sheriff on Suspension or Revocation of Permit</td>
<td></td>
</tr>
<tr>
<td>8.01.140</td>
<td>Appeal Rights and Procedures</td>
<td></td>
</tr>
<tr>
<td>8.01.150</td>
<td>Prohibited Acts</td>
<td></td>
</tr>
<tr>
<td>8.01.160</td>
<td>Operational Requirements</td>
<td></td>
</tr>
<tr>
<td>8.01.165</td>
<td>Home Occupation Exception</td>
<td></td>
</tr>
<tr>
<td>8.01.170</td>
<td>Facility Requirements</td>
<td></td>
</tr>
<tr>
<td>8.01.180</td>
<td>Inspection for Compliance</td>
<td></td>
</tr>
<tr>
<td>8.01.190</td>
<td>Violation — Infraction or Misdemeanor</td>
<td></td>
</tr>
<tr>
<td>Chapter 8.05 - REFUSE COLLECTION AND DISPOSAL*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.05.010</td>
<td>Definitions</td>
<td></td>
</tr>
<tr>
<td>8.05.020</td>
<td>Collection By The City</td>
<td></td>
</tr>
<tr>
<td>8.05.030</td>
<td>Use Of City’s Collection Service Required</td>
<td></td>
</tr>
<tr>
<td>8.05.040</td>
<td>Appeals</td>
<td></td>
</tr>
<tr>
<td>8.05.050</td>
<td>Owner Responsible For Refuse Collection</td>
<td></td>
</tr>
<tr>
<td>8.05.060</td>
<td>Prohibition</td>
<td></td>
</tr>
<tr>
<td>8.05.070</td>
<td>Responsibility For Providing Container</td>
<td></td>
</tr>
<tr>
<td>8.05.080</td>
<td>Failure To Initiate Service Or To Provide Sufficient Refuse Containers</td>
<td></td>
</tr>
<tr>
<td>8.05.090</td>
<td>Garbage And Refuse Container Requirements</td>
<td></td>
</tr>
<tr>
<td>8.05.100</td>
<td>Placement Of Containers For Collection</td>
<td></td>
</tr>
<tr>
<td>8.05.110</td>
<td>Cuttings</td>
<td></td>
</tr>
<tr>
<td>8.05.120</td>
<td>Content Of Containers</td>
<td></td>
</tr>
<tr>
<td>Section Number</td>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>8.05.130</td>
<td>Prohibited Materials</td>
<td>213</td>
</tr>
<tr>
<td>8.05.140</td>
<td>Accumulation Limitation</td>
<td>213</td>
</tr>
<tr>
<td>8.05.150</td>
<td>Administration Of Collection Service</td>
<td>213</td>
</tr>
<tr>
<td>8.05.160</td>
<td>Removal Of Building Scraps</td>
<td>214</td>
</tr>
<tr>
<td>8.05.170</td>
<td>Payment For Services Rendered</td>
<td>214</td>
</tr>
<tr>
<td>8.05.180</td>
<td>Agreement, Rules And Regulations</td>
<td>214</td>
</tr>
<tr>
<td>8.05.190</td>
<td>Violation A Misdemeanor</td>
<td>215</td>
</tr>
<tr>
<td>8.08.010</td>
<td>Adoption</td>
<td>215</td>
</tr>
<tr>
<td>8.08.020</td>
<td>Definitions</td>
<td>215</td>
</tr>
<tr>
<td>8.08.030</td>
<td>Articles 9, 12, 13, 29 And Divisions IV And X Of Article 16 Deleted</td>
<td>215</td>
</tr>
<tr>
<td>8.08.040</td>
<td>Fire Chief Designated</td>
<td>216</td>
</tr>
<tr>
<td>8.08.050</td>
<td>Provisions In Conflict With State Or City Laws Deleted</td>
<td>216</td>
</tr>
<tr>
<td>8.08.060</td>
<td>Section 28.1 Amended—Bonfires And Outdoor Rubbish Fires</td>
<td>216</td>
</tr>
<tr>
<td>8.08.070</td>
<td>Dry And Combustible Materials Near Buildings</td>
<td>217</td>
</tr>
<tr>
<td>8.08.080</td>
<td>Appeals</td>
<td>217</td>
</tr>
<tr>
<td>8.08.090</td>
<td>Copies On File</td>
<td>217</td>
</tr>
<tr>
<td>8.12.010</td>
<td>Racing Defined</td>
<td>218</td>
</tr>
<tr>
<td>8.12.020</td>
<td>Findings Of Fact</td>
<td>218</td>
</tr>
<tr>
<td>8.12.030</td>
<td>Nuisance During Certain Hours</td>
<td>218</td>
</tr>
<tr>
<td>8.12.040</td>
<td>Hours Permitted</td>
<td>218</td>
</tr>
<tr>
<td>8.16.010</td>
<td>Definitions</td>
<td>218</td>
</tr>
<tr>
<td>8.16.020</td>
<td>Keeping Trailers In Authorized Camps Required - Temporary Permit Issuance</td>
<td>219</td>
</tr>
<tr>
<td>8.20.010</td>
<td>Purpose And Findings</td>
<td>220</td>
</tr>
<tr>
<td>8.20.020</td>
<td>Definitions</td>
<td>220</td>
</tr>
<tr>
<td>8.20.030</td>
<td>Applicability To City-Owned Facilities</td>
<td>221</td>
</tr>
<tr>
<td>8.20.040</td>
<td>Prohibited Smoking Areas</td>
<td>221</td>
</tr>
<tr>
<td>8.20.050</td>
<td>Places Of Employment</td>
<td>222</td>
</tr>
<tr>
<td>8.20.060</td>
<td>Permitted Smoking Areas</td>
<td>222</td>
</tr>
<tr>
<td>8.20.070</td>
<td>Posting Requirements</td>
<td>223</td>
</tr>
<tr>
<td>8.20.080</td>
<td>Enforcement</td>
<td>223</td>
</tr>
<tr>
<td>8.20.090</td>
<td>Nonretaliation</td>
<td>223</td>
</tr>
<tr>
<td>8.20.100</td>
<td>Conflict With Other Provisions</td>
<td>223</td>
</tr>
<tr>
<td>8.20.110</td>
<td>Violation—Penalty</td>
<td>223</td>
</tr>
<tr>
<td>8.24.010</td>
<td>Title</td>
<td>224</td>
</tr>
<tr>
<td>8.24.020</td>
<td>Purpose</td>
<td>225</td>
</tr>
<tr>
<td>8.24.030</td>
<td>Application</td>
<td>225</td>
</tr>
<tr>
<td>8.24.040</td>
<td>Enforcement</td>
<td>225</td>
</tr>
<tr>
<td>8.24.050</td>
<td>Right Of Entry</td>
<td>225</td>
</tr>
<tr>
<td>8.24.060</td>
<td>Responsibility For Property Maintenance</td>
<td>226</td>
</tr>
<tr>
<td>8.24.070</td>
<td>Appeal To City Council</td>
<td>226</td>
</tr>
<tr>
<td>Code</td>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>10.04.120</td>
<td>Passenger Loading Zone</td>
<td>253</td>
</tr>
<tr>
<td>10.04.130</td>
<td>Pedestrian</td>
<td>253</td>
</tr>
<tr>
<td>10.04.140</td>
<td>Police Officer</td>
<td>253</td>
</tr>
<tr>
<td>10.04.150</td>
<td>Stop</td>
<td>253</td>
</tr>
<tr>
<td>10.04.160</td>
<td>Vehicle Code</td>
<td>253</td>
</tr>
<tr>
<td>10.08.010</td>
<td>Traffic Division—Police Administration</td>
<td>254</td>
</tr>
<tr>
<td>10.08.020</td>
<td>Traffic Division—Duties</td>
<td>254</td>
</tr>
<tr>
<td>10.08.030</td>
<td>Traffic Division—Accident Studies Authorized</td>
<td>254</td>
</tr>
<tr>
<td>10.08.040</td>
<td>Traffic Division—Filing Accident Reports</td>
<td>254</td>
</tr>
<tr>
<td>10.08.050</td>
<td>Traffic Division—Annual Report</td>
<td>254</td>
</tr>
<tr>
<td>10.12.010</td>
<td>Authority Of Police And Fire Departments</td>
<td>255</td>
</tr>
<tr>
<td>10.12.020</td>
<td>Unauthorized Persons Directing Traffic Prohibited</td>
<td>255</td>
</tr>
<tr>
<td>10.12.030</td>
<td>Obedience To Police Or Authorized Officers</td>
<td>255</td>
</tr>
<tr>
<td>10.12.040</td>
<td>Riding Bicycles Or Animals</td>
<td>255</td>
</tr>
<tr>
<td>10.12.050</td>
<td>Obstructing Authorized Officers Prohibited</td>
<td>256</td>
</tr>
<tr>
<td>10.12.060</td>
<td>Public Employees Operating Vehicles</td>
<td>256</td>
</tr>
<tr>
<td>10.12.070</td>
<td>Exemption Of Certain Vehicles</td>
<td>256</td>
</tr>
<tr>
<td>10.12.080</td>
<td>Report Of Damage To Certain Property</td>
<td>256</td>
</tr>
<tr>
<td>10.12.090</td>
<td>Removal Of Vehicles From Streets Authorized When</td>
<td>257</td>
</tr>
<tr>
<td>10.16.010</td>
<td>Installation Authority</td>
<td>257</td>
</tr>
<tr>
<td>10.16.020</td>
<td>Required For Enforcement Purposes</td>
<td>258</td>
</tr>
<tr>
<td>10.16.030</td>
<td>Obedience Required—Exception</td>
<td>258</td>
</tr>
<tr>
<td>10.16.040</td>
<td>Traffic Signal Installation</td>
<td>258</td>
</tr>
<tr>
<td>10.16.050</td>
<td>Lane Marking</td>
<td>258</td>
</tr>
<tr>
<td>10.16.060</td>
<td>Distinctive Roadway Markings</td>
<td>259</td>
</tr>
<tr>
<td>10.16.070</td>
<td>Removal, Relocation Or Discontinuance</td>
<td>259</td>
</tr>
<tr>
<td>10.16.080</td>
<td>Hours Of Operation</td>
<td>259</td>
</tr>
<tr>
<td>10.16.090</td>
<td>Unauthorized Painting Of Curb</td>
<td>259</td>
</tr>
<tr>
<td>10.20.010</td>
<td>Turning Markers At Intersections And Multiple Lanes</td>
<td>259</td>
</tr>
<tr>
<td>10.20.020</td>
<td>Signs Restricting Turns</td>
<td>259</td>
</tr>
<tr>
<td>10.20.030</td>
<td>Right Turns Against Stop Signal</td>
<td>260</td>
</tr>
<tr>
<td>10.24.010</td>
<td>Signs Required</td>
<td>260</td>
</tr>
<tr>
<td>10.28.010</td>
<td>Stop Signs—Erected Where— Authority</td>
<td>260</td>
</tr>
<tr>
<td>10.28.020</td>
<td>Application Of Regulations</td>
<td>261</td>
</tr>
<tr>
<td>10.28.030</td>
<td>Emerging From Alley, Driveway Or Building</td>
<td>261</td>
</tr>
<tr>
<td>10.32.010</td>
<td>Driving Through Funeral Procession</td>
<td>261</td>
</tr>
<tr>
<td>10.32.020</td>
<td>Clinging To Moving Vehicles</td>
<td>261</td>
</tr>
<tr>
<td>10.32.030</td>
<td>Commercial Vehicles Using Private Driveways</td>
<td>262</td>
</tr>
<tr>
<td>10.32.040</td>
<td>Riding Or Driving On Sidewalk</td>
<td>262</td>
</tr>
</tbody>
</table>
Chapter 10.72 - ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.72.010</td>
<td>Statutory Authority Declared Nuisance — Findings</td>
</tr>
<tr>
<td>10.72.020</td>
<td>Definitions</td>
</tr>
<tr>
<td>10.72.030</td>
<td>Application</td>
</tr>
<tr>
<td>10.72.040</td>
<td>Exceptions</td>
</tr>
<tr>
<td>10.72.050</td>
<td>Administrative Cost</td>
</tr>
<tr>
<td>10.72.060</td>
<td>Abatement Notice</td>
</tr>
<tr>
<td>10.72.070</td>
<td>Appeal Abatement Hearing With City Manager</td>
</tr>
</tbody>
</table>
Chapters:

Chapter 10.75 - PROCEDURE ON PARKING VIOLATIONS .................................................. 286
10.75.010 The City Of Live Oak Shall Process Parking Violations Which It Issues ................. 287
10.75.020 Notice Of Parking Violation ................................................................................. 287
10.75.030 Review Of Issuance Of Notice Of Parking Violation—Deposit Of Parking Penalty 287
10.75.040 Appeal To Justice Or Municipal Court ................................................................. 288
10.75.050 Method Of Collection When Determination Is Final ............................................ 288
10.75.060 Fine Schedule ....................................................................................................... 288

Chapter 10.81 - TRIP REDUCTION REGULATIONS .............................................................. 289
10.81.010 Purpose .................................................................................................................. 289
10.81.020 Objective ............................................................................................................... 290
10.81.030 Intent And Applicability ....................................................................................... 290
10.81.040 Definitions ............................................................................................................. 290
10.81.050 Requirements For New Employers ..................................................................... 291
10.81.060 Transportation Plan .............................................................................................. 292
10.81.070 Transportation Control Measure Menu .................................................................. 293
10.81.080 Plan Review .......................................................................................................... 297
10.81.090 Annual Reporting Requirements ......................................................................... 297
10.81.100 Implementation Schedule ..................................................................................... 298
10.81.110 Monitoring Of Employer Performance ............................................................... 298
10.81.120 Penalties ................................................................................................................ 299
10.81.130 Appeal .................................................................................................................... 299

TITLE 11 (RESERVED) ........................................................................................................ 300
TITLE 12 - STREETS, SIDEWALKS AND PUBLIC PLACES ........................................... 301

Chapters:

Chapter 12.01 INSTALLATION OF CURBS, GUTTERS, AND/OR SIDEWALKS ............... 302
12.01.010 Applicability - Required Improvements And Plans ............................................. 302
12.01.020 Appeal From Determination Of Building Department, Planning Department Or Planning Commission .......................................................................................... 303
12.01.030 New Installation Or Repair .................................................................................. 303
12.01.032 Responsibility and Repairs .................................................................................... 303
12.01.034 Liability for Failure to Maintain Sidewalks .......................................................... 304
12.01.035 City Authorized Repairs ....................................................................................... 304
12.01.040 Installation Required For Occupancy ................................................................... 304
12.01.050 Installation By City - Costs ................................................................................... 305
12.01.060 Engineering Services ........................................................................................... 305
12.01.070 Specifications ........................................................................................................ 305
12.01.080 Additional Remedies ............................................................................................ 305
12.01.090 Violation - Penalty ................................................................................................. 305

Chapter 12.04 - TREES ......................................................................................................... 306
12.04.010 Title ....................................................................................................................... 306
Chapter 12.20 - PARK AND RECREATIONAL FACILITIES

12.20.010 Applicability ................................................................. 313
12.20.020 Hours Of Operation .................................................... 314
12.20.030 Damaging Park Vegetation Or Property Prohibited .......... 314
12.20.040 Unauthorized Cutting Or Removal Of Park Vegetation Prohibited .... 314
12.20.050 Permission For Fires Required ........................................ 315
12.20.060 Use Of Roadways And Drives Required ......................... 315
12.20.070 Obstructing Passage Of Vehicles Or Persons Prohibited .......... 315
12.20.080 Swimming In Authorized Facilities Only .......................... 315
12.20.090 Improper Behavior Or Language Prohibited ..................... 315
12.20.100 Unauthorized Distribution Of Handbills Or Notices Prohibited .... 315
12.20.110 Using Park For Unauthorized Purposes Prohibited .............. 315
12.20.120 Betting At Games Played In Park Prohibited ................... 315
12.20.130 Games And Contests Restricted To Authorized Areas ............ 315

Chapter 12.16 - ENCROACHMENTS

12.16.010 Permit—Required ......................................................... 308
12.16.020 Permit—Application—Contents— Approval Authority ............ 312
12.16.025 Permit—Fee ................................................................ 312
12.16.030 Restrictions On Permits ................................................ 312
12.16.040 Unauthorized Encroachments— Failure To Remove—City Action ... 313
12.16.050 Appeal Procedure .......................................................... 313
12.16.060 Dedication to city .......................................................... 313

Chapter 12.12 - UNDERGROUND UTILITY SERVICES*

12.12.010 Definitions ................................................................. 308
12.12.020 Public Hearing By Council ............................................. 309
12.12.030 Council's Authority To Designate Districts-Resolution ............ 309
12.12.040 Prohibited Acts ............................................................. 309
12.12.050 Emergency Services Excepted ........................................ 310
12.12.060 Exceptions ................................................................ 310
12.12.070 Notice To Property Owners And Utility Companies .............. 310
12.12.080 Responsibility Of Utility Companies ................................. 311
12.12.090 Responsibility Of Property Owners ................................. 311
12.12.100 Responsibility of city ..................................................... 311
12.12.110 Extension Of Time ........................................................ 311

Chapter 12.08 - UTILITY INSTALLATIONS

12.08.010 Permit Required ........................................................... 308
12.08.020 Plat Or Map Requirements ............................................. 308

Chapter 12.04 - STREET TREE PLAN

12.04.010 Enforcement Authority .................................................. 306
12.04.020 Permit To Plant Or Remove ............................................. 306
12.04.030 Street Tree Plan ............................................................. 306
12.04.040 Approved Trees ............................................................. 306
12.04.050 Prohibited Trees ............................................................ 307
12.04.060 Removal Of Trees Or Other Vegetation—Authority .............. 307
12.04.070 Dangerous Trees A Nuisance— Removal Authority—Cost ........ 307
12.04.080 Appeals .................................................................... 307
12.04.090 Abuse Or Mutilation Prohibited ........................................ 307
13.04.260  Meter—Testing—Deposit.................................................................326
13.04.270  Meter—Refund Of Excess Charges..................................................326
13.04.280  Meter—Nonregistering.................................................................326
13.04.290  Credit—Establishment And Maintenance........................................326
13.04.300  Guarantee Deposit - Amount [Water].............................................326
13.04.310  Guarantee Deposit—Deductions....................................................326
13.04.320  Guarantee Deposit—Return...........................................................326
13.04.330  Bills—Bimonthly Period...............................................................327
13.04.340  Bills—Opening And Closing..........................................................327
13.04.350  Bills—Rendering—Payment...........................................................327
13.04.360  Bills—Separate Meters Not Combined...........................................327
13.04.370  Public Fire Protection Service Charge............................................327
13.04.380  Collection Of Charges.................................................................327
13.04.390  User Of Public Fire Protection Service..........................................327
13.04.400  Temporary Service—Deposit.........................................................327
13.04.410  Temporary Service—Installation And Operation..............................328
13.04.420  Temporary Service—Rates............................................................328
13.04.430  Temporary Service—Payment In Advance Or Credit.........................328
13.04.440  Service Discontinuance—For Nonpayment......................................328
13.04.450  Service Discontinuance—Fire Protection Charges Continued............328
13.04.460  Service Discontinuance—Reconnection Charge...............................328
13.04.470  Service Discontinuance—For Use Of Unsafe Apparatus....................328
13.04.480  Service Discontinuance—For Unlawful Cross Connections................329
13.04.490  Service Discontinuance—For Fraud Or Abuse..................................329
13.04.500  Service Discontinuance—For Noncompliance.................................329
13.04.510  Service discontinuance—Notification to water department...............329
13.04.520  Rates and charges—Penalty for nonpayment..................................329
13.04.530  Rates and charges—Collection by suit...........................................329
13.04.540  Rates and charges—Costs of collection by suit...............................329
13.04.550  Rates and charges—Owner responsible..........................................329

Chapter 13.08 - APPLICATION FOR WATER AND SEWER SERVICE......330
13.08.010  Required—Service Connection Charges.......................................330
13.08.020  No Existing Service Connection...................................................330
13.08.030  Undertaking Of Applicant..............................................................330
13.08.040  Payment For Previous Service.....................................................330
13.08.050  Installation Of Services...............................................................330
13.08.060  Changes In Customer’s Equipment.................................................330
13.08.070  Installation Charges—Ownership Of Pipes And Fixtures................331
13.08.080  Installation Extension Charges......................................................331
13.08.090  Connection Charges.......................................................................331

Chapter 13.12 - WELL STANDARDS ORDINANCE ADOPTED IN ACCORDANCE WITH WATER CODE SECTION 13801.................................331
13.12.010  Purpose And Intent.......................................................................332
13.12.020  Definitions And Interpretation.......................................................332
13.12.030  Permit Application— Requirements...............................................332
13.12.040  Permit Application—Procedure......................................................333
Chapter 13.28 - WATER AND SEWER RATES

13.28.020 Single Monthly Rate For Water And Fire Protection Services
13.28.020 Water Service—Schedule Of Rates
Chapter 13.32 - SEWER USE REGULATIONS

- 13.28.030  Sewer Service—Schedule Of Rates ................................................. 345
- 13.28.031  Credit—Establishment And Maintenance ........................................... 349
- 13.28.032  Guarantee Deposit—Amount [Sewer] ................................................ 349
- 13.28.033  Guarantee Deposit—Deductions ........................................................ 349
- 13.28.034  Guarantee Deposit—Return ............................................................... 349
- 13.28.040  Discount For Advance Payment ......................................................... 349
- 13.28.050  Waiver Of Sewer Service Charge For Single-Family Residences Which Have Never Been Occupied ................................................................. 350

Chapter 13.32 - SEWER USE REGULATIONS

- 13.32.005  Rules And Regulations ....................................................................... 355
- 13.32.010  Purpose................................................................................................ 355
- 13.32.015  Short Title ........................................................................................... 355
- 13.32.020  Definitions .......................................................................................... 355
- 13.32.025  Uniform Plumbing Code Adopted ....................................................... 358
- 13.32.030  Administrative Authority ................................................................... 358
- 13.32.035  Powers And Authorities Of Inspectors ............................................... 358
- 13.32.040  Unlawful To Deposit ......................................................................... 359
- 13.32.045  Unlawful Discharge .......................................................................... 359
- 13.32.050  No Privies, Etc ..................................................................................... 359
- 13.32.055  Protection From Damage .................................................................. 359
- 13.32.060  Connect To Public Facilities ............................................................... 359
- 13.32.065  Relief On Own Motion ...................................................................... 359
- 13.32.070  Reconsideration And Appeal Procedures ........................................... 359
- 13.32.075  Required When .................................................................................. 360
- 13.32.080  Permit—Required .............................................................................. 360
- 13.32.085  Permit—Inspection ............................................................................. 360
- 13.32.090  Health Department Requirements .................................................... 360
- 13.32.095  Must Connect To Public Sewers ....................................................... 360
- 13.32.100  Owner’s Responsibility ....................................................................... 361
- 13.32.105  Additional Health Department Requirements .................................... 361
- 13.32.110  Permit Required .................................................................................. 361
- 13.32.115  Construction Requirements ............................................................... 361
- 13.32.120  Connections To Public Sewer ............................................................. 361
- 13.32.125  Owner To Pay Costs ........................................................................... 361
- 13.32.130  Minimum Size Of Building And Lateral Sewers ............................. 361
- 13.32.135  Building Drain Location .................................................................... 362
- 13.32.140  Surface Runoff .................................................................................... 362
- 13.32.145  Connecting The Building Sewer To The Public Sewer .................... 362
- 13.32.150  Separate Laterals And Building Sewers ............................................ 362
- 13.32.155  Sewer Too Low ................................................................................... 362
- 13.32.157  Repair And Replacement Of Building Drains And Building Sewers ... 362
- 13.32.160  Old Building Sewers ......................................................................... 363
- 13.32.165  Backflow Prevention Devices— Maintenance ....................................... 363
- 13.32.170  Maintenance Of Sewers .................................................................... 363
- 13.32.175  Protection Of The Public .................................................................... 364
- 13.32.180  Building Sewer Materials ................................................................... 364
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.32.185</td>
<td>Sewer Service Lateral Cleanouts</td>
<td>364</td>
</tr>
<tr>
<td>13.32.190</td>
<td>Permits—Required When</td>
<td>364</td>
</tr>
<tr>
<td>13.32.195</td>
<td>Permit—Plans, Profiles And Specifications Required</td>
<td>365</td>
</tr>
<tr>
<td>13.32.200</td>
<td>Separate Sewers Required</td>
<td>365</td>
</tr>
<tr>
<td>13.32.205</td>
<td>Sewers Too Low</td>
<td>365</td>
</tr>
<tr>
<td>13.32.210</td>
<td>Connections To Public Sewers</td>
<td>365</td>
</tr>
<tr>
<td>13.32.215</td>
<td>Grease, Oil And Sand Interceptors</td>
<td>365</td>
</tr>
<tr>
<td>13.32.220</td>
<td>Grade Stakes</td>
<td>365</td>
</tr>
<tr>
<td>13.32.225</td>
<td>Protection Of Excavation</td>
<td>366</td>
</tr>
<tr>
<td>13.32.230</td>
<td>Design And Construction Standards</td>
<td>366</td>
</tr>
<tr>
<td>13.32.235</td>
<td>Completion Of Sewer Required</td>
<td>366</td>
</tr>
<tr>
<td>13.32.240</td>
<td>Permits Required</td>
<td>366</td>
</tr>
<tr>
<td>13.32.245</td>
<td>Subdivisions</td>
<td>366</td>
</tr>
<tr>
<td>13.32.250</td>
<td>Easements Or Rights-Of-Way</td>
<td>366</td>
</tr>
<tr>
<td>13.32.255</td>
<td>Persons Authorized To Perform Work</td>
<td>367</td>
</tr>
<tr>
<td>13.32.260</td>
<td>Compliance With Other Regulations</td>
<td>367</td>
</tr>
<tr>
<td>13.32.265</td>
<td>As-Built Drawings</td>
<td>367</td>
</tr>
<tr>
<td>13.32.270</td>
<td>Design Calculations</td>
<td>367</td>
</tr>
<tr>
<td>13.32.275</td>
<td>Sewers And Pipelines</td>
<td>367</td>
</tr>
<tr>
<td>13.32.280</td>
<td>Pumping Stations</td>
<td>367</td>
</tr>
<tr>
<td>13.32.285</td>
<td>Unit Design Factors</td>
<td>367</td>
</tr>
<tr>
<td>13.32.290</td>
<td>Public Sewers</td>
<td>368</td>
</tr>
<tr>
<td>13.32.295</td>
<td>Steep Slopes</td>
<td>369</td>
</tr>
<tr>
<td>13.32.300</td>
<td>Manholes</td>
<td>369</td>
</tr>
<tr>
<td>13.32.305</td>
<td>Flusher Branches</td>
<td>369</td>
</tr>
<tr>
<td>13.32.310</td>
<td>Cleanouts And Sewer Services</td>
<td>369</td>
</tr>
<tr>
<td>13.32.315</td>
<td>Force Mains</td>
<td>369</td>
</tr>
<tr>
<td>13.32.320</td>
<td>Pumping Stations</td>
<td>370</td>
</tr>
<tr>
<td>13.32.325</td>
<td>Standard Details</td>
<td>370</td>
</tr>
<tr>
<td>13.32.330</td>
<td>Marking Lateral Sewer Lines</td>
<td>370</td>
</tr>
<tr>
<td>13.32.335</td>
<td>Materials</td>
<td>370</td>
</tr>
<tr>
<td>13.32.340</td>
<td>Installation Of Sewers</td>
<td>371</td>
</tr>
<tr>
<td>13.32.345</td>
<td>Testing Of Sewer Lines</td>
<td>372</td>
</tr>
<tr>
<td>13.32.350</td>
<td>Manholes</td>
<td>373</td>
</tr>
<tr>
<td>13.32.355</td>
<td>Sewer Construction Inspections</td>
<td>373</td>
</tr>
<tr>
<td>13.32.360</td>
<td>Guarantee</td>
<td>374</td>
</tr>
<tr>
<td>13.32.365</td>
<td>Unlawful Discharges</td>
<td>374</td>
</tr>
<tr>
<td>13.32.367</td>
<td>Inflow Prohibited</td>
<td>374</td>
</tr>
<tr>
<td>13.32.370</td>
<td>Types Of Waste Prohibited</td>
<td>374</td>
</tr>
<tr>
<td>13.32.375</td>
<td>Limited Discharges</td>
<td>375</td>
</tr>
<tr>
<td>13.32.380</td>
<td>Other Requirements</td>
<td>376</td>
</tr>
<tr>
<td>13.32.385</td>
<td>Grease, Oil And Sand Interceptors</td>
<td>377</td>
</tr>
<tr>
<td>13.32.390</td>
<td>Pretreatment</td>
<td>377</td>
</tr>
<tr>
<td>13.32.395</td>
<td>Measuring Devices</td>
<td>377</td>
</tr>
<tr>
<td>13.32.400</td>
<td>Information Required</td>
<td>377</td>
</tr>
<tr>
<td>13.32.405</td>
<td>Standard Methods</td>
<td>378</td>
</tr>
</tbody>
</table>
Chapter 13.34 - INDUSTRIAL WASTEWATER REGULATIONS

13.32.410 Special Agreement ................................................................. 378
13.32.415 Industrial User Defined .......................................................... 378
13.32.420 Existing Industrial Wastewater Dischargers .......................... 378
13.32.425 Discharge Permit—Required .................................................. 379
13.32.430 Discharge Permit—Application—Restrictions .......................... 379
13.32.435 Discharge Permit—Suspension ................................................. 379
13.32.440 Discharge Permit—Revocation ................................................. 380
13.32.445 Availability Of City’s Facilities ................................................. 380
13.32.450 Control Manhole And Separation Of Domestic And Industrial
Wastewaters ..................................................................................... 380
13.32.455 Damage Caused By Wastewater Discharge ............................ 380
13.32.460 Industrial Wastewater Sampling, Analyses, And Flow Measurements .. 380
13.32.465 Discrepancies Between Actual And Reported Industrial Wastewater
Discharge Quantities ........................................................................ 382
13.32.470 Pretreatment Of Industrial Wastewater .................................... 382
13.32.475 Industrial Wastewater Charges ................................................ 382
13.32.480 Special Dumping Permit .......................................................... 383
13.32.485 Permit Required ...................................................................... 384
13.32.490 Work Not Requiring A Permit ................................................ 384
13.32.495 Application For An Encroachment Permit And Payment Of Charges .. 384
13.32.500 Compliance With The Encroachment Permit .............................. 385
13.32.505 Fees—Annexation Charges ..................................................... 385
13.32.510 Fees And Charges ................................................................. 385
13.32.511 Adjustments In Rates For Sewer Service ................................. 387
13.32.515 Outside Sewers ........................................................................ 388
13.32.520 Special Outside Agreements .................................................... 388
13.32.525 Liability .................................................................................. 388
13.32.530 Violation .................................................................................. 388
13.32.535 Public Nuisance—Declaration ................................................ 388
13.32.540 Disconnection ......................................................................... 388
13.32.545 Public Nuisance—Abatement ................................................. 389
13.32.550 Repair And Replacement Of Defective Sewer Materials By City ........ 389
13.32.555 Means Of Enforcement Only .................................................. 389
13.32.560 Penalty For Violation And Civil Liability ................................. 389
13.32.565 Validity .................................................................................... 389
13.32.570 Notice ...................................................................................... 390
13.32.575 Time Limits ............................................................................. 390

Chapter 13.34 - INDUSTRIAL WASTEWATER REGULATIONS .............. 391
13.34.010 Purpose And Policy ................................................................. 393
13.34.020 Administration ........................................................................ 393
13.34.030 Abbreviations ........................................................................ 393
13.34.040 Definitions ............................................................................. 394
13.34.050 General Sewer Use Requirements -- Prohibited Discharges .......... 398
13.34.060 National Categorical Pretreatment Standards .......................... 399
13.34.070 Local Limits ........................................................................... 400
13.34.080 City’s Right of Revision .......................................................... 400
13.34.090 Dilution ................................................................. 401
13.34.100 Pretreatment Facilities ........................................ 401
13.34.110 Additional Pretreatment Measures ........................ 401
13.34.120 Accidental Discharge/Slug Control Plans ............... 401
13.34.130 Hauled Wastewater ........................................... 402
13.34.140 Industrial Wastewater Discharge Permit Application ... 402
13.34.150 Industrial Wastewater Discharge Permitting—Existing Connections ... 403
13.34.160 Industrial Wastewater Discharge Permitting—New Connections .... 403
13.34.170 Industrial Wastewater Discharge Permit Application Contents .... 403
13.34.180 Application Signatories and Certification ................. 404
13.34.190 Industrial Wastewater Discharge Permit Decisions ........ 404
13.34.200 Industrial Wastewater Discharge Permit Duration ....... 404
13.34.210 Industrial Wastewater Discharge Permit Contents ....... 404
13.34.220 Industrial Wastewater Discharge Permit Appeals .......... 405
13.34.230 Industrial Wastewater Discharge Permit Modification .... 406
13.34.240 Industrial Wastewater Discharge Permit Transfer ........ 406
13.34.250 Industrial Wastewater Discharge Permit Revocation .... 407
13.34.260 Industrial Wastewater Discharge Permit Reissuance .... 407
13.34.270 Regulation of Waste Received from Other Jurisdictions .... 407
13.34.280 Baseline Monitoring Reports .................................. 408
13.34.290 Compliance Schedule Progress Reports ................. 409
13.34.300 Reports on Compliance with Categorical Pretreatment Standard Deadline 410
13.34.310 Periodic Compliance Reports .................................. 410
13.34.320 Reports of Changed Conditions .............................. 411
13.34.330 Reports of Potential Problems ............................... 411
13.34.340 Reports from Unpermitted Users ............................. 411
13.34.350 Notice of Violation/Repeat Sampling and Reporting .... 411
13.34.360 Discharge of Hazardous Waste Prohibited ............... 412
13.34.370 Analytical Requirements ....................................... 412
13.34.380 Sample Collection .............................................. 412
13.34.390 Timing ............................................................. 412
13.34.400 Record Keeping ................................................. 412
13.34.410 Right of Entry: Inspection and Sampling .................. 412
13.34.420 Search Warrants ................................................ 413
13.34.430 Confidential Information ...................................... 413
13.34.440 Publication Of Users In Significant Noncompliance .... 414
13.34.450 Notification of Violation ....................................... 414
13.34.460 Consent Orders .................................................... 415
13.34.470 Show Cause Hearing ............................................ 415
13.34.480 Compliance Orders .............................................. 415
13.34.490 Cease and Desist Orders ...................................... 415
13.34.500 Administrative Fines ........................................... 416
13.34.510 Emergency Suspensions ...................................... 416
13.34.520 Termination of Discharge ..................................... 417
13.34.530 Injunctive Relief .................................................. 417
<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.34.540</td>
<td>Civil Penalties</td>
</tr>
<tr>
<td>13.34.550</td>
<td>Criminal Prosecution</td>
</tr>
<tr>
<td>13.34.560</td>
<td>Remedies Nonexclusive</td>
</tr>
<tr>
<td>13.34.570</td>
<td>Performance Bonds</td>
</tr>
<tr>
<td>13.34.580</td>
<td>Liability Insurance</td>
</tr>
<tr>
<td>13.34.590</td>
<td>Water Supply Severance</td>
</tr>
<tr>
<td>13.34.600</td>
<td>Public Nuisances</td>
</tr>
<tr>
<td>13.34.610</td>
<td>Contractor Listing</td>
</tr>
<tr>
<td>13.34.620</td>
<td>Upset</td>
</tr>
<tr>
<td>13.34.630</td>
<td>Prohibited Discharge Standards</td>
</tr>
<tr>
<td>13.34.640</td>
<td>Bypass</td>
</tr>
<tr>
<td>13.34.650</td>
<td>Industrial Wastewater Charges and Fees</td>
</tr>
<tr>
<td>13.34.660</td>
<td>Severability</td>
</tr>
<tr>
<td>13.34.670</td>
<td>Effective Date</td>
</tr>
<tr>
<td>13.36.010</td>
<td>Declaration</td>
</tr>
<tr>
<td>13.36.020</td>
<td>Applicable Areas</td>
</tr>
<tr>
<td>13.36.030</td>
<td>Definitions</td>
</tr>
<tr>
<td>13.36.040</td>
<td>Fees Established</td>
</tr>
<tr>
<td>13.36.050</td>
<td>Fees—Residential</td>
</tr>
<tr>
<td>13.36.060</td>
<td>Fees—Parks, Auto Wrecking Yards</td>
</tr>
<tr>
<td>13.36.070</td>
<td>Fees—Commercial</td>
</tr>
<tr>
<td>13.36.080</td>
<td>Fees—Agricultural use</td>
</tr>
<tr>
<td>13.36.090</td>
<td>Fees—Additions</td>
</tr>
<tr>
<td>13.36.100</td>
<td>Fees—Change In Use</td>
</tr>
<tr>
<td>13.36.110</td>
<td>Payment Of Fees</td>
</tr>
<tr>
<td>13.36.120</td>
<td>Record Of Fees Paid</td>
</tr>
<tr>
<td>13.36.130</td>
<td>Rounding Of Fees</td>
</tr>
<tr>
<td>13.36.140</td>
<td>Reimbursement Agreement</td>
</tr>
<tr>
<td>13.36.150</td>
<td>Assessment District Reimbursement</td>
</tr>
<tr>
<td>13.36.160</td>
<td>Assessment District—Previous Fees</td>
</tr>
<tr>
<td>13.36.170</td>
<td>Fees—Special Districts</td>
</tr>
<tr>
<td>13.36.180</td>
<td>Construction Of Replacements</td>
</tr>
<tr>
<td>13.36.190</td>
<td>Credits</td>
</tr>
<tr>
<td>13.36.200</td>
<td>Credits—Apportionment</td>
</tr>
<tr>
<td>13.36.210</td>
<td>Credits—Conditions</td>
</tr>
<tr>
<td>13.36.220</td>
<td>Credit—Required Construction</td>
</tr>
<tr>
<td>13.36.230</td>
<td>Determination Of Fee Payment</td>
</tr>
<tr>
<td>13.36.240</td>
<td>Prior Approved Developments</td>
</tr>
</tbody>
</table>

**Chapter 13.36 - DRAINAGE IMPROVEMENT FACILITIES**

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.36.010</td>
<td>Declaration</td>
</tr>
<tr>
<td>13.36.020</td>
<td>Applicable Areas</td>
</tr>
<tr>
<td>13.36.030</td>
<td>Definitions</td>
</tr>
<tr>
<td>13.36.040</td>
<td>Fees Established</td>
</tr>
<tr>
<td>13.36.050</td>
<td>Fees—Residential</td>
</tr>
<tr>
<td>13.36.060</td>
<td>Fees—Parks, Auto Wrecking Yards</td>
</tr>
<tr>
<td>13.36.070</td>
<td>Fees—Commercial</td>
</tr>
<tr>
<td>13.36.080</td>
<td>Fees—Agricultural use</td>
</tr>
<tr>
<td>13.36.090</td>
<td>Fees—Additions</td>
</tr>
<tr>
<td>13.36.100</td>
<td>Fees—Change In Use</td>
</tr>
<tr>
<td>13.36.110</td>
<td>Payment Of Fees</td>
</tr>
<tr>
<td>13.36.120</td>
<td>Record Of Fees Paid</td>
</tr>
<tr>
<td>13.36.130</td>
<td>Rounding Of Fees</td>
</tr>
<tr>
<td>13.36.140</td>
<td>Reimbursement Agreement</td>
</tr>
<tr>
<td>13.36.150</td>
<td>Assessment District Reimbursement</td>
</tr>
<tr>
<td>13.36.160</td>
<td>Assessment District—Previous Fees</td>
</tr>
<tr>
<td>13.36.170</td>
<td>Fees—Special Districts</td>
</tr>
<tr>
<td>13.36.180</td>
<td>Construction Of Replacements</td>
</tr>
<tr>
<td>13.36.190</td>
<td>Credits</td>
</tr>
<tr>
<td>13.36.200</td>
<td>Credits—Apportionment</td>
</tr>
<tr>
<td>13.36.210</td>
<td>Credits—Conditions</td>
</tr>
<tr>
<td>13.36.220</td>
<td>Credit—Required Construction</td>
</tr>
<tr>
<td>13.36.230</td>
<td>Determination Of Fee Payment</td>
</tr>
<tr>
<td>13.36.240</td>
<td>Prior Approved Developments</td>
</tr>
</tbody>
</table>

**Title 14 - Neighborhood and Community Preservation Program**

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.01.010</td>
<td>Purpose</td>
</tr>
<tr>
<td>14.01.020</td>
<td>Mission Statement</td>
</tr>
<tr>
<td>14.01.030</td>
<td>Enforcement</td>
</tr>
<tr>
<td>14.01.040</td>
<td>Property Maintenance/Dangerous Buildings Code Violations</td>
</tr>
<tr>
<td>14.04.050</td>
<td>Notice and Order Process</td>
</tr>
<tr>
<td>14.01.060</td>
<td>Notice and Order Process</td>
</tr>
</tbody>
</table>

**Chapter 13.36 - DRAINAGE IMPROVEMENT FACILITIES**

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.36.010</td>
<td>Declaration</td>
</tr>
<tr>
<td>13.36.020</td>
<td>Applicable Areas</td>
</tr>
<tr>
<td>13.36.030</td>
<td>Definitions</td>
</tr>
<tr>
<td>13.36.040</td>
<td>Fees Established</td>
</tr>
<tr>
<td>13.36.050</td>
<td>Fees—Residential</td>
</tr>
<tr>
<td>13.36.060</td>
<td>Fees—Parks, Auto Wrecking Yards</td>
</tr>
<tr>
<td>13.36.070</td>
<td>Fees—Commercial</td>
</tr>
<tr>
<td>13.36.080</td>
<td>Fees—Agricultural use</td>
</tr>
<tr>
<td>13.36.090</td>
<td>Fees—Additions</td>
</tr>
<tr>
<td>13.36.100</td>
<td>Fees—Change In Use</td>
</tr>
<tr>
<td>13.36.110</td>
<td>Payment Of Fees</td>
</tr>
<tr>
<td>13.36.120</td>
<td>Record Of Fees Paid</td>
</tr>
<tr>
<td>13.36.130</td>
<td>Rounding Of Fees</td>
</tr>
<tr>
<td>13.36.140</td>
<td>Reimbursement Agreement</td>
</tr>
<tr>
<td>13.36.150</td>
<td>Assessment District Reimbursement</td>
</tr>
<tr>
<td>13.36.160</td>
<td>Assessment District—Previous Fees</td>
</tr>
<tr>
<td>13.36.170</td>
<td>Fees—Special Districts</td>
</tr>
<tr>
<td>13.36.180</td>
<td>Construction Of Replacements</td>
</tr>
<tr>
<td>13.36.190</td>
<td>Credits</td>
</tr>
<tr>
<td>13.36.200</td>
<td>Credits—Apportionment</td>
</tr>
<tr>
<td>13.36.210</td>
<td>Credits—Conditions</td>
</tr>
<tr>
<td>13.36.220</td>
<td>Credit—Required Construction</td>
</tr>
<tr>
<td>13.36.230</td>
<td>Determination Of Fee Payment</td>
</tr>
<tr>
<td>13.36.240</td>
<td>Prior Approved Developments</td>
</tr>
</tbody>
</table>

**Chapter 13.36 - DRAINAGE IMPROVEMENT FACILITIES**

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.36.010</td>
<td>Declaration</td>
</tr>
<tr>
<td>13.36.020</td>
<td>Applicable Areas</td>
</tr>
<tr>
<td>13.36.030</td>
<td>Definitions</td>
</tr>
<tr>
<td>13.36.040</td>
<td>Fees Established</td>
</tr>
<tr>
<td>13.36.050</td>
<td>Fees—Residential</td>
</tr>
<tr>
<td>13.36.060</td>
<td>Fees—Parks, Auto Wrecking Yards</td>
</tr>
<tr>
<td>13.36.070</td>
<td>Fees—Commercial</td>
</tr>
<tr>
<td>13.36.080</td>
<td>Fees—Agricultural use</td>
</tr>
<tr>
<td>13.36.090</td>
<td>Fees—Additions</td>
</tr>
<tr>
<td>13.36.100</td>
<td>Fees—Change In Use</td>
</tr>
<tr>
<td>13.36.110</td>
<td>Payment Of Fees</td>
</tr>
<tr>
<td>13.36.120</td>
<td>Record Of Fees Paid</td>
</tr>
<tr>
<td>13.36.130</td>
<td>Rounding Of Fees</td>
</tr>
<tr>
<td>13.36.140</td>
<td>Reimbursement Agreement</td>
</tr>
<tr>
<td>13.36.150</td>
<td>Assessment District Reimbursement</td>
</tr>
<tr>
<td>13.36.160</td>
<td>Assessment District—Previous Fees</td>
</tr>
<tr>
<td>13.36.170</td>
<td>Fees—Special Districts</td>
</tr>
<tr>
<td>13.36.180</td>
<td>Construction Of Replacements</td>
</tr>
<tr>
<td>13.36.190</td>
<td>Credits</td>
</tr>
<tr>
<td>13.36.200</td>
<td>Credits—Apportionment</td>
</tr>
<tr>
<td>13.36.210</td>
<td>Credits—Conditions</td>
</tr>
<tr>
<td>13.36.220</td>
<td>Credit—Required Construction</td>
</tr>
<tr>
<td>13.36.230</td>
<td>Determination Of Fee Payment</td>
</tr>
<tr>
<td>13.36.240</td>
<td>Prior Approved Developments</td>
</tr>
</tbody>
</table>

**Title 14 - Neighborhood and Community Preservation Program**

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.01.010</td>
<td>Purpose</td>
</tr>
<tr>
<td>14.01.020</td>
<td>Mission Statement</td>
</tr>
<tr>
<td>14.01.030</td>
<td>Enforcement</td>
</tr>
<tr>
<td>14.01.040</td>
<td>Property Maintenance/Dangerous Buildings Code Violations</td>
</tr>
<tr>
<td>14.04.050</td>
<td>Notice and Order Process</td>
</tr>
<tr>
<td>14.01.060</td>
<td>Notice and Order Process</td>
</tr>
</tbody>
</table>
## Chapter 14.08 - NUISANCES

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.08.010</td>
<td>Findings</td>
</tr>
<tr>
<td>14.08.020</td>
<td>Definitions</td>
</tr>
<tr>
<td>14.08.030</td>
<td>Declaration of Nuisance</td>
</tr>
<tr>
<td>14.08.040</td>
<td>Administration and Enforcement</td>
</tr>
<tr>
<td>14.08.050</td>
<td>Administrative Penalties</td>
</tr>
<tr>
<td>14.08.060</td>
<td>Right of Entry and Inspection</td>
</tr>
<tr>
<td>14.08.070</td>
<td>Abatement</td>
</tr>
<tr>
<td>14.08.080</td>
<td>Commencement of Nuisance Abatement</td>
</tr>
<tr>
<td>14.08.090</td>
<td>Fees Imposed</td>
</tr>
<tr>
<td>14.08.100</td>
<td>Service of Notice and Order</td>
</tr>
<tr>
<td>14.08.110</td>
<td>Appeal</td>
</tr>
<tr>
<td>14.08.120</td>
<td>Appeal Hearing</td>
</tr>
<tr>
<td>14.08.130</td>
<td>Hearing Officer Decision</td>
</tr>
<tr>
<td>14.08.140</td>
<td>Summary Abatement</td>
</tr>
<tr>
<td>14.08.150</td>
<td>Recovery of Costs of Abatement</td>
</tr>
<tr>
<td>14.08.160</td>
<td>Notice of Report and Hearing</td>
</tr>
<tr>
<td>14.08.170</td>
<td>Hearing and Confirmation</td>
</tr>
<tr>
<td>14.08.180</td>
<td>Effect of Assessment and Notice of Lien</td>
</tr>
<tr>
<td>14.08.190</td>
<td>Collection of Assessment and Transfer to Unsecured Roll</td>
</tr>
<tr>
<td>14.08.200</td>
<td>Time for Contest of Assessment</td>
</tr>
<tr>
<td>14.08.210</td>
<td>Judicial Enforcement</td>
</tr>
</tbody>
</table>

## Chapter 15.01 - BUILDING CODES

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.01.010</td>
<td>Title</td>
</tr>
<tr>
<td>15.01.020</td>
<td>Purpose</td>
</tr>
<tr>
<td>15.01.030</td>
<td>Authority</td>
</tr>
<tr>
<td>15.01.040</td>
<td>Applicability</td>
</tr>
<tr>
<td>15.01.050</td>
<td>Owner Builder</td>
</tr>
<tr>
<td>15.01.060</td>
<td>Definitions</td>
</tr>
<tr>
<td>15.01.070</td>
<td>Office Established</td>
</tr>
<tr>
<td>15.01.080</td>
<td>Duties Of Building Inspector</td>
</tr>
<tr>
<td>15.01.090</td>
<td>Enforcement And Authority</td>
</tr>
<tr>
<td>15.01.100</td>
<td>Violations</td>
</tr>
<tr>
<td>15.01.101</td>
<td>Liability</td>
</tr>
<tr>
<td>15.01.110</td>
<td>Repealed (Ord. 506 § 1, 2008)</td>
</tr>
<tr>
<td>15.01.112</td>
<td>Application</td>
</tr>
<tr>
<td>15.01.113</td>
<td>Conflicts With the Laws, Rules, Etc.</td>
</tr>
</tbody>
</table>

(*Page numbers are placeholders and not intended to be used for actual page numbers in the document.*)
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.01.114</td>
<td>Adoption of the Uniform Code</td>
<td>452</td>
</tr>
<tr>
<td>15.01.115</td>
<td>Interpretation</td>
<td>453</td>
</tr>
<tr>
<td>15.01.116</td>
<td>Liability</td>
<td>454</td>
</tr>
<tr>
<td>15.01.120</td>
<td>Repealed (Ord. 506 § 1, 2008)</td>
<td>454</td>
</tr>
<tr>
<td>15.01.210</td>
<td>Repealed (Ord. 506 § 1, 2008)</td>
<td>454</td>
</tr>
<tr>
<td>15.01.220</td>
<td>Repealed (Ord. 506 § 1, 2008)</td>
<td>454</td>
</tr>
<tr>
<td>15.01.310</td>
<td>Repealed (Ord. 506 § 1, 2008)</td>
<td>454</td>
</tr>
<tr>
<td>15.01.320</td>
<td>Repealed (Ord. 506 § 1, 2008)</td>
<td>454</td>
</tr>
<tr>
<td>15.01.410</td>
<td>Adoption of Code</td>
<td>454</td>
</tr>
<tr>
<td>15.01.420</td>
<td>Modifications to UHC</td>
<td>454</td>
</tr>
<tr>
<td>15.01.510</td>
<td>Adoption of Code</td>
<td>454</td>
</tr>
<tr>
<td>15.01.920</td>
<td>Definitions</td>
<td>455</td>
</tr>
<tr>
<td>15.01.930</td>
<td>Permits</td>
<td>455</td>
</tr>
<tr>
<td>15.01.940</td>
<td>Establishment Of Limits Of Districts In Which The Storage Of Explosive And Blasting Agents Are Prohibited</td>
<td>455</td>
</tr>
<tr>
<td>15.01.950</td>
<td>Establishment Of Limits In Which Storage Of Liquefied Petroleum Gas Is To Be Restricted</td>
<td>455</td>
</tr>
<tr>
<td>15.01.960</td>
<td>Limits Of Districts For Storage Of Flammable Or Combustible Liquids In Outside Aboveground Tanks Is Prohibited</td>
<td>456</td>
</tr>
<tr>
<td>15.01.970</td>
<td>Abatement Of Hazards</td>
<td>456</td>
</tr>
<tr>
<td>15.01.980</td>
<td>Amendments Made In The Uniform Fire Code</td>
<td>456</td>
</tr>
<tr>
<td>15.01.990</td>
<td>New Materials, Processes Or Occupancies Which May Require Permits</td>
<td>457</td>
</tr>
<tr>
<td>15.01.1000</td>
<td>Appeals</td>
<td>457</td>
</tr>
<tr>
<td>15.01.1010</td>
<td>Violations And Penalties</td>
<td>457</td>
</tr>
<tr>
<td><strong>Chapter 15.08</strong></td>
<td><strong>PROPERTY DEVELOPMENT DESIGN REVIEW PROCEDURES AND STANDARDS</strong></td>
<td>458</td>
</tr>
<tr>
<td>15.08.010</td>
<td>Purpose</td>
<td>458</td>
</tr>
<tr>
<td>15.08.020</td>
<td>Design Review—Required</td>
<td>458</td>
</tr>
<tr>
<td>15.08.030</td>
<td>Design Review Process</td>
<td>459</td>
</tr>
<tr>
<td>15.08.040</td>
<td>Application for Design Review</td>
<td>459</td>
</tr>
<tr>
<td>15.08.050</td>
<td>Standards For Review of Applications</td>
<td>460</td>
</tr>
<tr>
<td>15.08.060</td>
<td>Compliance—Required</td>
<td>462</td>
</tr>
<tr>
<td>15.08.070</td>
<td>Appeal</td>
<td>462</td>
</tr>
<tr>
<td>15.08.080</td>
<td>Termination of Approval</td>
<td>462</td>
</tr>
<tr>
<td><strong>Chapter 15.21</strong></td>
<td><strong>FLOOD DAMAGE PREVENTION</strong></td>
<td>462</td>
</tr>
<tr>
<td>15.21.010</td>
<td>Statutory Authorization</td>
<td>463</td>
</tr>
<tr>
<td>15.21.020</td>
<td>Findings Of Fact</td>
<td>463</td>
</tr>
<tr>
<td>15.21.030</td>
<td>Statement Of Purpose</td>
<td>463</td>
</tr>
<tr>
<td>15.21.040</td>
<td>Definitions</td>
<td>464</td>
</tr>
<tr>
<td>15.21.050</td>
<td>Lands to Which This Chapter Applies</td>
<td>473</td>
</tr>
<tr>
<td>15.21.060</td>
<td>Basis for Establishing the Areas of Special Flood Hazard</td>
<td>473</td>
</tr>
<tr>
<td>15.21.070</td>
<td>Enforcement</td>
<td>474</td>
</tr>
<tr>
<td>15.21.080</td>
<td>Abrogation and Greater Restrictions</td>
<td>474</td>
</tr>
<tr>
<td>15.21.090</td>
<td>Interpretation</td>
<td>474</td>
</tr>
<tr>
<td>15.21.100</td>
<td>Application to Government Agencies</td>
<td>474</td>
</tr>
<tr>
<td>15.21.110</td>
<td>Designation of the Floodplain Administrator</td>
<td>474</td>
</tr>
</tbody>
</table>
15.21.120  Duties and Responsibilities of the Floodplain Administrator ...........................................474
15.21.130  Scope .................................................................................................................................477
15.21.140  Development Permits .......................................................................................................477
15.21.150  Standards for Construction .................................................................................................478
15.21.160  Anchoring .............................................................................................................................478
15.21.170  Construction Materials And Methods ..................................................................................479
15.21.180  Elevation And Floodproofing ...............................................................................................479
15.21.190  Standards For Wet Utilities ..................................................................................................483
15.21.200  Standards For Subdivisions & Other Proposed Development .............................................483
15.21.210  Standards For Manufactured Homes ....................................................................................484
15.21.220  Standards For Recreational Vehicles ....................................................................................484
15.21.230  Nature Of Variances ...........................................................................................................484
15.21.240  Conditions For Variances .....................................................................................................485
15.21.250  City Council Guidelines ......................................................................................................486
15.21.260  Appeals ..................................................................................................................................487
15.21.270  Warning And Disclaimer Of Liability ..................................................................................487
15.21.280  Severability ...........................................................................................................................488

Chapter 15.43 - HISTORIC PRESERVATION ORDINANCE ...............................................................488
15.43.010  Title .....................................................................................................................................489
15.43.020  Purpose .................................................................................................................................489
15.43.030  Review Committee .............................................................................................................489
15.43.040  Powers And Duties ..............................................................................................................489
15.43.050  Cultural Resource Designation Criteria ...............................................................................489
15.43.060  Cultural Resource Designation Procedure ............................................................................490
15.43.070  Permit Required ..................................................................................................................491
15.43.080  Application For Permit .........................................................................................................491
15.43.090  Procedure On Application ....................................................................................................491
15.43.100  Criteria For Evaluating Application For Permit ..................................................................492
15.43.110  Restriction To Exterior Features Only ..................................................................................492
15.43.120  Special Considerations ..........................................................................................................492
15.43.130  Limitation On Applications ...................................................................................................493
15.43.140  Exceptions From Regulations ..............................................................................................493
15.43.150  Appeal ....................................................................................................................................493
15.43.160  Enforcement ..........................................................................................................................493
15.43.170  Penalties ..................................................................................................................................493

Chapter 15.50 - DEVELOPMENT IMPACT FEES ...........................................................................494
15.50.010  Purpose ..................................................................................................................................494
15.50.020  Development Impact Fee .....................................................................................................494
15.50.030  Limited Use of Development Fees .......................................................................................496

TITLE 16 - SUBDIVISIONS* .................................................................................................................497

Chapter 16.04 - GENERAL PROVISIONS ..........................................................................................498
16.04.010  Title .....................................................................................................................................498
16.04.020  Purpose ..................................................................................................................................498
16.04.030  Authority ...............................................................................................................................498
16.04.040  Applicability ..........................................................................................................................498
16.04.050  Interpretation, Conflict and Separability ..............................................................................499
Chapter 16.20 - PARCEL MAPS .................................................................534
Chapter 16.22 - Amendments to Recorded Maps ........................................547
Sections: ........................................................................................................547
16.22.010 Purpose of this Chapter .............................................................547
16.22.020 Amending Final Maps and Parcel Maps ......................................547
16.22.030 Application ..................................................................................548
16.22.040 Form and Contents .....................................................................548
16.22.050 Examination by the City Engineer ..............................................548
16.22.060 Public Hearing ...........................................................................548
16.22.070 Filing with the Sutter County Recorder .......................................548
Chapter 16.24 - Subdivision Design Standards .........................................549
16.24.110 Checking Fee ............................................................................555
16.24.130 Survey Monuments ....................................................................556
16.24.160 Signs and Posts ........................................................................556
Chapter 16.26 PUBLIC IMPROVEMENTS ...............................................556
16.26.010 Purpose of this Chapter .............................................................557
16.26.020 Improvement Plans Required ....................................................557
16.26.030 Minimum Required Improvements ..........................................557
16.26.040 Inspection ..................................................................................558
16.26.050 Time of Completion ..................................................................558
16.26.060 “As built” Plans .........................................................................558
16.26.070 Acceptance of Improvements .................................................559
16.26.080 Utility Fees ................................................................................559
Chapter 16.28 - SUPPLEMENTAL IMPROVEMENT CAPACITY ............559
Chapter 16.30 - STREET NAMING ...........................................................560
16.30.010 Purpose of this Chapter .............................................................560
16.30.020 Naming New Streets ...................................................................560
16.30.030 Street Renaming ........................................................................561
Chapter 16.32 - LOT LINE ADJUSTMENTS ............................................562
Chapter 16.34 - Reversion to Acreage .......................................................563
16.34.010 Purpose of this Chapter .............................................................563
16.34.020 Initiation of Proceedings .........................................................564
16.34.030 Contents of the Petition .............................................................564
16.34.040 Procedure ...............................................................................564
Chapter 16.36 - MERGERS OF CONTIGUOUS PARCELS UNDER COMMON
OWNERSHIP .........................................................................................565
Chapter 16.38 - RESIDENTIAL CONDOMINIUMS ...............................567
16.38.010 Purpose of this Chapter .............................................................567
16.38.020 Application Content ..................................................................568
16.38.030 Tentative Map Procedures ..........................................................568
16.38.040 Development Standards ............................................................568
16.38.050 Final Map Procedures .................................................................569
Chapter 16.40 - RESIDENTIAL CONDOMINIUMS CONVERSIONS ....570
16.40.050 Standards for Condominium Conversions ..................................572
16.40.060 Final Map Procedures .................................................................573
Chapter 16.42 - Commercial Condominiums ...........................................573
17.10.040 Development Standards .......................................................... 615
17.11 Neighborhood Center (NC) Combining Zone District .................. 615
  17.11.010 Purpose of the Neighborhood Center Combining Zone District 615
  17.11.020 Applicability ........................................................................ 616
  17.11.030 Locational Criteria ............................................................... 616
  17.11.040 Allowed Uses and Size ........................................................ 616
  17.11.050 Development Applications .................................................. 616
17.12 Civic Center (CC) Combining Zone District .................................. 617
  17.12.010 Purpose of the Civic Center Combining Zone District ............ 617
  17.12.020 Applicability ........................................................................ 617
  17.12.030 Locational Criteria ............................................................... 617
  17.12.040 Allowed Uses and Size ........................................................ 617
  17.12.050 Development Applications .................................................. 618
17.15 Standards for Specific Uses in Residential Zone Districts ............... 618
  17.15.020 Garage/Yard Sales ................................................................. 618
  17.15.030 Residential Accessory Structures .......................................... 618
  17.15.040 Attached Patio Covers ......................................................... 619
  17.15.050 Second Residences .............................................................. 619
  17.15.060 Manufactured Homes ......................................................... 620
  17.15.070 Home Occupations ............................................................. 620
  17.15.080 Model Homes ..................................................................... 621
  17.15.090 Manufactured Home Parks .................................................. 621
  17.15.100 Places of Religious Worship in Residential Zone Districts .... 622
  17.15.110 Parking for Off-site Uses ...................................................... 622
  17.15.120 Affordable Housing Bonus Incentives .................................... 623
  17.15.130 Allowing kitchens in garages ................................................ 623
  17.15.140 Reasonable Accommodation Under Federal and State Fair Housing Laws 623
17.16 Standards for Specific Uses in Commercial and .............................. 626
  17.16.010 Recycling Collection Facility ............................................... 626
  17.16.020 Temporary Commercial Coach ............................................ 627
  17.16.030 Outdoor Display of Merchandise Typically Sold Indoors .......... 627
  17.16.040 Car Wash (Self Serve and Full Service) ................................ 628
  17.16.050 Outdoor Holiday Sales ......................................................... 628
  17.16.060 Medical Marijuana Dispensary ............................................. 628
  17.16.070 Adult-Oriented Businesses .................................................. 628
17.17 Standards for Medical Marijuana .................................................. 631
  17.17.010 Findings and Purpose .......................................................... 631
  17.17.020 Applicability ....................................................................... 634
  17.17.030 Definitions .......................................................................... 634
  17.17.040 Prohibition of Marijuana Cultivation ....................................... 635
  17.17.050 Separation of Section 17.17.040 ............................................. 635
  17.17.060 Cultivation in Residential Zone Districts for Personal Use ........ 635
  17.17.070 Medical Marijuana Collectives, Cooperatives and Dispensaries 636
  17.17.080 Separation of Section 17.17.070 ............................................ 636
  17.17.090 Medical Marijuana Dispensary ............................................. 637
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.17.100</td>
<td>Nuisance and Civil Penalties</td>
<td>643</td>
</tr>
<tr>
<td>17.20</td>
<td>Building Sites</td>
<td>643</td>
</tr>
<tr>
<td>17.20.010</td>
<td>Pre-existing Substandard Sized Lots</td>
<td>643</td>
</tr>
<tr>
<td>17.20.020</td>
<td>Flag Lots</td>
<td>643</td>
</tr>
<tr>
<td>17.20.030</td>
<td>Development on Lots Divided by Zone District Boundaries</td>
<td>644</td>
</tr>
<tr>
<td>17.20.040</td>
<td>Condominiums</td>
<td>644</td>
</tr>
<tr>
<td>17.21</td>
<td>Required Public Improvements</td>
<td>644</td>
</tr>
<tr>
<td>17.21.010</td>
<td>Street Right-of-Way Dedications and Improvements</td>
<td>644</td>
</tr>
<tr>
<td>17.21.020</td>
<td>Undergrounding of Utilities</td>
<td>644</td>
</tr>
<tr>
<td>17.22</td>
<td>Purpose</td>
<td>645</td>
</tr>
<tr>
<td>17.22.010</td>
<td>Determining Yards</td>
<td>645</td>
</tr>
<tr>
<td>17.22.020</td>
<td>Yard Exceptions</td>
<td>645</td>
</tr>
<tr>
<td>17.23</td>
<td>Height Limits and Exceptions</td>
<td>646</td>
</tr>
<tr>
<td>17.23.010</td>
<td>Height Measurement</td>
<td>646</td>
</tr>
<tr>
<td>17.23.020</td>
<td>Exceptions to Height Limits</td>
<td>646</td>
</tr>
<tr>
<td>17.24</td>
<td>Standards for Fences and Walls, and Intersection Visibility</td>
<td>646</td>
</tr>
<tr>
<td>17.24.010</td>
<td>Standards Applicable to Walls and Fences in All Zone Districts</td>
<td>647</td>
</tr>
<tr>
<td>17.24.020</td>
<td>Standards for Residential Zone Districts</td>
<td>647</td>
</tr>
<tr>
<td>17.24.030</td>
<td>Standards for Commercial and Industrial Zone Districts</td>
<td>647</td>
</tr>
<tr>
<td>17.24.040</td>
<td>Clear Vision Triangle</td>
<td>648</td>
</tr>
<tr>
<td>17.24.050</td>
<td>Exceptions to the Standards</td>
<td>648</td>
</tr>
<tr>
<td>17.25</td>
<td>Standards for Off-Street Parking and Loading Facilities</td>
<td>648</td>
</tr>
<tr>
<td>17.25.010</td>
<td>Purpose</td>
<td>648</td>
</tr>
<tr>
<td>17.25.020</td>
<td>Applicability</td>
<td>649</td>
</tr>
<tr>
<td>17.25.030</td>
<td>Required Parking</td>
<td>649</td>
</tr>
<tr>
<td>17.25.040</td>
<td>Over-parking</td>
<td>652</td>
</tr>
<tr>
<td>17.25.050</td>
<td>Off-site Parking</td>
<td>652</td>
</tr>
<tr>
<td>17.25.060</td>
<td>Parking Lot Design and Dimensional Standards</td>
<td>652</td>
</tr>
<tr>
<td>17.25.070</td>
<td>Handicapped Parking</td>
<td>653</td>
</tr>
<tr>
<td>17.25.080</td>
<td>Residential parking in required yards:</td>
<td>653</td>
</tr>
<tr>
<td>17.25.090</td>
<td>Bicycle Parking</td>
<td>654</td>
</tr>
<tr>
<td>17.25.100</td>
<td>On-site Loading Space Standards</td>
<td>654</td>
</tr>
<tr>
<td>17.25.110</td>
<td>Landscaping and Lighting</td>
<td>655</td>
</tr>
<tr>
<td>17.25.130</td>
<td>Maintenance</td>
<td>655</td>
</tr>
<tr>
<td>17.26</td>
<td>Exterior Lighting</td>
<td>655</td>
</tr>
<tr>
<td>17.26.010</td>
<td>Purpose</td>
<td>655</td>
</tr>
<tr>
<td>17.26.020</td>
<td>Applicability</td>
<td>655</td>
</tr>
<tr>
<td>17.26.030</td>
<td>Shielding Unwanted Light</td>
<td>655</td>
</tr>
<tr>
<td>17.26.040</td>
<td>Height Limit</td>
<td>656</td>
</tr>
<tr>
<td>17.26.050</td>
<td>Plans Required</td>
<td>656</td>
</tr>
<tr>
<td>17.26.060</td>
<td>Coordination with Landscape Plans</td>
<td>656</td>
</tr>
<tr>
<td>17.26.070</td>
<td>Maintenance of Lighting Systems and Fixtures</td>
<td>656</td>
</tr>
<tr>
<td>17.27</td>
<td>Standards for Landscaping</td>
<td>656</td>
</tr>
<tr>
<td>17.27.010</td>
<td>Purpose</td>
<td>656</td>
</tr>
<tr>
<td>17.27.020</td>
<td>Applicability</td>
<td>657</td>
</tr>
<tr>
<td>17.27.030</td>
<td>California Water Efficient Landscape Ordinance</td>
<td>657</td>
</tr>
<tr>
<td>Section</td>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>17.51.010</td>
<td>Purpose</td>
<td>701</td>
</tr>
<tr>
<td>17.51.020</td>
<td>Use Permit</td>
<td>701</td>
</tr>
<tr>
<td>17.51.030</td>
<td>Second Unit Defined</td>
<td>701</td>
</tr>
<tr>
<td>17.51.040</td>
<td>Appearance</td>
<td>701</td>
</tr>
<tr>
<td>17.51.050</td>
<td>Parking</td>
<td>701</td>
</tr>
<tr>
<td>17.51.060</td>
<td>Occupancy</td>
<td>701</td>
</tr>
<tr>
<td>17.51.070</td>
<td>Construction</td>
<td>701</td>
</tr>
<tr>
<td>17.51.080</td>
<td>Nonconforming Use</td>
<td>702</td>
</tr>
<tr>
<td>17.51.090</td>
<td>Application Procedure</td>
<td>702</td>
</tr>
<tr>
<td>17.52.010</td>
<td>Purpose</td>
<td>702</td>
</tr>
<tr>
<td>17.52.020</td>
<td>Application and Fee</td>
<td>702</td>
</tr>
<tr>
<td>17.52.030</td>
<td>Action By The Planning Commission</td>
<td>703</td>
</tr>
<tr>
<td>17.52.040</td>
<td>Revocation</td>
<td>703</td>
</tr>
<tr>
<td>17.52.050</td>
<td>Appeal</td>
<td>704</td>
</tr>
<tr>
<td>17.53.010</td>
<td>Purpose</td>
<td>704</td>
</tr>
<tr>
<td>17.53.020</td>
<td>Application And Fee</td>
<td>704</td>
</tr>
<tr>
<td>17.53.030</td>
<td>Action By The City Staff</td>
<td>704</td>
</tr>
<tr>
<td>17.53.040</td>
<td>Revocation</td>
<td>705</td>
</tr>
<tr>
<td>17.53.050</td>
<td>Appeal</td>
<td>705</td>
</tr>
<tr>
<td>17.54.010</td>
<td>Purpose</td>
<td>705</td>
</tr>
<tr>
<td>17.54.020</td>
<td>Application and Fee</td>
<td>705</td>
</tr>
<tr>
<td>17.54.030</td>
<td>Public Hearing</td>
<td>706</td>
</tr>
<tr>
<td>17.54.040</td>
<td>Action By Planning Commission</td>
<td>707</td>
</tr>
<tr>
<td>17.54.050</td>
<td>Appeal</td>
<td>707</td>
</tr>
<tr>
<td>17.54.060</td>
<td>Revocation</td>
<td>707</td>
</tr>
<tr>
<td>17.56.010</td>
<td>Purpose</td>
<td>707</td>
</tr>
<tr>
<td>17.56.020</td>
<td>Nonconforming Buildings</td>
<td>707</td>
</tr>
<tr>
<td>17.56.030</td>
<td>Nonconforming use of buildings</td>
<td>708</td>
</tr>
<tr>
<td>17.56.040</td>
<td>Nonconforming Use Of Land</td>
<td>709</td>
</tr>
<tr>
<td>17.56.050</td>
<td>Occupancy Permit</td>
<td>709</td>
</tr>
<tr>
<td>17.56.060</td>
<td>Use Permits</td>
<td>709</td>
</tr>
<tr>
<td>17.58.010</td>
<td>Procedure</td>
<td>709</td>
</tr>
<tr>
<td>17.58.020</td>
<td>Application and Fee</td>
<td>709</td>
</tr>
<tr>
<td>17.60.010</td>
<td>Application</td>
<td>711</td>
</tr>
<tr>
<td>17.60.020</td>
<td>Enforcement</td>
<td>711</td>
</tr>
<tr>
<td>17.60.030</td>
<td>Violation A Misdemeanor</td>
<td>711</td>
</tr>
<tr>
<td>17.60.040</td>
<td>Abatement</td>
<td>711</td>
</tr>
<tr>
<td>17.60.050</td>
<td>Remedies Cumulative</td>
<td>712</td>
</tr>
</tbody>
</table>
TITLE 1 – GENERAL PROVISIONS

Chapters:

1.01 Code Adoption
1.04 General Provisions
1.08 Posting Places
1.11 Enforcement of the City of Live Oak Municipal Code and Other Applicable Laws
1.12 General Penalty
1.16 Administrative Fees and Charges
1.17 Administrative Violations and Administrative Enforcement Procedures
Chapter 1.01 - CODE ADOPTION*

Sections:

1.01.010 Adoption.
1.01.020 Title—Citation—Reference.
1.01.030 Content and authority.
1.01.040 Ordinances passed prior to adoption of code.
1.01.050 Reference applies to all amendments.
1.01.060 Title, chapter and section headings.
1.01.070 Reference to specific ordinances.
1.01.080 Effect of code on past actions and obligations.
1.01.090 Effective date.
1.01.100 Constitutionality.

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

1.01.010 Adoption

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

1.01.020 Title—Citation—Reference

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

1.01.030 Content And Authority

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

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

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

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

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

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

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

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

Chapter 1.04 - GENERAL PROVISIONS

Sections:

1.04.010 Definitions

1.04.020 Title of office.

1.04.030 Interpretation of language.

1.04.040 Grammatical interpretation.

1.04.050 Acts by agents.

1.04.060 Prohibited acts include causing and permitting.

1.04.070 Computation of time.

1.04.080 Construction.

1.04.090 Repeal shall not revive any ordinances.

1.04.010 Definitions

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

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

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

C. “County” means the county of Sutter.

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

E. “May” is permissive.

F. “Month” means a calendar month.

G. “Must” and “shall” are each mandatory.

H. “Oath” includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”
I. “Owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

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

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

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

M. “Property” includes real and personal property.

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

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

P. “State” means the state of California.

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

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

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

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

1.04.020 Title Of Office

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

1.04.030 Interpretation Of Language

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

1.04.040 Grammatical Interpretation

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

A. Gender. Each gender includes the masculine, feminine and neuter genders.
B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

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

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

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

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

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

1.04.090 Repeal Shall Not Revive Any Ordinances
The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Added during 1978 codification)

Chapter 1.08 - POSTING PLACES

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

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

B. Bradberry Barber Library,
10321 Live Oak Boulevard,
Live Oak, California.
Chapter 1.11 - ENFORCEMENT OF THE CITY OF LIVE OAK MUNICIPAL CODE
AND OTHER APPLICABLE LAWS

Sections:

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

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

A. To provide standards for the enforcement of the City of Live Oak Municipal Code and other applicable laws;

B. To establish administrative sanctions for violations of the Live Oak Municipal Code and other applicable laws as an alternative to criminal or civil enforcement penalties;

C. To establish a hierarchy of administrative sanctions and a prescribed method for enforcement through administrative hearings that are consistent with constitutional protections;

D. To provide for administrative abatement to remedy code violations and to provide for the recovery of costs incurred in administrative abatement as allowed for by state law; and

E. To provide for judicial review of final administrative orders or decisions made pursuant to this title in accordance with the procedures set forth in the California Code of Civil Procedure Sections 1094.5 and 1094.6

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

1.11.020 Definitions
As used in this chapter:

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

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

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

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

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

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

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

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

“Notice to correct” means the notice issued by the enforcement authority for required action to achieve compliance with the Live Oak Municipal Code or other applicable laws.

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

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

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

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

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

1.11.040 Procedures For Enforcement

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

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

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

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

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

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

1.11.050 Refusal To Issue Permits, Licenses Or Other Entitlements

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

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

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

Chapter 1.12 - GENERAL PENALTY*

Sections:

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

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

Chapter 1.16 - ADMINISTRATIVE FEES AND CHARGES
Sections:
   1.16.010  Fee for returned checks.

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

Chapter 1.17 - ADMINISTRATIVE VIOLATIONS AND ADMINISTRATIVE ENFORCEMENT PROCEDURES
Sections:
   1.17.010  Designation of administrative violations.
   1.17.020  Administrative violations are not exclusive remedy.
   1.17.030  Levels of administrative violations.
   1.17.040  Sanctions for administrative violations.
   1.17.050  Standards for imposition of administrative sanctions.
   1.17.060  Responsibility and authority.
   1.17.070  Purpose of enforcement.
   1.17.080  Guidelines for exercising administrative enforcement authority.
   1.17.090  Notice to correct and stop order.
1.17.010  Designation Of Administrative Violations

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

1. All violations of the Live Oak Municipal Code, unless otherwise excepted by ordinance. The City Manager or Enforcement Officer may choose to process a violation as a misdemeanor as outlined section 1.12.010 of the Live Oak Municipal Code.

2. All violations of Uniform Codes adopted by the City of Live Oak;

3. All violations of design standards adopted by the City Council and/or the Planning Commission and on file with the City Clerk;

4. All violations of conditions imposed on any entitlement, permit, contract, or environmental document issued or approved by the City of Live Oak;

5. All violations of state laws enforced by the City of Live Oak that have been designated for enforcement through this chapter by ordinance.

1.17.020  Administrative Violations Are Not Exclusive Remedy
Nothing in this chapter is intended to limit or prohibit the enforcement of the Live Oak Municipal Code or other applicable laws through civil or criminal process, or in any other manner allowed by law.

1.17.030 Levels Of Administrative Violations

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

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

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

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

C. Where multiple violations have occurred or are occurring, each violation of the Live Oak Municipal Code or other applicable laws shall be subject to a separate sanction.

D. The enforcement authority shall have no power or discretion to void any notice of administrative violation unless approved by the city manager.

1.17.040 Sanctions For Administrative Violations

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

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

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

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

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

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

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

1.17.050 Standards For Imposition Of Administrative Sanctions
The following factors shall be considered in determining the appropriate sanctions for any Administrative Violation:

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

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

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

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

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

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

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

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

I. The amount it would have cost the responsible person to comply with the law;

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

1.17.060 Responsibility And Authority

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

1.17.070 Purpose Of Enforcement

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

1.17.080 Guidelines For Exercising Administrative Enforcement Authority

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

1.17.090 Notice To Stop Work Order

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

1.17.110 Notice Of Administrative Violation

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

A. When the violation can be corrected, a notice to correct has been served, and the specified time has passed without adequate correction of the violation;

B. When a stop order has been issued and has not been complied with by the responsible persons;

C. When the same violation has been committed by the same responsible person within the past 12 months, and a notice to correct or notice of Administrative Violation has been served on the responsible person within that same 12 month period.

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

1.17.120 Right Of Entry For Inspection

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

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

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

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

1.17.130 Informal Attempts To Encourage Compliance

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

1.17.140 Service Of Notices

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

1.17.150 Confidentiality In Connection With Citizen Complaints

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

1.17.160 Right To A Hearing

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

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

1.17.180  Timely Hearing

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

1.17.190  Notice Of Time And Place Of Hearing

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

1.17.210  Rights Of The Parties

The parties to a hearing shall have the following rights:

A. Timely and adequate notice of the time and place of the hearing, their rights during the hearing and the issues that are to be the subject of the hearing;

B. The right to present evidence and witnesses;

C. The right to present argument;

D. The right to be represented. The representative need not be an attorney;

E. The right to examine all evidence presented to the city manager in the case;

F. The right to confront and cross-examine adverse witnesses;

G. The right to subpoena witnesses or documents

H. The right to a decision based upon the evidence in the record of the hearing.

I. The right to a written decision setting forth the reasons for the decision and the evidence relied upon.

1.17.220  Hearing Procedure

The hearing shall be informal and the City Manager will have an affirmative obligation to seek the truth concerning the issues in the hearing. The City Manager may ask questions of any witness and may establish the procedure for the presentation of evidence. The City Manager, may on his or her own motion, call or subpoena a witness. The City Manager may order the exclusion of witness during the testimony of other witnesses.
1.17.230 Hearing Open To The Public
All hearings provided under this chapter shall be open to the public and press.

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

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

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

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

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

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

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

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

2. The lien shall attach when the City Manager or his/her designee records a lien listing delinquent unpaid sanctions with Sutter County recorder’s office. The lien shall specify the amount of the lien, the date of the code violation(s), the date of the final administrative decision, the street address, legal description, and assessor’s parcel number of the parcel on which the lien is imposed and the name and address of the recorded owner of the parcel.
3. In the event that the lien is discharged, released or satisfied, either through payment of foreclosure, notice of the discharge containing the information specified in subsection (A)(1) of this section shall be sent to the property owner who may then record the release

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

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

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

Chapters:

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

Sections:

2.04.010 Meetings
2.04.020 Order of business
2.04.030 Agenda/Posting action on other matters
2.04.040 Rules of conduct
2.04.050 Rules of decorum
2.04.060 Approval of legislation and contract

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

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

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

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

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

2. A crippling disaster which impairs public health, safety, or both, as determined by a majority of the council.

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

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

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

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

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

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

2.04.030 Agenda—Posting Action On Other Matters

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

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

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

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

(b) Upon a determination by a two-thirds vote of the council or if less than two-thirds of the council members are present, a unanimous vote of those members present that the need to take action arose subsequent to the agenda being posted; and
(c) The item was posted as hereinbefore required for a prior meeting of the council occurring not more than five calendar days prior to the date action is taken on the item and at the prior meeting the time was continued to the meeting at which action is being taken. (Ord. 414 § 2 (part), 1995)

2.04.040 Rules Of Conduct

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

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

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

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

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

1) Subsidiary Motions.

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

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

(iii) Limit or Extend Limits of Debate. Any council member may move to put limits on the length of debate.
(iv) Postpone to a Time Certain. Any council member may move to postpone the pending question to a time certain. This motion continues the pending main motion to a future date as determined by the council at the time the motion is passed.

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

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

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

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

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

(ii) Questions of Privilege. Any council member at any time during the meeting, may make a request of the chair to accommodate the needs of the council or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the chair.

(iii) Recess. Any council member may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.

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

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

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

(vii) Suspend the Rules. Any council member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a majority vote for passage.
(viii) Division of Question. Any council member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.

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

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

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

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

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

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

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

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

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

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

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

2.04.050 Rules Of Decorum

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

2.04.060 Approval Of Legislation And Contract

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

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

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

Chapter 2.08 - CITY OFFICERS’ COMPENSATION*

Sections

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

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

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

2.08.020 Population Of City

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

2.08.030 Salaries—Designated

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

2.08.040 Salaries—Increase Or Decrease

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

2.08.050 Reimbursement

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

2.08.060 City Treasurer’s Salary

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

Chapter 2.12 - PLANNING COMMISSION*

Sections:

2.12.010 Created.

2.12.020 Membership—Terms—Voting power.

2.12.030 Duties.

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

2.12.010 Created
There is created a body politic within the city to be known as the planning commission of the city, pursuant to the applicable provisions of the Government Code of the state. (Ord. 231 § I, 1978; Ord. 133 § I. 1965; Ord. 71 § I. 1954)


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

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

   One planning commissioner appointed to a term to expire on January 31, 1995,
   Two planning commissioners appointed to a term to expire on January 31, 1996,
   Two planning commissioners appointed to a term to expire on January 31, 1997, and
   One planning commissioner appointed to a term to expire on January 31, 1998.

C. At the conclusion of each four-year term the city council shall post a notice of possible vacancy to allow the incumbent and other citizens to be considered for appointment or reappointment.

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


2.12.030 Duties

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

Chapter 2.16 - ENVIRONMENTAL PROTECTION COMMITTEE *

Sections:

   2.16.010 Purpose.
   2.16.020 Environmental guidelines adopted.
   2.16.030 Committee—Established.
   2.16.040 Committee—Composition.
2.16.010 Purpose

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

2.16.020 Environmental Guidelines Adopted

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

2.16.030 Committee—Established

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

2.16.040 Committee—Composition

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

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

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

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

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

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

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

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

2.16.120 Environmental Impact Statement—Drafting
The committee shall be responsible for the draft of the environmental impact statement. (Ord. 172 § 8, 1973)
2.16.130 Environmental Impact Statement—Filing Requirements
The committee shall file ten copies of the draft of the environmental impact statement with the city clerk; ten copies with the public agency, department, or official charged under applicable city ordinance or under state law with issuing the lease, permit, certificate, or other entitlement for use; and one copy with each member of the committee. (Ord. 172 § 9, 1973)

2.16.140 Environmental Impact Statement—Hearing—Notice
Upon receipt of the environmental impact statement, the city clerk shall set a date, time, and place for a hearing before the city council on the environmental impact statement. At least fifteen days prior to the hearing, notice thereof shall be published by the city clerk in accordance with Section 6061 of the Government Code, in a newspaper of general circulation which is circulated in the city. The date of the hearing shall be on a day provided by the council for the holding of a regular meeting. (Ord. 172 § 10, 1973)

2.16.150 Hearing—Testimony From City Consultants And Public Required
At the hearing, the council shall receive comment from the staff and consultants employed by the city and shall allow interested members of the public a reasonable opportunity to testify with regard to the matter under consideration, and shall consider such testimony in making its determination. The council may continue the hearing from time to time. (Ord. 172 § 11, 1973)

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

Chapter 2.20 - POLICE DEPARTMENT*

Sections:

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

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

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

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

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

Chapter 2.24 - EMERGENCY ORGANIZATION*

Sections:
2.24.010 Purpose.
2.24.030 Disaster Council - Membership.
2.24.040 Disaster Council - Powers and Duties.
2.24.050 Director of Emergency Services - Office Created.
2.24.060 Director of Emergency Services - Powers and Duties.
2.24.070 Emergency Organization Designated.
2.24.080 Emergency Plan.
2.24.090 Expenditures.
2.24.100 Violation—Penalty.


2.24.010 Purpose
The purpose of this chapter are to provide for the preparation and implementation of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization and the coordination of the emergency functions of this city with all other public agencies. (Ord. 171 § 1, 1973)

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

2.24.030 Disaster Council - Membership
The City of Live Oak Disaster Council is hereby created and shall consist of the following:

A. The Mayor, who shall be the chairman
B. The Director of Emergency Services, who shall be the vice-chairman
C. Such chiefs of emergency services as are provided for in a current Emergency Plan of the City adopted pursuant to the provisions of this chapter; and
D. Such representatives of the civic, business, labor, veteran, professional, or other organizations having an official emergency responsibility, as may be appointed by the Director of Emergency Services with the advice and consent of the City Council. (Ord. 171 § 3, 1973)

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

2.24.050 Director Of Emergency Services—Offices Created
There is hereby created the office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services. (Ord. 171 § 5, 1973)

2.24.060 Director—Powers And Duties
A. The Director of Emergency Services 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 of Emergency Services, the City Council shall take action to ratify the proclamation within (7) days thereafter, or the proclamation shall have no further force or effect;
2) Request the Governor of the State to proclaim a “state of emergency” when, in the opinion of the Director of Emergency Services, the locally available resources are inadequate to cope with the emergency;

3) Control and direct the effort of the Emergency Organization of the city for the accomplishment of the purposes of this chapter;

4) Direct cooperation between, and coordination of, the services and staff of the Emergency Organization of the City and resolve questions of the authority and responsible which may arise between them;

5) Represent the City in all dealings with the public or private agencies on matters pertaining to emergencies as defined in Section 2.24.020 of this chapter; and

6) In the event of the proclamation of a “local emergency” as provided in this subsection (a), the proclamation of a “state of emergency” by the Governor or the Director of the office of Emergency Services of the State, or the existence of a “state of war emergency”, the Director of Emergency Services is empowered:

   i. To make and issue rules and regulations on matter reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations shall be confirmed at the earliest practicable time by the City Council;

   ii. To obtain vital supplies, equipment, and such other properties found lacking and needed for protection of life and property, to bind the City for the value thereof, and, if required immediately, to command the same for public use;

   iii. To require the emergency services of any City officer or employee and, in the event of the proclamation of a “state of emergency” in the County of the existence of a “state of war emergency”, to command the aid of as many citizens of the community as he deems necessary in the execution of his duties. Such persons shall be entitled to all the privileges, benefits, and immunities as are provided by State laws for the registered disaster workers;

   iv. To requisition the necessary personnel or materials of any City department or agency; and

   v. To execute all ordinary powers as City Manager, all of the special powers conferred the provisions of this chapter or by resolution of the Emergency Plan adopted by the City Council pursuant to the provisions of this chapter, and all powers conferred by any statute, by any agreement approved by the City Council, or by any other lawful authority.
7) Assign, as determined appropriate, responsibility to emergency services chiefs for developing and directing the various City emergency response capabilities and providing for the training of City personnel.

B. The Director of Emergency Services shall designate the order of succession to his office to take effect in the event the Director is unavailable to attend meetings or otherwise perform the duties during an emergency. Such order of succession shall be approved by the City Council. (Ord. 171 § 6, 1973)

2.24.070 Emergency Organization Designated

All officers and employees of the 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 pressed into service under the provisions of sub section 6 of Section 2.24.060, be charged with the duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city. (Ord. 171 § 7, 1973)

2.24.080 Emergency Plan

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

2.24.090 Expenditures

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

2.24.100 Violation—Penalty

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

A. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by the 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 delay, without authority, any means of identification specified by the emergency agency of the state. (Ord. 171 § 10, 1973)

Chapter 2.28 - SUTTER COUNTY SHERIFF’S DEPARTMENT

Sections:

2.28.010 Generally

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

Chapter 2.32 - MUNICIPAL ELECTIONS

Sections:

2.32.010 Date fixed

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

2.32.020 Continuation of officers in interim

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

2.32.030 Notice To Voters

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

Chapter 2.36 - CITY MANAGER

Sections:

2.36.010 Office Created

The office of the city manager of the city of Live Oak is created and established. The city manager shall be appointed by the city council wholly on the basis of his/her administrative and executive ability and qualification and shall hold office for and during the pleasure of the city council. (Ord. 421 § 1 (part), 1995)

2.36.020 Eligibility Of Council Member

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

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

2.36.040  Compensation And Expenses

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

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

2.36.050  Powers And Duties Of The City Manager

The city manager shall be the administrative head of the government of the city under the direction and control of the city council except as otherwise provided in this chapter. He/she shall be responsible for the efficient administration of all the affairs of the city which are under his/her control. In addition to his/her general powers as administrative head, and not as a limitation thereon, it shall be his/her duty and he/she shall have the powers set forth in the following subsections.

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

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

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

(e) Financial Reports. It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial condition and needs of the city.

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

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

(h) Investigations and Complaints. It shall be the duty of the city manager to make investigations into the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligations of the city. Further, it shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city.

(i) Public Buildings. It shall be the duty of the city manager and he/she shall exercise general supervision over all public buildings, public parks, and all other public property which are under the control and jurisdiction of the city council.

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

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

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

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

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

(o) Other City Offices. The city manager shall serve in any appointed office within the city government to which the city manager may be qualified, when appointed thereto by the city council and shall hold and perform the duties thereof at the pleasure of the city council and without further compensation except as expressly provided by the city council at the time of such appointment or thereafter.
(p) Mail. The city manager shall receive and open all mail addressed whole or in part to the city council, the mayor, the mayor pro tern by title only and shall give immediate attention thereto, to the end that all administrative business referred to in such communications and not necessarily requiring action by the city council may be disposed of in an expeditious manner; provided, that all actions taken pursuant to such communications shall be reported to the city council at its next regular meeting there after, or by separate communication to each member of the city council. All personal mail shall be deposited in the appropriate box date stamped, but unopened.

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

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

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

(t) Contracts. The city manager shall execute in the name of the city council and the city any contract authorized or approved by the city council unless the council shall expressly provide for other manner of execution of such contracts.

(u) Appearance Before Subordinate Agencies. The city manager shall appear before and address any commission or agency appointed by the city council whenever he/she deems it advisable or whenever the interest of the city shall require.

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

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

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

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

(z) Additional Duties. It shall be the duty of the city manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other official acts of the city council.
(aa) **Standard of Performance.** In the discharge of his/her duties as city manager, the person holding such position shall endeavor at all times to exercise the highest degree of tact, patience and courtesy in his/her contact with the public, with the city council and all city commissions, boards, departments, officers and employees, and shall use his/her best efforts to establish and maintain a harmonious relationship among all personnel employed in the government of the city, to the end that the highest possible standards of public service shall be continuously maintained.

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

### 2.36.060 Relationship Between City Council And Administrative Services

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

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

### 2.36.070 Removal Procedure

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

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

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

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

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

2.36.080  Absence Of City Manager

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

2.36.090  Conflicting Ordinances And Resolutions Rescinded

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

2.36.100  Transaction Of City Business If City Official Is Absent

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

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

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

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

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

Chapter 2.40 - CONFLICT OF INTEREST CODE

Sections:

2.40.010 Positions covered by the Conflict of Interest Code.

2.40.020 Positions requiring annual disclosure.

2.40.030 Determination of matters to be disclosed by consultant.

2.40.040 Disclosure requirement for consultants.

2.40.050 Disqualification from decision making.

2.40.010 Positions Covered By The Conflict Of Interest Code

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

2.40.020 Positions Requiring Annual Disclosure

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

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

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

In as much as the city of Live Oak currently contracts for fire services, the fire captain assigned to the Live Oak Fire Department shall file such statement.

5. Chief of police or its equivalent position.

In as much as the city of Live Oak currently contracts for police services with the Sutter County sheriff, the sergeant assigned to oversee Live Oak operations shall file the required statement.

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

2.40.030 Determination Of Matters To Be Disclosed By Consultant

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

2.40.040 Disclosure Requirement For Consultants

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

2.40.050 Disqualification From Decision Making

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

Chapters:

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

Sections:

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

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

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

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

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

Chapter 3.04 - TRANSFER OF TAX FUNCTIONS*

Sections:

3.04.010 Property assessment and tax collecting authorized.

*For statutory provisions requiring the transfer of the functions of assessment and collection of city taxes to the county, see Gov. Code § 51500 et seq.
3.04.010 Property Assessment And Tax Collecting Authorized
The city council does elect and provide that the duties of assessing property and collecting taxes provided by law to be performed by the assessor and the tax collector of the city shall be performed by the county assessor and the county tax collector of the county. (Ord. 1, 1947)

Chapter 3.08 - SPECIAL GAS TAX STREET IMPROVEMENT FUND *

Sections:

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

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

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

Chapter 3.12 - REAL PROPERTY TRANSFER TAX*

Sections:

3.12.010 Title—Adoption.
3.12.030 Payment required.
3.12.040 Exemption.
3.12.050 Liability.
**3.12.060 Plans of reorganization—Exemption of conveyances.**

**3.12.070 Securities and Exchange Commission—Exemption of conveyances.**

**3.12.080 Realty held by partnership—Tax liability.**

**3.12.090 Administration authorized.**

**3.12.100 Tax refund claims.**

*For statutory provisions authorizing cities to impose a tax on transfers of real property, see Rev. & Tax. Code § 11901 et seq.*

**3.12.010 Title—Adoption**

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

**3.12.020 Imposition**

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

**3.12.030 Payment Required**

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

**3.12.040 Exemption**

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

**3.12.050 Liability**

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

**3.12.060 Plans Of Reorganization—Exemption Of Conveyances**

A. Any tax imposed pursuant to this chapter shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:

1. Confirmed under the Federal Bankruptcy Act, as amended;

2. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title 11 of the United States Code, as amended;
3. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title 11 of the United States Code, as amended; or
4. Whereby a mere change in identity, form or place or organization is effected.

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

3.12.070 Securities And Exchange Commission—Exemption Of Conveyances

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

A. The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;

B. Such order specifies the property which is ordered to be conveyed;

C. Such conveyance is made in obedience to such order. (Ord. 145 B § 7, 1968)

3.12.080 Realty held by partnership—Tax liability.

A. In the case of any realty held by a partnership, no levy shall be imposed pursuant to this chapter by reason of any transfer of an interest in a partnership or otherwise, if:

1. Such partnership or another partnership is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and

2. Such continuing partnership continues to hold the realty concerned.

B. If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this chapter, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value, exclusive of the value of any lien or encumbrance remaining thereon, all realty held by such partnership at the time of such termination.

C. Not more than one tax shall be imposed pursuant to this chapter by reason of a termination described in subsection B of this section, and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination. (Ord. 145 B § 8, 1968)

3.12.090 Administration Authorized

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

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

Chapter 3.16 - SALES AND USE TAX

Sections:

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

3.16.020  Purpose
The city council declares that the ordinance codified in this chapter is adopted to achieve the following, among other, purposes, and directs that the provisions here be interpreted in order to accomplish those purposes:

A. To adopt a sales and use tax ordinance which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

B. To adopt a sales and use tax ordinance which incorporates provisions identical to those of the Sales and Use Tax Law of the state insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;
C. To adopt a sales and use tax ordinance which imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes:

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

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

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

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

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

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


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

3.16.090 Limitations On Adoption Of State Law

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

3.16.100 Permit Not Required

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

3.16.110 Exclusions From Measure Of Tax

There shall be excluded from the measure of tax:

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

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

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

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

3.16.120 Exclusions And Exemptions*

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

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

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

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

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

3.16.130 Application Of Provisions Of Sections 3.16.110 And 3.16.120

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

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

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

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

Chapter 3.17 EXCISE TAX ON NEW DEVELOPMENT

Sections:

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

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

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

3.17.030 Imposition Of Tax

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

3.17.040 Exemptions

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

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

1. A building permit for construction (including replacement, reconstruction, remodeling and repair) involving an existing building or structure, only to the extent that the construction involves less than 25% of the square footage of the existing structure.

2. A building permit for a garage, shed, carport, gazebo, swimming pool, patio, deck, patio or deck cover and similar structures and outdoor appurtenances accessory to an existing residential building;

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

4. Commercial or industrial construction.

3.17.050 Use of Funds

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

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

Chapter 3.20 - PURCHASING SYSTEM

Sections:

3.20.010 Purpose and objectives.
3.20.020 Definitions.
3.20.030 Purchasing subject to other regulations.
3.20.040 Exemptions from centralized purchasing.
3.20.050 Purchasing officer—Powers and duties.
3.20.060 Estimates of requirements.
3.20.070 Requisitions.
3.20.080 Open market purchases and sales.
3.20.090 Purchases and sales above limits.
3.20.100 Bidder’s security.
3.20.110 Performance bonds.
3.20.120 Exemptions from competitive bidding.
3.20.130 Emergency purchases.
3.20.140 Purchase orders—Preparation.
3.20.150 Purchase orders—Transmittal.
3.20.160 Receipt of purchases.
3.20.170 Invoices.
3.20.180 Inspections of goods received.
3.20.190 Storerooms and warehouses.
3.20.200 Surplus stock and unclaimed property.
3.20.210 Rules and regulations.

3.20.010 Purpose And Objectives

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

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

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

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

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

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

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

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

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

(2) Minor repainting.

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

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

(e) “Purchasing officer” shall mean the city manager and/or the individual designated by the city manager as purchasing officer.

(f) “Supplies,” “materials” and “equipment” shall mean any and all articles or things which shall be furnished to or used by any department, or division thereof. (Ord. 427 § 1 (part), 1995)

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

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

3.20.050 Purchasing Officer—Powers And Duties
The purchasing officer shall have the power and duty to purchase and contract for supplies, materials, equipment, and contractual services needed by any and all departments of the city. (Ord. 427 § 1 (part). 1995)
3.20.060  Estimates Of Requirements

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

3.20.070  Requisitions

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

3.20.080  Open Market Purchases And Sales

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

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

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

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

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

(f) Public Projects Informal Bidding Procedures. Public projects, as defined by the Uniform Public Construction Cost Accounting Act may be let to contract by informal procedures as set
(1) Public projects of $75,000.00 or less may be let to contract by informal procedures as set forth in Section 22000, et seq. of the Public Contract Code;

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

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

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

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

(4) The purchasing officer is authorized to award informal contracts pursuant to this chapter.

(Ord. 427 § 1 (part), 1995)

3.20.090 Purchases And Sales Above Limits

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

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

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

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

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

3.20.110 Performance Bonds

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

3.20.120 Exemptions From Competitive Bidding

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

3.20.130 Emergency Purchases

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

3.20.140 Purchase Orders—Preparation

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

3.20.150 Purchase Orders—Transmittal

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

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

3.20.170 Invoices

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

3.20.180 Inspections Of Goods Received

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

3.20.190 Storerooms And Warehouses

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

3.20.200 Surplus Stock And Unclaimed Property

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

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

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

Chapter 3.22 - EXECUTION OF WARRANTS DRAWN ON THE CITY TREASURY
Sections:

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

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

Chapter 3.24 - SPECIAL TAXES FOR FIRE PROTECTION AND LIGHTING MAINTENANCE
Sections:

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

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

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

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

**Fire Protection Parcel Tax Component**

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

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

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

**Lighting Maintenance Parcel Tax Component**

**Within 150’ Radius of Street Light:**

- 0’ — 80 Street Frontage ......................... $32.00/per lot
- Over 80’ Street Frontage ..........................$40.00/per lot

**Over 150’ Radius and Within 300’ Radius of Street Light:**

- 0’ — 80’ Street Frontage ......................... $16.00/per lot
- Over 80’ Street Frontage ..........................$24.00/per lot

**Over 300’ Radius of Street Light:**

- 0’ — 80’ Street Frontage ......................... $ 8.00/per lot
- Over 80’ Street Frontage .......................... $ 8.00/per lot

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

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

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

Chapters:

I. BUSINESS LICENSES

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

II. BUSINESS REGULATIONS

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

* For statutory provisions authorizing cities to license businesses for purposes of revenue or regulation, see Gov. Code § 37101; for provisions authorizing cities to license businesses in the exercise of police power, see Bus. and Prof. Code § 16000 et seq.
I. BUSINESS LICENSES
Chapter 5.04 - DEFINITIONS

Sections:

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

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

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

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

A. Cash discounts allowed and taken on sales;
B. Credit allowed on property accepted as part of the purchase price and which property may later be sold;
C. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
D. Such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit:
E. Amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those for whom collected; provided, the agent or trustee has furnished the collector with the names and addresses of the others and the amounts paid to them;

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

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

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

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

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

5.04.050 Person

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

5.04.060 Sale

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

5.04.070 Sworn Statement

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

Sections:

5.08.010 Revenue measure.

5.08.020 Effect on other ordinances.

5.08.030 License and tax payment required.

5.08.040 Prohibited activities.

5.08.050 Branch establishments.

5.08.060 Evidence of doing business,

5.08.070 Identification of new businesses operating in the city.

5.08.080 Other agency review.

5.08.090 Constitutional apportionment.

5.08.100 Severability.

5.08.110 Rules and regulations.

5.08.010 Revenue Measure

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

5.08.020 Effect On Other Ordinances

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

5.08.030 License And Tax Payment Required

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

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

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

5.08.050 Branch Establishments

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

5.08.060 Evidence Of Doing Business

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

5.08.070 Identification Of New Businesses Operating In The City

A. General Contractor’s Statement. Every person acting as a general contractor, whether building for their own occupancy or not, shall file with the collector a full, true and complete written statement, signed by such person, under penalty of perjury, listing all subcontractors who have performed or shall perform any service whatsoever for such person within the city for which a license is required under the provisions of this chapter. Any builder-owner, general building contractor, general engineering contractor, specialty contractor, or subcontractor, subcontracting any work shall be deemed a general contractor for the purpose of this section. Said statement shall include the name, address, telephone number, state license number and specialty classification of each person required to be licensed. This Section may be waived at the discretion of the collector and is intended to protect the general contractor from public knowledge of trade secrets, or other information of a confidential nature.

B. Motel, Hotel Business Activities. All motels, hotels, and other lodging establishments shall identify special events and related activities scheduled for their facilities and file with the collector the dates of the activity, name, address, telephone number and type of activity being
held at the establishment. Such notification to the collector shall be given at least twenty days in
advance of the activity.

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

5.08.080 Other Agency Review

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

5.08.090 Constitutional Apportionment

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

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

5.08.100 Severability

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

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

Chapter 5.12 - EXEMPTIONS

Sections:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Insurance companies and associations to the extent that a city may not levy a license tax upon
them under the provisions of Article XIII, Section 14-4/5 of the State Constitution,

c. Any governmental agency or subdivision and the employees thereof, to the extent they are
engaged in the business of such governmental agencies or subdivisions,

d. Motor vehicle carriers, or household goods carriers operating under the jurisdiction of the
Public Utilities Commission of the state or any public transportation system in the city whose
definite permanent points of origin and/or termination lie outside the legal limits of the city to the
extent that a city may not levy tax upon them pursuant to Section 4301 et seq. of the state Public
Utilities Code,
e. Any day care facility where not more than six people are cared for on a full- or part-time basis, to the extent that a city may not levy a license tax upon them pursuant to Section 1523 of the state Health and Safety Code,

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

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

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

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

Chapter 5.16 - LICENSE APPLICATION

Sections:

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

5.16.010 Licenses—Generally

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

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

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

5.16.020 Application—First License—Contents

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

1. The exact nature or kind of business, profession, show, exhibition, game, occupation or enterprise for which the license is requested;
2. The place where such business, profession, show, exhibition, or enterprise is to be carried on; and if the same is not to be carried on at any permanent place of business, then the residence address, identified as such, of the owners of the same, is to be used;
3. The address where the applicant shall consent to receive mail concerning the license applied for;
4. Where any person contracts, sells or delivers any goods, wares or merchandise in the city for which sales or use tax is payable, the application shall set forth the appropriate California State Board of Equalization Permit Number:
5. Where any person employs others in the course of such business the application shall set forth the appropriate Federal and/or State Employer Identification Number;
6. Where any person conducting any business is self-employed, the application shall set forth the applicant’s Social Security Number and California Driver’s License Number:
7. In the event that the application is made for the issuance of a license to person doing business under a fictitious name, the application shall set forth the names and address of residence (P.O. boxes are unacceptable) of those owning said business or enterprise;
8. In the event that the application is made for the issuance of a license to a person doing business as a state-licensed contractor, the application shall set forth the applicant’s State Contractor’s License Number and Specialty Classification;
9. Any further information which the collector may require to enable him to issue the type of license applied for and any further information which the state may require or any further information which the collector may deem necessary to properly identify the applicant;

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

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

   ________________________________

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

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

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

Upon the licensee’s successful application for a re-validated license within the period hereinabove set the collector shall apply prorate to the revalidated license the remainder of the sum originally paid by the licensee.

Upon the licensee’s failure to make successful application for a re-validated license within the period hereinabove set the collector shall give notice forthwith pursuant to Section 5.36.030 that the licensee’s license is hereby suspended. Thereafter, upon denial of licensee’s appeal it shall be revoked whereupon the licensee’s original payment shall be forfeit.
Any person refusing or failing to make application or to provide information required shall be assessed an amount pursuant to Section 5.36.020, and shall be in violation of this chapter. (Ord. 428 (part). 1996)

5.16.030 Business Categories—Duty To Determine Business Class Or Type

A. The business classification categories are as follows:

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

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

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

5.16.040 Compliance With Building And Zoning Regulations Required

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

5.16.050 Measure Of Tax By Gross Receipts

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

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

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

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

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

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

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

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

5.16.090 Failure To Submit Renewal Statement

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

5.16.100 Additional Power Of Collector

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

Chapter 5.20 - INFORMATION CONFIDENTIAL

Sections:

5.20.010 Requirements generally.

5.20.010 Requirements Generally

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

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

B. The disclosure of information to, or the examination of records by federal or state officials, or
the tax officials of another city or county, or city and county, if a reciprocal arrangement exists,
or to a grand jury or court of law, upon subpoena;
C. The disclosure of information and results of examination of records of particular taxpayers, or relating to particular taxpayers, to a court of law in a proceeding brought to determine the existence or amount of any license tax liability of the particular taxpayers to the city;

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

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

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

G. The disclosure of general statistics regarding taxes collected or business done in the city.

(Ord. 428 (part), 1996)

Chapter 5.24 - APPEAL

Sections:

5.24.010 Appeal process.

5.24.010 Appeal Process

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

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

Chapter 5.28 - REGULATIONS

Sections:
5.28.010 License—Nontransferable—Changed location or ownership.

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

5.28.020 License—Duplicate

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

5.28.030 License—Posting and keeping

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

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

5.28.040 Identifying stickers for vehicles or other equipment

A. Whenever identifying stickers, tags, plates, or symbols have been issued for each vehicle, device, machine, or other piece of equipment included in the measure of a license tax, the person to whom such stickers, tags, plates, or symbols have been issued shall keep firmly affixed upon each vehicle, device, machine, or piece of equipment the identifying sticker, tag, plate, or symbol which has been issued therefore at such locations as are designated by the collector. Such sticker, tag, plate, or symbol shall not be removed from any vehicle, device, machine, or piece of equipment kept in use, during the period for which the sticker, tag, plate, or symbol is issued.
B. No person shall fail to affix as required herein any identifying sticker, tag, plate, or symbol to the vehicle, device, machine, or piece of equipment, for which it has been issued at the location designated by the collector, or to give away, sell, or transfer such identifying sticker, tag, plate, or symbol to another person, or to permit its use by an other person. (Ord. 428 (part), 1996)

Chapter 5.32 - LICENSE TAX

Sections:

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

5.32.010 Business License Fee—When Payable
A. New. Initial business license fees including gross receipts tax, are due and payable prior to issuance of the license for which application is made. The base service fee for the business license and gross receipts tax or flat fee shall be established by the city council. The payment of such fees and taxes shall not in any way constitute a right or permission to begin operations of said business.

B. Renewal. Unless otherwise specifically provided herein, all fees for renewal and gross receipt taxes of a business license under the provisions of this chapter shall be due and payable the day after the anniversary date on which the license expired.

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

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

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

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

C. No license or sticker, tag, plate, or symbol shall be issued, nor one which has been suspended or revoked shall be reinstated or reissued, to any person, who at the time of applying therefore, is indebted to the city for any delinquent license taxes, unless such person, with the consent of the collector, enters into a written agreement with the city, through the collector, to pay such delinquent taxes, plus nine percent simple annual interest upon the unpaid balance, in monthly installments, or more often, extending over a period of not to exceed one year.

D. In any agreement so entered into, such person shall acknowledge the obligation owed to the city and agree that, in the event of failure to make timely payment of any installment, the whole amount unpaid shall become immediately due and payable and that his current license shall be revocable by the collector upon thirty days’ notice. In the event legal action is brought by the city to enforce collection of any amount included in the agreement, such person shall pay all costs of suit incurred by the city or its assignee, including a reasonable attorney’s fee. The execution of such an agreement shall not prevent the prior accrual of penalties on unpaid balances at the rate provided in subsection (B) of this section, but no penalties shall accrue on account of taxes included in the agreement, after the execution of the agreement, and the payment of the first installment and during such time as such person shall not be in breach of the agreement. (Ord. 428 (part), 1996)

5.32.040 Application Of Money Towards Delinquent Taxes

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

5.32.050 Refunds

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

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

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

5.32.060 Rates And Schedules

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

Chapter 5.36 - ENFORCEMENT AND PENALTIES

Sections:

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

5.36.010 Enforcement Authorized

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

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

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

5.36.020 Conducting A Business Without First Having Procured A License

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

5.36.030 Suspension Or Revocation

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

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

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

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

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

**5.36.040 License Tax A Debt**

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

**5.36.050 Remedies Cumulative**

All remedies prescribed in this chapter or Chapters 5.04 through 5.32 shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter or Chapters 5.04 through 5.32. (Ord. 428 (part), 1996)

**5.36.060 Effect Of Provisions On Past Actions**

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

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

**5.36.070 Penalty For Violation**

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

**II. BUSINESS REGULATIONS**

**Chapter 5.48 - BINGO GAMES**

**Sections:**

- 5.48.010 Definitions.
- 5.48.020 Bingo authorized.
- 5.48.030 License—Required.
- 5.48.040 License—Application—Contents.
5.48.100  Application denial—License revocation or suspension.
5.48.110  Appeal procedure.
5.48.120  Receiving profit or wage prohibited.

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

5.48.010  Definitions
Whenever the following terms are used in this chapter, they shall have the meanings respectively ascribed to them as follows:

A. “Bingo” is a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.

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

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

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

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

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

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

B. The date(s) and place(s) of the proposed bingo game or games;
C. Proof that the organization is a nonprofit, charitable organization as defined by Section 5.48.010. (Ord. 209 § 4, 1977)

5.48.050 License—Term—Fees

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

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

5.48.060 Application Investigation

A. Upon receipt of an application for a license, the chief of police may send copies of such application to any office or department which the chief of police deems essential in order to carry out a proper investigation of the applicant.

B. The chief of police and every officer and/or department to which an application is referred shall investigate the truth of the matters set forth in the application, the character of the applicant, and may examine the premises to be used for the bingo game.

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

5.48.070 Nontransferability Of License

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

5.48.080 Limitations

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

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

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

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

E. No individual, corporation, partnership, or other legal entity except the organization authorized to conduct a game shall hold a financial interest in the conduct of such bingo game.
F. All profits derived from a bingo game shall be kept in a special fund or account. Within thirty days after the bingo game is held, the applicant will file with the city clerk a full and complete financial statement of all moneys collected, disbursed, and the amount remaining for charitable purposes.

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

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

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

J. An organization authorized to conduct bingo games pursuant to subsection (D) of this section shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. Nothing in this subsection shall be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.

K. With respect to organizations exempt from payment of the Bank and Corporation Tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account; such profits shall be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games pursuant to this section, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account; such proceeds shall be used only for charitable purposes, except as follows:

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

5.48.090 Inspection

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

5.48.100 Application Denial—License Revocation Or Suspension

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

2. Violated any provisions of this chapter.

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

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

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

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

C. At least one week prior to the date of the hearing on the appeal, the city clerk of the city shall notify the appellant and chief of police of the date and place of the hearing.

D. The city council is authorized to issue subpoenas, to administer oaths and to conduct the hearing on appeal.

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

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

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

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

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

5.48.120 Receiving Profit Or Wage Prohibited

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

Chapter 5.52 - CARD TABLES

Sections:

5.52.010 Licensing requirements.
5.52.020 Cardroom—Defined—Location restrictions.
5.52.030 License—Application—Contents.
5.52.040 License—Application—Investigation—Approval or denial—Appeal.
5.52.050 License—Issuance limitations.
5.52.060 License—Fees—Bond.
5.52.070 License—Nontransferability—Revocation.
5.52.010 Licensing Requirements

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

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

5.52.020 Cardroom—Defined—Location Restrictions

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

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

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

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

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

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

B. The location and ownership of the premises for which the permit is sought;

C. The names and addresses of all persons financially interested in the business; financial interest includes anyone who shares in the profits of the business on the basis of gross or net revenue;

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

E. A statement that the applicant understands and agrees:
   1. That the application shall be considered by the chief of police only after full investigation and report have been made and conducted by the chief of police,
   2. That any business or activity conducted or operated under any license issued under such application shall be operated in full conformity of all of the laws of the state and the laws and regulations of the city applicable thereto, and that any violation of any such laws or regulations in such place of business, or in connection there with, shall render any license therefore subject to immediate suspension or revocation,
   3. That the applicant has read the provisions of this chapter and particularly the provisions of this section and understands the same;

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

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

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

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

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

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

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

B. The chief of police shall make a full and complete investigation of the applicant (including its officers and members, if any, whose names and addresses are shown upon the application), and such investigation shall include such background investigation and credit investigation as the chief of police deems appropriate. In addition to any other business license fee levied by the city,
an application fee of twenty-five dollars shall be retained by the city for the payment of the costs of investigating the applicant.

C. The chief of police may deny any such application, if, after investigating the matter, he determines that it will be injurious to the public health, safety, welfare, or morals of the people of the city. An applicant may appeal to the city council after denial if such appeal is filed within ten days of the denial action. If no appeal is filed within the ten-day period, the denial of the permit shall be final and conclusive. (Ord. 212 § 3 (part), 1977)

5.52.050 License—Issuance Limitations

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

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

5.52.060 License—Fees—Bond

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

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

5.52.070 License—Nontransferability—Revocation

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

5.52.080 Employees—Permit Requirements

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

5.52.090 Sign Requirements

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

5.52.100 Cardroom—Accessibility To Police

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

5.52.110 Cardroom—Persons Under Twenty-One Years Prohibited

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

5.52.120 Cardrooms—Regulations For Operation

All cardrooms shall be subject to the following conditions:

A. Only table stakes shall be permitted in any card game.
B. Only chips and no money shall be permitted in any card game.
C. There shall be a telephone in service at all times in every cardroom.
D. Cuts of pots, or rakeoffs will not exceed a maximum often percent or less of the total pot at the end of each game or deal.
E. If a time rate is charged, cuts of pots or rakeoffs shall not be used.
F. No person who is in a state of intoxication shall be permitted in any cardroom.
G. There shall be posted in every cardroom a sign stating the name of the game played, the rules of play, and any time charge or percentage of pot taken by the dealer.
H. No operator nor employee may use a “shill” in any card game unless a work permit is obtained under Section 5.52.080 and a copy of same is posted in a conspicuous place on the premises.
I. Cardrooms shall be located on the ground floor and arranged so that card tables and the players shall be plainly visible from the front door opening when such door is opened. No wall, partition, screen or similar structure between the front door opening on the street and any card table located in the cardroom shall be permitted if it interferes with such visibility.
J. The licensee or his agents or employees shall not:
   1. Extend credit to a player;
   2. Accept IOU’s or other notes;
   3. Loan money to any person on any ring, watch or other article of personal property for the purpose of securing tokens, chips, or other representatives of money;
   4. Purchase from any person any such article of personal property if the purchase price is to be used for the purpose of securing tokens, chips or other representatives of money to be used in the cardroom,
K. Each card table shall have assigned to it a person whose duty shall be to supervise the game to see to it that it is played in accordance with the terms of this chapter and the provisions of the Penal Code of the state.
L. No operator, nor employee, nor any other person shall be permitted to solicit participants in any card game by any means indicating a thing of value will be received to participate in the game.

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

5.52.130 Permits—Revocation Or Suspension

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

5.52.140 License—Revocation Or Suspension

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

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

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

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

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

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

5.52.150 Appeal Procedure

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

5.52.160 Games Prohibited By State Law Not Permitted

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

5.52.170 Fraternal, Social, Or Religious Groups Exempted

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

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

Chapter 5.56 - COMMUNITY ANTENNA TELEVISIONS SYSTEMS*

Section 1. Preamble

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

Section 2. Definitions

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

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

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

(c) “Community Television Authority, CTA and JPA” shall mean a Joint Powers Authority established in cooperation with other governmental agencies to jointly administer designated portions of this ordinance.

(d) “Chief Administrative Officer” shall mean the Grantor’s Manager, Administrator, or other designation of the Grantor’s Chief Executive Office, or any designee thereof.

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

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

(g) “Grantor” shall mean the City.

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

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

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

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

1. A facility that serves only to transmit television signals of one (1) or more television broadcast stations;
2. A facility that serves subscribers without using any public right-of-way;
3. A facility of a common carrier, except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers unless the extent of such use is solely to provide interactive on-demand services;
4. Any facilities of any electric utility used solely for operating its electric utility system; or
5. An “open video system” which complies with Section 653 of the Telecommunications Act of 1996

(l) “Gross Revenues” shall mean the gross revenues derived annually from the operation of the cable system to provide cable services.

(m) “Basic cable services,” “basic services,” or “basic service tier” shall mean any service tier which includes the retransmission of local television broadcast signals.

Section 3. Franchise To Operate

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

A franchise granted under the provisions of this ordinance shall encompass the following purposes:
1. To engage in the business of providing cable television service, and such other services as may be permitted by law, including but not limited to data services, which Grantee chooses to provide to subscribers within the designated service area.

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

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

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

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

Section 4. Public, Educational And Government Programming Service

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

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

Section 5. System Design Standards

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

Section 6. Subscriber Complaints

In addition to other service regulations adopted by the Grantor, and excepting circumstances beyond Grantee’s control, such as Acts of God, riots and civil disturbances, and in providing the foregoing services, the Grantee shall:
(a) Limit system failures to minimum time duration by locating and correcting malfunctioning promptly, but in no event longer than twenty-four (24) hours after occurrence, irrespective of holidays or other non-business hours.

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

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

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

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

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

Section 7. Subscriber Complaints; Failure To Remedy

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

Section 8. Government Services

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

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

Section 9. Interconnection

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

Section 10. Uses Permitted

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

(b) The granting of a franchise pursuant to this ordinance shall not be construed as permission or authority to enter on, occupy or otherwise use private property without the express consent of the owner or agency in possession thereof.
Section 11. Duration Of Franchise

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

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

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

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

Section 12. Renewal

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

Section 13. Franchise Payments

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

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

Section 14. Limitations Of Franchise

(a) Any franchise granted under this ordinance shall be non-exclusive,
(b) No privilege or exemption shall be granted or conferred by any franchise granted under this ordinance except those specifically prescribed herein.

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

(d) Transfer and Assignment.

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

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

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

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

5. In any absence of extraordinary circumstances, the Grantor will not approve any transfer or assignment of the franchise other than to a wholly owned subsidiary, prior to substantial completion of construction of the upgraded Cable System, unless the transferee expressly agrees to assume the responsibility for the completion of the rebuild as provided for in this franchise agreement. In no event shall a transfer of ownership or control be approved without the successor in interest becoming a signatory and obligor to this franchise agreement.
6. Time shall be of the essence of any franchise granted under this ordinance. The Grantee shall not be relieved of its obligation to comply promptly with any of the provisions of this ordinance or by any failure of the Grantor to enforce prompt compliance.

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

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

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

10. Any franchise granted under this ordinance shall not relieve the Grantee of any obligation involved in obtaining pole or conduit space from any department of the Grantor, from any utility company, or from others maintaining poles or conduits in streets.

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

Section 15. Rights Reserved To The Grantor

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

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

(c) Neither the granting of any franchise under this ordinance nor any of the provisions contained herein shall be construed to prevent Grantor from granting any identical or similar franchise to any other person, firm or corporation within all or any portion of the Grantor.
(d) Grantor retains the power to amend any section or part of this ordinance so as to reasonably require additional bonding, insurance or greater standards of construction, operation, maintenance or otherwise on the part of the Grantee; provided, however, that any requirements in addition to those set forth at the time a franchise agreement was effective and applicable only to Grantees under this ordinance shall only be effective as to a particular Grantee upon renewal of that Grantee’s franchise or with the consent of the Grantee.

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

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

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

Section 16.  Location Of The Property Of Grantee

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

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

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

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

### Section 17. Removal And Abandonment Of Property Of Grantee

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

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

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

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

### Section 18. Continuity Of Service

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

### Section 19. Changes Required By Public Improvements

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

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

Section 20. Failure To Perform Street Work

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

Section 21. Faithful Performance Bond

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

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

Section 22. Customer Service And Reception Quality

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

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

(c) Reception Quality

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

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

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

(a) Continuous 24-hour daily operation.

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

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

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

Section 23. Indemnification Of Grantor

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

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

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

Section 24. Inspection Of Property And Records

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

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

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

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

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

(e) The Grantee shall file with the Public Works Director, on or before the last day in March of each year, a current map or set of maps drawn to a scale specified by the Public Works Director, showing the location of all cable lines installed and in place in streets and other public places of the Grantor’s jurisdiction on base maps provided by the Grantor. The Grantee shall make
The information required to be provided pursuant to this section, in addition to any further data which may be required by the Grantor, shall be furnished by the Grantee to the Grantor at the Grantee’s own cost and expense. The Grantor shall have the right to inspect any records, receive copies of all books, records, maps, construction plans, financial statements, and other like material which are kept by the Grantee on his premises at any time during normal business hours, and any Grantee record kept at another place shall, within ten (10) days of Grantor’s request, be made available at Grantee’s premises within the franchise area for Grantor’s inspection and/or copying.

Section 25. Operational Standards

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

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

Section 26. Emergency Use Of Facilities

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

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

(c) The equipment necessary to remotely activate the local component of the EAS shall be provided by Grantee at no expense to the Grantor.

Section 27. Regulation Of Rates And Service
Grantor retains the right, at any time during the term of any franchise granted hereunder, to institute regulation of rates and charges, as such regulation may be permitted or authorized under then current state or federal law.

Section 28. Modifications

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

Section 29. Use Of Utility Poles And Facilities Agreement

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

Section 30. Application For An Initial Franchise

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

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

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

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

4. A statement or schedule setting forth the number of channels and all of the television or radio stations proposed to be received, transmitted, conducted, relayed or otherwise conveyed over the CATV system, clearly stating those services included as “Basic Services.”

5. A statement or schedule in a form approved by the Chief Administrative Officer of proposed rates and charges to subscribers for installation and services, and a copy of the proposed service agreement between the Grantee and its subscribers shall accompany the application.
6. A copy of any contract, if existing, between the applicant and any public utility providing for the use of facilities of such public utility, such as poles, lines or conduits.

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

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

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

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

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

(c) Any franchise granted under this ordinance shall include the following condition:

“The cable franchise granted under this Ordinance shall be used for the provision of cable services.”

Inclusion of the foregoing statement in any such franchise shall not be deemed to limit the authority of the Grantor to include any other reasonable condition, limitation, restriction or authorization which it may deem necessary to impose or include in connection with such franchise pursuant to the authority conferred by this ordinance.

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

Section 31. Acceptance And Effective Date Of An Franchise

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

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

Section 32. Construction Schedule

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

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

(c) The Grantor may in its sole discretion levy a penalty not to exceed Five Hundred and no/100ths Dollars ($500.00) per day for each day the Grantee exceeds the construction and installation timetable pursuant to subsections (a) and (b) of this section.
Section 33.  Line And Service Extensions; Tree Trimming

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

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

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

Section 34.  Community Television Authority

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

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

1. Responsibility for program production, for management of public access channels, the community channels, and all other channels as may in the future be designated for community based programming;
2. To assure that the public access and community channels are made available to all residents of the Grantor on a non-discriminatory basis;

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

4. To devise, establish, and administer all rules, regulations, and procedures pertaining to the use and scheduling of the public television and community channels;

5. To prepare, in conjunction with the Grantee, such regular or special reports as may be required or desirable by Grantor;

6. To hire and supervise staff;

7. To make all purchase of materials and equipment that may be required;

8. To develop additional sources of funding to further community programming, and receive, administer, and expend such funds; and

9. To perform such other functions relevant to the public and community channel(s) as may be appropriate.

(c) Establishment of the CTA. The initial Board of Directors of a CTA shall be determined by parties to the JPA.

(d) Funding for the CTA. It is the intent of the Grantor that the CTA obtain funding from the franchise fee, imposed pursuant to Section 13 of this ordinance.

(e) Grantee support for the CTA. The Grantee shall provide ongoing cooperation with and support to the CTA, with the detailed requirements to be specified in the franchise. As a minimum, the following shall be provided:

1. The Grantee shall provide a high quality studio facility for the use of the CTA as specified in this ordinance and the franchise agreement.

2. The Grantee shall provide operational and technical personnel to support the CTA in its cable casting activities, with the minimum level of support as specified in this ordinance and in the franchise.

3. If the CTA is formed, the Grantor, together with the other members of the CTA, shall determine the level of monetary support that shall be provided to fund the CTA and its operations.

(f) CTA reports. The CTA shall provide a report to the Grantor at least annually, indicating CTA achievements in community-based programming and services in the form and detail specified by the Grantor. The CTA also shall provide a special report to the Grantor each time the Grantee increases its rates indicating the level and quality of Grantee’s support to the CTA since any previous rate increase was implemented.

(g) Public access rules. Within one hundred twenty (120) days after the creation of a CTA, the Board of Directors shall complete a set of rules for the use of the public television and community channels which shall be promptly forwarded to the Grantor. The rules shall be prepared in cooperation with the Grantee, and confirmed by a contractual agreement between the CTA and the Grantee. The rules shall, at a minimum, provide for:
1. Access on a non-discriminatory basis for all residents of the franchise area;

2. Prohibition of any presentation of lottery information, or obscene or indecent material;

3. Public inspection of a log of producers, which shall be retained by the Grantee for a period of two (2) years;

4. Procedures by which individuals or groups who violate any rule may be prevented from further access to the channel; and

5. Free use of such reasonable amounts of channel time, cablecasting facilities, and technical support as are provided in the agreement between CTA and the Grantee.

Section 35. Cable Casting Facilities

The franchise agreement may provide for the use of Grantee’s cable casting facilities by Grantor. The agreement may also provide that Grantee will provide cable casting facilities to Grantor for use in providing programming for the PEG channel(s).

Section 36. Subscriber Protection

(a) Discriminatory practices prohibited. The Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, programmers, or others on the basis of race, color, religion, national origin, sex, or age. The Grantee shall strictly adhere to the equal employment opportunity requirements of federal, state, or local governments and shall comply with all applicable laws and executive and administrative orders relating to non-discrimination.

(b) Privacy. The Grantee shall maintain constant vigilance with regard to possible abuses of the privacy or constitutional rights of any subscriber, programmer, or citizen resulting from any device, signal, or service associated with the system. The Grantee shall not utilize any capability of the system for acquisition of information not a normal part of a Grantor-approved service.

(c) Permission of the property owner required. No equipment owned by the Grantee shall be installed by the Grantee without first securing the written permission of the owner of any premises involved. If such permission is later revoked, the Grantee upon request of owner shall remove forthwith any of its equipment which is both visible and movable.

(d) Sale of subscriber lists. Grantor shall comply with all requirements of state and federal laws in the sale of subscriber lists, including but not limited to the requirements to delete a subscriber from the lists sold upon the subscriber’s request.

(e) Unlawful monitoring and tapping prohibited. Neither the Grantee, nor any other person, agency, or entity, shall unlawfully tap, or arrange for the tapping, of any cable, line, signal device, signal or subscriber outlet or receiver for any purpose whatsoever, except to monitor compliance with FCC standards and for the purpose of determining any unlawful act in violation of Section 41 of this ordinance or any state or federal law, regulation, or court order. Monitoring and tapping shall not include the receipt and/or processing of signals and/or information as a normal and necessary aspect or requirement of a service approved by Grantor.

Section 37. Service Standards

(a) Information to the public. It is the Grantor’s policy that the public shall have access to accurate and current information on presently and potentially available cable services. Grantee
shall make an effective effort to provide such information utilizing both its system and other media.

(b) Services to be provided. A franchised system shall provide, as a minimum, the services listed in the franchise agreement.

(c) Changes in services. Grantee shall inform Grantor at least thirty (30) days in advance of making any substantial change in service. Upon request, Grantee will confer with Grantor’s representative before taking any such action, and shall give due consideration to any recommendations Grantor may make, either in response to Grantee’s statement of intention, or on Grantor’s own initiative.

(d) Non-discrimination. All services shall be available to all subscribers who are willing to pay the charges at the rates established. Except as provided in federal law, Grantee shall not discriminate between subscribers within one type or class in the availability of services at either standard or differential rates according to published and Grantor approved rate schedules. No charges may be made for services except as listed in published schedules which are available to inspection by anyone at Grantee’s office, quoted by Grantee on the telephone, and displayed or communicated to all potential subscribers prior to their signing a written order for service.

(e) Refunds When a subscriber voluntarily discontinues service, Grantee shall refund the unused portion of any advance payments in excess of Two and no/100ths Dollars ($2.00) after deducting any charges currently due. Unused payment portions shall be the percentage of time for which subscriber has paid for service and will not receive it because of his discontinuation of service.

(f) Service orders. Prior to any installation or delivery of services, all subscribers shall sign and deliver to Grantee a written order for service. Said order shall describe in detail all charges for installation and services, the method of payment and schedule of payment, and any grace periods, late charges, or any other information which will affect the total amount subscriber is to be charged.

(g) Complaint advice. Grantee shall advise each subscriber as may be set forth in the franchise that the Grantor’s representative is the official to whom complaints of poor service should be made if such complaints of poor service are not resolved by Grantee to the satisfaction of each subscriber.

(h) Payment schedules. Grantee may, at its option, charge subscribers for service and installation no more than two (2) months in advance. Billing periods shall not exceed two (2) months. Bills may be due and payable upon mailing and shall not be delinquent sooner than twenty (20) days after mailing. Grantee may offer subscribers various prepayment schemes at discounts not to exceed reasonable interest on the subscriber’s money for the period of prepayment.

(i) Disconnect for cause. Grantee may disconnect a subscriber only for cause, which shall be limited to:

1. Payment delinquency in excess of fifteen (15) days;
2. Willful damage to or misappropriation of Grantee property;
3. Refusal, for more than ten (10) days, to admit Grantee to the subscriber’s premises to service Grantee’s equipment; and
4. Theft of service, or monitoring, tapping, or tampering with Grantee’s system, signals, or services.

(j) Reconnection. Grantee shall, upon subscriber’s written request, reconnect service which has been disconnected for payment delinquency when payment has removed the delinquency. A published standard charge may be made for reconnection. Grantee shall not be required to make more than three (3) reconnections for the same subscriber if the disconnections involved were caused by payment delinquency within the past twelve (12) months.

(k) Installations.

1. Subject only to any limitations in its franchise, Grantee shall promptly provide and maintain service to all structures in the service area upon request of the lawful occupant or owner.

2. Grantee shall advise each subscriber that he has the right to require his installation be done over any route on his property, to any location within any building thereon, and in any manner he may elect, which is technically and practically feasible, consistent with Grantee’s standard practices. Grantee may, if he so elects, require that any such request be made in writing.

Section 38. Equal Opportunity Employment

In carrying out the construction, maintenance, and operation of the cable television system, the Grantee shall not discriminate against any employee or applicant for employment because of race, creed, color, sex, or national origin.

The Grantee shall ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

The Grantee shall post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this nondiscrimination clause. The Grantee shall, in all solicitations or advertisements for employees placed by or on behalf of the Grantee, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.


(a) When not otherwise prescribed herein, all matters herein required to be filed with the Grantor shall be filed with the City Clerk.

(b) No person, firm or corporation in the existing service area of the Grantee shall be arbitrarily refused service; provided, however, that the Grantee shall not be required to provide service to any subscriber who does not pay the applicable connection fee or monthly service charge, except as otherwise provided in this ordinance.

Section 40. Violations

(a) From and after the effective date of this ordinance, it shall be unlawful for any person to construct, install or maintain within any public street in the Grantor’s jurisdiction, or within any other public street in the Grantor’s jurisdiction, or within any other public property of the Grantor, or within any privately-owned area within the Grantor which has not yet become a public street but is designated or delineated as a proposed public street on any tentative
subdivision map approved by the Grantor, any equipment or facilities for distributing any television signals through a cable television system, unless a franchise authorizing such use of such street or property or area has first been obtained pursuant to the provisions of this ordinance, and unless such franchise is in full force and effect.

(b) It shall be unlawful for any person, firm or corporation to make or use any unauthorized connection whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised cable television system within this Grantor for the purpose of enabling himself or others to receive or use any television signal, radio signal, picture, program or sound, without payment to the owner of said system.

(c) It shall be unlawful for any person, without the consent of the Grantee, to willfully tamper with, remove or injure any cables, wires, or equipment used for distribution of television signals, radio signals, pictures, programs or sound.

Section 41. Violations: Penalties

Any person violating any of the provisions of Section 40 of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred and no/100ths Dollars ($500.00) or be imprisoned in jail for a period not to exceed six (6) months or be both fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Section 42. Severability

If any material section or provision of this ordinance relating to rates, system design, public access, the Community Television Authority (CTA), line-extension, service mix or levels, amendment, franchise fees, definition of basic service, duration of franchise, inner-activity of system, and studio and other production facilities, or franchise awarded under it, is held to be invalid or unenforceable by a court of competent jurisdiction, Grantor shall thereupon make a determination of the effect upon the public interest caused thereby.

Section 43. Waiver

Grantor may, upon the affirmative vote of not less than a majority of the Grantor, grant a written waiver of any provision of this ordinance; provided, however, that the Grantor first shall find that the intent and purpose of this ordinance will be met with the granting of any such waiver. Upon granting of a waiver of the provisions of this ordinance, the Grantor may approve substitute or alternative requirements in any franchise agreement necessary to satisfy the intent and purpose of this ordinance.

Chapter 5.60 - GARAGE SALES

Sections:

5.60.010 Definition.
5.60.020 Garage Sales.
5.60.030 Penalty for Failure to Obtain License
5.60.010 Definition

“Garage sale” means the casual or occasional sale of miscellaneous household goods, furniture, equipment, tools, clothing, or the like, on the premises of a family dwelling residence. (Ord. 187 § 1, 1975)

5.60.020 Garage Sales

Any person shall be allowed to conduct a maximum of six (6) garage sales per year at a maximum of forty-eight hours per sale. The first two (2) sales will have a no fee license issued and the remaining four (4) sales will be issued a license for a fee of $12.00. Once the forty-eight hours has expired all evidence of the garage sale shall be removed from the sale site, failure to remove all evidence from the sale site may subject the property owner to a code enforcement action by the City. (Ord. 408 § 1, 1994; Ord. 187 § 2, 1975; Ord. 515 §1, 2008, Ord. 520 §1, 2009)

5.60.030 Penalty For Failure to Obtain License

Any person who conducts a garage sale without obtaining a license as required by Section 5.60.020 shall be guilty of an infraction, punishable by a fine in the amount of $55.00 (in addition to the no fee or fee license required by Section 5.60.020). (Ord. 408 § 2, 1994; Ord. 515 §1, 2008, Ord. 520 §1, 2009)
TITLE 6 - ANIMALS*

Chapters:

6.04 License Tax on Dogs and Regulations Pertaining to Dogs and Other Animals
6.12 Killing Animals
6.16 Keeping of Dangerous Animals
6.18 Keeping Bees in Residential Areas

* For statutory provisions authorizing cities to impose a license fee on dogs, see Gov. Code § 38792; for provisions on rabies control, see Health and Safety Code § 1900 et seq.; for provisions on estrays within cities, see Food and Agric. Code § 17003.
Chapter 6.04 - REGULATIONS PERTAINING TO DOGS AND OTHER ANIMALS

ARTICLE ONE - GENERAL

Section:

- 6.04.010 Purpose
- 6.04.020 Authority
- 6.04.030 Authority as Peace Officers
- 6.04.040 Uniforms and Badges
- 6.04.050 Enforcement
- 6.04.060 Duty of General Public
- 6.04.070 Establishment of Public Animal Shelter
- 6.04.080 Delivery to Animal Control Services
- 6.04.090 Care of Animals by Animal Control Services
- 6.04.100 Diseased Animals to be destroyed
- 6.04.110 Penalty for Violation
- 6.04.120 Animal Control Policies and Procedures
- 6.04.130 Deposit of Funds
- 6.04.140 Definitions
- 6.04.150 Severability

ARTICLE TWO - RABIES

Section:

- 6.04.200 Duty to Report
- 6.04.210 Rabies Investigation
- 6.04.220 Rabies Quarantine
- 6.04.230 Failure to Quarantine or Produce Animal
- 6.04.240 Isolation of Rabid Animals or Clinically Suspected Rabid Animals
- 6.04.250 Isolation of Animals Bitten by a Known Rabid or Suspected Rabid Animal
- 6.04.260 Rabies Vaccination Required
- 6.04.270 Revaccination Intervals
- 6.04.280 Laboratory Examination of Rabid Animals, Clinically Suspected Rabid Animals, or Biting Animals Which Die or Have Been Killed
- 6.04.290 Dog Licenses Required
- 6.04.300 Dog License Fees
ARTICLE THREE - DOGS

Section:

6.04.500  Duty of Animal Control Services to Seize and Impound Strays
6.04.510  Entering Upon Premises
6.04.520  Stray Dogs-Running At Large Unlawful
6.04.530  Sale, Gift, or Destruction of Dogs
6.04.540  Return of Dog by Animal Control Services
6.04.550  Unlawful Acts
6.04.560  Dogs: Spay/Neuter Deposit Required
6.04.570  Redemption of Licensed Dogs by Owner
6.04.580  Redemption of Stray and Other Impounded Dogs
6.04.590  Cleanliness of Premises

ARTICLE FOUR - OTHER ANIMALS

Section:

6.04.600  Animals, Poultry, and Household Pets
6.04.610  Cleanliness of Premises
6.04.620  Control
6.04.630  Trespassing Prohibited
6.04.640  Trespassing Animals
6.04.650  Commission of Nuisances Prohibited
6.04.660  Disturbing the Peace
6.04.670  Entering Upon Premises
6.04.680  Cost of Capture
6.04.690 Expense Borne by Owner
6.04.700 Redemption, Sale, Gift or Destruction of Impounded Cats
6.04.710 Redeeming Impounded Animals Other Than Dogs and Cats
6.04.720 Extermination of Rats
6.04.730 Isolation of Infected Animals
6.04.740 Disposal of Carcasses of Infected Animals
6.04.750 Cats: Spay/Neuter Deposit Required

ARTICLE FIVE - AMMAL SANCTUARIES

Section:

6.04.760 Definitions
6.04.770 Permit - Requirements General
6.04.780 Exemptions to Chapter Applicability
6.04.790 Permit - Application - Period of Validity
6.04.800 Permit - Fees
6.04.810 Permit - Renewal procedures
6.04.820 Permit - Transfer prohibited
6.04.830 Permit privilege - Revocation conditions - Notice
6.04.840 Removal of animals following permit or privilege revocation - Time limit
6.04.850 Side setback area
6.04.860 Premises to be fenced or enclosed
6.04.870 Sanitary enclosures required
6.04.880 Refuse container requirements
6.04.890 Number of animals - Restrictions
6.04.900 Noisy Animals prohibited.
6.04.910 Inspection of premises authorized when.
6.04.920 Inspection by health officer or animal control officer
6.04.930 Conditions relating to animal facilities
6.04.940 Expiration and renewal of permit.
6.04.950 Inspection
6.04.960 Denial or revocation of permit.
6.04.970 Permit not transferable

ARTICLE ONE
GENERAL

6.04.010 Purpose

The purpose of this Chapter is to provide for the health, safety, and general welfare of the citizens of the City of Live Oak through disease control of animals as a public nuisance.

6.04.020 Authority

(a) Authority for this Chapter derives from applicable sections of the following California Codes: Business and Professions Code, California Code of Regulations, Civil Code, Fish. & Game Code, Food and Agricultural Code, Government Code, Health and Safety Code and the Penal Code.

(b) The City Council hereby appoints the Community Services Director of Sutter County who, under its direction, will oversee the administration of the provisions of this Chapter and all applicable statutes of the State of California and shall thereupon have charge of the public animal shelter established in Sec. 6.04.070. The Community Services Director shall employ Animal Control Officers as needed to carry out the provisions of this Chapter, which shall constitute Animal Control Services.

6.04.030 Authority As Peace Officers

Animal Control Officers are not peace officers but may exercise the powers of arrest of a peace officer as specified in Penal Code Section 836 and the power to serve warrants as specified in Penal Code Sections 1523 and 1530 during the course of, and within the scope of their employment, after completing a course in the exercise of those powers pursuant to Penal Code Section 832.

6.04.040 Uniforms And Badges

(a) Animal Control Officers employed in Animal Control Services while engaged in the execution of their duties, shall each wear a uniform as determined by the Community Services Director.

(b) Animal Control Officers employed in Animal Control Services, while engaged in the execution of their duties, shall each wear in plain view a badge having the words, “Animal Control Officer” engraved thereon. No person who is not a duly appointed and qualified Animal Control Officer shall represent himself or herself to be, or shall attempt to act as an Animal Control Officer.

6.04.050 Enforcement
It shall be the duty of the Community Services Director to enforce the provisions of this Chapter, and it shall be the duty of every City officer to cooperate with employees of the Community Services Department in the enforcement of their duties related to this Chapter.

6.04.060 Duty Of General Public

It shall be unlawful for any person to resist, hinder, molest, or obstruct any duly authorized representative of the Community Services Director in the performance of his or her duty as provided in this Chapter.

6.04.070 Establishment Of Public Animal Shelter

A public animal shelter is hereby provided and the same, and any branches thereof, shall be located, and established at such places in the County of Sutter as shall be fixed from time to time by the City Council.

6.04.080 Delivery To Animal Control Services

Every person taking up any animal under the provisions of this Chapter and every person finding any lost, strayed or stolen animal shall, within 24 hours thereafter, give notice thereof to Animal Control Services.

Any person into whose custody such animal may in the meantime be placed, shall be required to either:

(a) deliver such animal to Animal Control Services without fee or charge, or

(b) deliver such animal to a society for the prevention of cruelty to animal’s shelter, humane society shelter, or rescue group approved by, and registered with, the Community Services Department.

6.04.090 Care Of Animals By Animal Control Services

Animal Control Services shall provide all animals in their custody with necessary and prompt veterinary care, nutrition, and shelter, and treat them humanely.

6.04.100 Diseased Animals To Be Destroyed

Every animal taken, into custody by Animal Control Services, which by reason of age, injury, disease or other good cause, should be destroyed, or which is dangerous to keep impounded, shall be forthwith destroyed by Animal Control Services in a humane manner.

6.04.110 Penalty For Violation

Any person who violates or causes the violation of any provision of this Chapter is guilty of a misdemeanor and, upon conviction, shall be punished by a fine up to the maximum amount
allowed for a misdemeanor by Penal Code Section 19, or by imprisonment in the Sutter County Jail for a period of up to the maximum period allowed for a misdemeanor by Penal Code Section 19, or by both such fine and imprisonment. At the discretion of the District Attorney, any case which, in his opinion may not result in imprisonment or probation may be prosecuted as an infraction.

6.04.120 Animal Control Policies And Procedures

Animal Control Services shall maintain a manual of policies and procedures implementing this code and any other applicable Ordinances duly adopted by the City of Live Oak. The manual of policies and procedures shall detail the records to be kept and the manner in which they are to be kept.

6.04.130 Deposit Of Funds

Animal Control Services shall deposit all fees and all fines collected under the provisions of this Chapter with the Suffer County Treasurer in a timely manner.

6.04.140 Definitions

(a) “Assistance dogs” are dogs specially trained as guide dogs, signal dogs, or service dogs.

(b)”Nuisance” is anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by a community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin or any public park, square, street, or highway.

(c) “Potentially dangerous dog” shall have the same definition as contained in Section 31602 of the Food and Agricultural Code.

(d) “Quarantine” as used in this section, means the strict confinement, upon the private premises of the owner, under restraint by leash, closed, cage, or paddock, of all animals specified in the order for quarantine.

(e)”Rabies” as used in this chapter, includes rabies, and any other animal disease dangerous to human beings that may be declared by the State of California Health Department as coming under Health and Safety Code.

(f) “Rat proofing” shall consist of adequately covering or sealing all holes or means of ingress to such premises by which rats can enter in and upon such premises, save and except properly conducted, constructed and protected doors, windows, and ventilating shafts. With regard to open land, rat proofing shall consist of eliminating the harborage of the rat population. All costs of eliminating rats and rat proofing shall be borne by the person owning or in lawful possession of the premises rat proofed or from which rats are to be eliminated.
(g) “Vicious dog” shall have the same definition as contained in Section 31603 of the Food and Agricultural Code.

6.04.150 Severability

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof

ARTICLE TWO: RABIES

6.04.200 Duty To Report

(a) It shall be the duty of any person having knowledge of the whereabouts of an animal showing symptoms of rabies or acting in a manner which would lead to a reasonable suspicion that it may have rabies, to report that fact immediately to the Health Officer, the Environmental Health Division of Sutter County, or Animal Control Services with full information about the animal.

(b) It shall be the duty of any person having knowledge of any person or animal that has been bitten by a rabid or suspected rabid animal, to report the incident immediately to the Health Officer, the Environmental Health Division, or Animal Control Services with full information about the incident.

(c) When either the Environmental Health Division, or Animal Control Services is notified pursuant to paragraphs (a) or (b) of this section, the information shall be reported immediately to the Health Officer and thereafter any directions from the Health Officer regarding the control of disease or other quarantine of any animals, or any other directions shall be carried out by Animal Control Services.

6.04.210 Rabies Investigation

(a) When rabies are suspected the Health Officer shall make or cause an inspection or examination of such animal to be made by a licensed veterinarian until the existence or non-existence of rabies in such animal is established by such veterinarian. Such animal shall be kept isolated in a shelter, veterinary hospital, or other adequate facility in a manner approved by the Health Officer, and shall not be killed or released for at least ten (10) days after the onset of symptoms suggestive of rabies, after which time such animal may be released by the Health Officer.

(b) Upon presentation of proper credentials, duly authorized representatives of the Health Officer or Community Services Director, or any peace officer, may enter at reasonable times upon any premises where any dog or other animal is kept, or believed by him to be kept, for the purposes of taking up, seizing, or impounding any dog or other animal, for the purposes of
ascertaining whether such dog or other animal is afflicted or infected with rabies or other contagious disease.

6.04.220 Rabies Quarantine

If rabies is known to exist within an area, the Health Officer may establish a rabies quarantine and shall define the boundaries of the quarantine area and specify the animals subject to quarantine, and all such animals within the quarantined area shall be kept in strict confinement upon the private premises of the owner, keeper, or harborer at all times until the quarantine is terminated by the Health Officer.

6.04.230 Failure To Quarantine Or Produce Animal

No person shall violate, after notice, any order of the Health Officer concerning the isolation or quarantine of an animal, or species subject to rabies, that has bitten or otherwise exposed a person to rabies; nor, after such order, fail to produce such animal upon demand of the Health Officer of his duly authorized representative.

6.04.240 Isolation Of Rabid Animals Or Clinically Suspected Rabid Animals

Any rabid animal, clinically suspected rabid animal, or biting animal shall be isolated in strict confinement as follows:

(a) In the Sutter County Animal Shelter, a veterinary hospital, or other adequate facility, under proper care and under the observation of a licensed veterinarian, in a manner approved by the Health Officer, and shall not be killed or released for at least ten (10) days after the onset of symptoms suggestive of rabies.

(b) At the discretion of the Health Officer, in a place and manner approved by the Health Officer and observed for at least fourteen (14) days (or 10 days for dogs and cats) after the day of infliction of the bite. As an alternative to the 10-day isolation of dogs and cats, dogs or cats which have been isolated in strict confinement in a veterinary hospital or other adequate facility, in a manner approved by the Health Officer, under proper care and under observation of a licensed veterinarian maybe released from isolation by the Health Officer after five (5) days of veterinary observation if upon conducting a thorough physical examination on the fifth day or more after the infliction of the bite, the observing veterinarian certifies that there are no clinical signs or symptoms of any disease. Notwithstanding the foregoing provisions, the Health Officer may authorize, with the permission of the owner and other legal requirements permitting, the euthanasia of a biting animal for the purpose of laboratory examination for rabies using the fluorescent rabies antibody (FRA) test in an approved public health laboratory.

6.04.250 Isolation Of Animals Bitten By A Known Rabid Or Suspected Rabid Animal

Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal, or has been in intimate contact with a rabid or suspected. rabid animal shall be quarantined in a place or manner approved by the Health Officer, for a period of six (6) months,
or destroyed after ten (10) days from the onset of symptoms, with the exception that the following alternatives are permitted in the case of dogs and cats:

(a) If a dog over one year of age has been vaccinated against rabies within 36 months but not less than 30 days with a rabies vaccine of a type approved by the State Department of Health Services for a maximum immunity duration of at least 36 months, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the Health Officer for a period of 30 days following revaccination.

(b) If a dog under one year of age has been vaccinated against rabies within 1.2 months but not less than 30 days with a rabies vaccine of a type approved by the State Department of Health Services, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and a manner approved by the Health Officer for a period of 30 days.

6.04.260 Rabies Vaccination Required

It shall be unlawful for any person owning, harboring, or having the care, custody, or possession of any dog to keep or maintain such dog in any place in the City of Live Oak, unless such dog has been vaccinated as provided herein.

(a) The vaccination of dogs four (4) months of age or older is required and shall be held a requisite to licensing. Completion of the licensing procedure consists of issuance of a license tag bearing the license data and shall be carried out only after presentation of a current valid official vaccination certificate. Vaccination certificates shall show all of the following:

(1) the name, address and telephone number of the dog’s owner or custodian;
(2) the description of the dog, including breed, color, age and sex;
(3) the date of immunization;
(4) the expiration date of the vaccination;
(5) the type of rabies vaccine administered;
(6) the name of the manufacturer; and the number of the vaccine used.

Vaccination certificates shall bear the signature of the veterinarian administering the vaccine or a signature authorized by him, and in addition such certificate shall be legibly stamped, printed, or typed with his name, address and telephone number, with the exception that at dog vaccination clinics conducted pursuant to State of California Health and Safety Code Section 1920(f), vaccination certificates approved by the Health Officer may be used provided that the specific clinic is identified upon the vaccination certificate and records are maintained containing the information specified under (5) and (6) above.

(c) Every duly licensed veterinarian, after vaccinating any dog, shall immediately present the original certificate to the owner or harborer of the dog, and shall deliver the duplicate copy of the certificate to Animal Control Services, and shall retain the triplicate copy thereof.
(d) No person who owns or harbors any dog shall fail or refuse to exhibit the certificate required by this section upon demand of any person charged with its enforcement.

6.04.270 Revaccination Intervals

Dogs shall be considered to be properly vaccinated when injected at four (4) months of age or older with an approved canine rabies vaccine and revaccinated in accordance with the following conditions:

(a) Primary Vaccination. Primary vaccination shall be defined as the initial inoculation of an approved canine rabies vaccine administered, to young dogs between the ages of 4 to 12 months.

(b) Revaccination. Dogs shall be revaccinated one year (12 months) after the primary vaccination with an approved type of rabies vaccine. Dogs receiving vaccination after primary vaccination or any dog receiving its initial rabies vaccination over 12 months of age shall be revaccinated thereafter at least once every three years (36 months) with an approved type of rabies vaccine.

6.04.280 Laboratory Examination Of Rabid Animals, Clinically Suspected Rabid Animals Or Biting Animals Which Die Or Have Been Killed

If any rabid animal, clinically suspected rabid animal or biting animal dies or has been killed, adequate brain specimens shall be obtained and examined in a public health laboratory approved by the State Department of Health. No person shall destroy or allow to be destroyed the brain of an animal of a species subject to rabies that has bitten or otherwise exposed a person before the destruction of such brain has been authorized by the Health Officer.

6.04.290 Dog Licenses Required

(a) Except as provided in Section 6.04.370, any person who owns, harbors, keeps, or controls any dog over the age of four (4) months shall obtain a dog license from the City of Live Oak. The license shall be obtained not later than either thirty (30) days after the dog attains the age of four (4) months or thirty (30) days after the dog is first brought into the City of Live Oak. Dog licenses may be issued for a term of one, two, or three years at the option of the owner, subject to compliance with Sections 6.04.260 and Sec. 6.04.270.

(b) Animal Control Services shall not license any dog until it has been vaccinated with a State-approved vaccine, by injection or other method approved by the Health Officer, and the owner or person in possession of said dog submits a certificate of vaccination for such dog. In no instance shall a dog license be issued for a period beyond the date upon which revaccination expires.

6.04.300 Dog License Fees
License fees shall be established by the City Council by resolution. Except as provided in Sec. 6.04.360, each dog license shall be issued upon payment of all required fees and penalties, and upon compliance with all conditions required for the issuance of a dog license. Each dog license shall expire on the expiration date of the anti-rabies vaccination required pursuant to Sec. 6.04.260 and Sec. 6.04.270 (or similar enactment of another jurisdiction). The resolution adopted by the City Council shall specify that:

(a) If the license applicant presents a certificate from a licensed veterinarian demonstrating that the dog has been neutered or spayed, the fee for the license shall be reduced by one-half or more.

(b) Upon presentation of adequate documentation showing that the owner or custodian is sixty (60) years of age or older, the fee for the license shall be reduced by one-half or more.

(c) These reductions are cumulative; the fee for a neutered or spayed dog owned or in the custody of a person over the age of sixty (60) shall be one-fourth the normal fee or less.

6.04.310 Dog License Penalties

In the event the owner or person having custody of a dog fails to obtain a license, or fails to renew a license within thirty (30) days after its expiration date, he or she shall pay a penalty, established by the City Council by resolution, which shall be applicable to all owners or persons having custody regardless of age and whether the dog is spayed or neutered.

6.04.320 Certificate To Owner And Tags

(a) Animal Control Services shall be the issuing authority for dog licenses. Upon payment of the license fee pursuant to Sec. 6.04.300, and upon presentation of a valid vaccination certificate pursuant to Sec. 6.04.260 and Sec. 6.04.270, there shall be issued a license certificate showing the following:

(1) the name, address and telephone number of the dogs owner or custodian;
(2) the description of the dog, including breed, color, age, and sex;
(3) the expiration date of the vaccination;
(4) the name of the veterinarian administering the vaccine; and the number of the vaccine used.

Such certificate shall be delivered to the person paying such license fee and one copy shall be retained by Animal Control Services. Animal Control Services shall at the same time issue and deliver to the person receiving such a certificate a tag of such form and design as the Sutter County Director of Community Services shall designate, with the words “Sutter County Dog License”, and a serial number and the expiration date plainly inscribed thereon. The license tag shall be securely affixed to a collar, harness or other device, which shall be at all times worn by the licensed dog.
The Director of Community Services may, by contract, authorize any duly qualified and licensed veterinarian or employee of the City of Live Oak to license any dog, collect the license fee thereon, and issue to the person paying said fee, the dog tag provided for in paragraph (a) at the same time said dog is vaccinated and the certificate of vaccination is issued. Any person so authorized by the Director of Community Services to perform the aforementioned acts shall account to the Director of Community Services not less than once each month for all dogs so licensed and all license fees collected. The City may charge an administrative fee when collecting license fees. Said fees will be adopted by resolution of the City Council.

6.04.330 Transfer Of License At Change Of Ownership

Upon presentation of a valid vaccination certificate as required in Sec. 6.04.320, and after payment of the fee established by a resolution of the City Council, a current dog license may be transferred from one owner to another by making application to Animal Control Services in a form required by the Community Services Director. At a minimum, the previous owner shall provide Animal Control Services with the name, address, and telephone number of the owner to whom the dog is transferred.

6.04.340 Tag Prohibitions

It shall be unlawful for any person to do any of the following:

(a) Remove any tag from any dog not owned by him, or not lawfully in his possession or under his control.

(b) Attach a license tag to the collar of any dog except the dog, which is described in the license certificate for such license tag.

(c) Place on any dog, or to make, or to have in his possession, any counterfeit or imitation of any license tag provided for in this Chapter.

6.04.350 Duplicate License Tag Issued

If any license tag is lost or stolen, the person owning, possessing or having control of the dog for which the license was issued shall be entitled to receive a duplicate of such tag by presenting to Animal Control Services the original certificate showing ownership of said tag and subscribing to an affidavit sufficiently showing that such tag was stolen or lost. Animal Control Services, upon receipt of the fee determined by resolution of the City Council, shall issue a properly numbered duplicate tag and shall keep on file the original affidavit upon which said duplicate tag was issued.

6.04.360 Exceptions To Dog Licensing Requirements

The provisions of this Chapter requiring the licensing of dogs shall not apply to the following:

(a) Dogs under the age of four (4) months if kept within, a sufficient enclosure.
(b) Dogs owned by or in custody or under the control of persons who are non-residents of the City of Live Oak traveling through said City or temporarily sojourning therein for a period, not exceeding thirty (30) days.

(c) Dogs brought to the City of Live Oak exclusively for the purpose of entering the same in any dog show or exhibition, and which are actually entered in and kept at such show or exhibition.

(d) Dogs under the treatment, in the custody or control of animal hospitals.

Dogs on sale in duly licensed pet shops, provided that such dogs are kept enclosed within such pet shops.

6.04.370 Exemption From Payment Of Dog License Fees

The provisions of Sec. 6.04.300 requiring payment of dog license fees shall not apply in the following cases. Nonetheless, all such dogs shall be licensed as required by Sec. 6.04.290, and shall comply with all other provisions of this Chapter, including the penalties for failure to have a license pursuant to Sec. 6.04.310. The exemptions provided for in this Section are a privilege that may be revoked for persons or organizations not complying with the provisions of this Chapter.

(a) Assistance Dogs.

(1) Whenever a person applies for a dog license for an assistance dog, the person shall sign an affidavit stating as follows:

“By affixing my signature to this affidavit, I hereby declare I fully understand that Section 365.7 of the Penal Code prohibits any person to knowingly and fraudulently represent himself or herself, through verbal or written notice, to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide dog, signal dog, or service dog, as defined in subdivisions (d), (e), and (f) respectively, of Section 365.5 of the Penal Code and paragraph (6) of subdivision (b) of Section 54.1 of the Civil Code, and that a violation of Section 365.7 of the Penal Code is a misdemeanor, punishable by imprisonment in a City jail not exceeding six (6) months, by a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

(2) Upon the death or retirement of an assistance dog, the owner or person in possession of the assistance dog identification tag shall immediately return the tag to Animal Control Services.

(b) Foster Care Dogs.

(1) Bona fide humane societies approved by the Community Services Director may register with Animal Control Services their representatives providing foster
care homes to dogs. Representatives so registered may apply for a one-year non-renewable license under the provisions of this Section for each foster care dog housed at their residence.

(2) Upon the adoption of each foster care dog licensed under the provisions of this Section, the tag shall be returned immediately to Animal Control Services along with the name and address of the person by whom the dog was adopted. The address shall be the address where the dog will be located.

6.04.380 Potentially Dangerous And Vicious Dogs

If an Animal Control Officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the Director of Community Services, or his or her designee, or the Police Chief or his or her designee, or the Sheriff, or his or her designee, shall petition the court for a hearing to determine whether or not the dog in question should be declared potentially dangerous or vicious. The hearings shall be pursuant to Sections 31621-31626 of the Food and Agricultural Code of the State of California.

A potentially dangerous dog, while on the owner’s property, shall, at all times, be kept indoors, or in a securely fenced yard from which the dog cannot escape, and into which children cannot trespass. A potentially dangerous animal may be off the owner’s premises only if it is restrained by a substantial leash, of appropriate length, muzzled, and under control.

6.04.390 Impounding Of Biting Dogs

Upon written notice by a duly authorized representative of the Health Officer or Community Services Director, the owner or person having the control of any dog which has, within the preceding ten (10) days, bitten any person or animal shall, upon demand, and in the discretion of the Health Officer as directed by the Health Officer, follow one of the following procedures:

(a) confine such dog to his own premises; or

(b) surrender such dog to Animal Control Services who shall impound and keep such dog at the public animal shelter in a separate kennel for a period of not less than ten (10) days; or

(c) surrender such dog to a licensed veterinarian, as designated by the Health Officer; or

(d) surrender the dog to Animal Control Services for quarantine at any other location or facility designated and approved by the Health Officer. If the dog is quarantined, on the premises of the owner, Animal Control Services shall post a quarantine sign on such premises, and it shall be unlawful for any person to remove the sign during the term of such quarantine without the consent of the Health Officer. Any quarantine provided in this section shall be for a term of not less than ten (10) days unless otherwise specified by the Health Officer. During the quarantine period it shall be the duty of the Health Officer, upon being notified by Animal Control Services that such dog has been impounded, to determine whether or not such dog is suffering from any disease.
(1) If a duly licensed veterinarian designated by the Health Officer shall determine that such dog is diseased and by reason of such disease is dangerous to persons or to other animals, the Health Officer shall notify Animal Control Services in writing, to destroy such dog. A copy of said notice shall also be served upon the owner or person having control of such dog.

(2) If said veterinarian shall determine that such dog is not so diseased, and if the license required for such dog shall have been duly paid for in the then current year, Animal Control Services shall notify by mail the person to whom the license for such dog was issued and at the address from which the dog was surrendered to Animal. Control Services and shall, upon demand, release such dog to the owner or person lawfully entitled thereto, upon payment of any charges provided therefore, including expenses of quarantine and veterinary care; provided, however, that if no person lawfully entitled to such dog shall within seventy-two (72) hours after the date of giving said last mentioned notice, appear at the public shelter and request the release of such dog, and pay said charges, such dog may be sold or destroyed by Animal Control Services in the same manner as set forth elsewhere in this chapter.

6.04.400 Muzzling

No person shall be compelled to muzzle any dog except pursuant to Sec. 6.04.400, and in cases of emergencies. Such emergencies shall be deemed to exist only when, the Health Officer shall determine and report to the City Council that there is in the City, an epidemic of rabies. When and if the Health Officer so reports then any person who owns or has the charge, care, control, or custody of any dog shall cause such dog to be muzzled and to remain muzzled, except when such dog is eating, until the Health Officer shall, declare publicly and officially that such epidemic is at an end.

ARTICLE THREE: DOGS

6.04.500 Duty Of Animal Control Services To Seize And Impound Strays

It shall be the duty of Animal Control Services to seize and impound, subject to the provisions of this Chapter, all stray, unleashed or unrestrained dogs found within the City of Live Oak, regardless of whether the dogs are licensed or unlicensed; and for that purpose the duly authorized employees of Animal Control Services may go upon private property to enforce this Chapter, or to collect and impound dogs.

6.04.510 Entering Upon Premises

(a) Upon presentation of proper credentials, duly authorized representatives of the Health Officer or Community Services Director, or any peace officer may enter at reasonable times upon any premises where any dog is kept, or believed by him to be kept, for the purpose of taking up, seizing, or impounding any dog running at large, or for the purpose of ascertaining whether such dog is licensed as required by this Chapter, or for the purpose of inspecting the premises to ascertain whether by law of the City, or the County, or the State relating to the care,
treatment, or impounding of dogs is being violated, or for the purpose of enforcing any other provisions of this Chapter.

(b) Notwithstanding any other provision of law or ordinance of the City of Live Oak, Animal Control Officers shall not seize or impound a dog for the violation requiring a dog to be leashed or issue citations for violation of such leash requirements when the dog has not strayed from, and is upon, private property owned by the dog owner or the person who has a right to control the dog, or upon private property to which the dog owner or person who has the right to control the dog has a right of possession.

(c) A dog that has strayed from but then returned to the private property of his owner or the person who has a right to control the dog shall not be seized or impounded, but in such a case a citation may be issued provided, however, that if in such a situation the owner or person who has a right to control the dog is not home, the dog may be impounded but Animal Control Officers shall post a notice of such impounding on the front door of the living unit of the owner or person who has a right to control the dog. Such notice shall state the following: that the dog has been impounded, where the dog is being held, the name, address, and telephone number of Animal Control Services, and an indication of ultimate disposition of the dog if no action to regain it is taken within a specified period of time by its owner or the person who has a right to control the dog.

(d) This section shall not otherwise affect existing authority to seize or impound a dog or issue citations, as a result of a dog’s being on property other than that owned by its owner or the person who has the right to control the dog.

6.04.520 Stray Dogs - Running At Large Unlawful

It shall be unlawful for any person owning, having interest in, harboring, or having charge, care, control, custody or possession of any dog, licensed, or unlicensed, to allow, cause or permit such dog to be in or on any public road, highway, street, alley, square, park, school ground or other public place, or in or upon any lot, premises, or property of another without the permission of the property owner. Any dog found running at large in violation of the provisions of any law of the State of California or of the City of Live Oak shall be deemed a stray dog, and for all purposes shall he immediately seized and impounded.

6.04.530 Sale, Gift Or Destruction Of Dogs

At any time after the expiration of the holding period required by Food and Agricultural Code Section. 31108, Animal Control Services may, without further notice, and without advertising in any manner, sell, give away, or humanely destroy any dog not claimed or redeemed. Any dog having been released to a nonprofit animal rescue or adoption organization pursuant to Section 31108(b) of the Food and Agricultural Code shall, upon its return to the custody of Animal Control Services, be deemed to have completed the holding period required by Section 31108(a). Provided, however, that Animal Control Services may not transfer title to any living animal to any institution, engaged in the diagnosis or treatment of human or animal disease, or in research for the advancement of veterinary, dental, medical, or biologic science, or in the testing or
diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals, or drugs.

6.04.540 Return Of Dog By Animal Control Services

If there is a valid license tag attached to any dog surrendered to Animal Control Services as provided herein, and such dog has not been redeemed by its owner within one hundred twenty (120) hours from the time of impounding such dog, Animal Control Services may return such dog to the person who surrendered the dog, provided that such, person procures a license for such dog pursuant to the requirements of this Chapter, and pays all other appropriate shelter charges.

6.04.550 Unlawful Acts

It shall be unlawful for any person owning, having interest in, harboring, or having charge, care, control, custody, or possession of any dog, licensed or unlicensed, to permit such dog:

(a.) In or upon any public street or other public place in the City or in or upon any property belonging to the City unless such dog is restrained by a leash and is under the complete control of the person owning or at the time in possession of such dog. Such leash shall not be more than eight (8) feet in length. Notwithstanding anything set forth in this section to the contrary, no person shall be compelled to keep any dog in his possession on a leash while in or upon any public street or other public place in the City if, at the time, such dog is confined securely within an automobile.

(b) To trespass on private property.

(c) To commit a nuisance on improved private property other than that of the person who owns or has charge, care, control, or custody of the dog.

(d) By any sound or cry, to disturb the peace, quiet, and comfort of any neighborhood or to interfere with any person in the reasonable and comfortable enjoyment of life or property, and every such animal shall be deemed to be a public nuisance and shall be subject to abatement as such, and, in addition, the owner thereof, after personal service of a notice and citation of the condition, shall be guilty of a misdemeanor if the nuisance continues after the service of such notice and citation.

(e) To suffer or permit the same to run at large on private or public property whereon livestock or domestic fowl are kept without the consent of the owner.

6.04.560 Dogs: Spay/Neuter Deposit Required

Animal Control Services shall not sell, give away, or transfer any dog except as provided for in Chapter 1.5, commencing with Section. 30520 of Division 4 of the Food and Agricultural Code.

6.04.570 Redemption Of Licensed Dogs By Owner
Whenever any licensed dog is impounded under the provisions of this Chapter, the owner or person entitled to custody of any such dog may, at any time prior to the sale or other disposition thereof, during the regular office hours of the animal shelter, redeem the same, subject to the following provisions:

(a.) Animal Control Services shall keep any dog so impounded for the holding period required by Food and Agricultural Code Section 31108.

(b) The person wishing to redeem the dog must exhibit to Animal Control Services the unexpired license certificate or license tag issued for the dog being redeemed.

(c) The person wishing to redeem the dog must pay all outstanding fees and charges owing to the animal shelter as required by the City Council either in ordinance or resolution.

(d) If the dog being redeemed is not spayed or neutered, the person wishing to redeem the dog must pay the deposit required by Section Sec. 6.04.560.

If the person wishing to redeem the dog exhibits an expired license certificate, the dog may be redeemed by paying all requisite fees and charges owing, and, within 15 days from the redemption date, obtain a valid license as required by the provisions of this Chapter. If a valid license has not been obtained within 15 days of the redemption date, Animal Control Services shall issue a citation to the person owning, harboring, or having charge, care, control, custody, or possession of such dog and indicate that if a valid license has not been obtained within 30 days from the redemption date, the dog may be subject to impound.

6.04.580 Redemption Of Stray And Other Impounded Dogs

Whenever any stray dog not bearing a license tag is impounded under the provisions of this Chapter, and such dog is not claimed by the owner within the holding period required by Food and Agricultural Code Section 31108, any person may, at any time prior to the sale or other disposition thereof, during the regular office hours of the animal shelter, redeem the same, subject to the following provisions:

(a) The person wishing to redeem the dog must pay all outstanding fees and charges owing to the animal shelter as required by the City Council in either ordinance or resolution.

(b) If the dog being redeemed is not spayed or neutered, the person wishing to redeem the dog must pay the deposit required by Sec. 6.04.560.

(c) The person wishing to redeem the dog must, within 15 days of the redemption date, obtain a valid license as required by the provisions of this Chapter. If a valid license has not been obtained within 15 days of the redemption date, Animal Control Services shall issue a citation to the person owning, harboring, or having charge, care, control, custody, or possession of such dog and indicate that if a valid license has not been obtained within 30 days from the redemption date, the dog may be subject to impound.
6.04.590  Cleanliness Of Premises

Every person owning or occupying premises where any dog is kept shall keep the place in which such dog is kept in a clean, and sanitary condition.

ARTICLE FOUR: OTHER ANIMALS

6.04.600  Animals, Poultry, And Household Pets

As used in this ARTICLE, the word “animal” shall include all animals, poultry, or household pets except dogs.

6.04.610  Cleanliness Of Premises

Every person owning or occupying premises where any animal, is kept shall keep the place in which such animal is kept in a clean and sanitary condition.

6.04.620  Control

It shall be unlawful for any person who owns or has the charge, care, control, or custody of any animal to permit such animal upon any public street or other public place in the City of Live Oak or upon any property belonging to the City unless such animal is under the complete control of the person owning or at the time in possession of such animal.

6.04.630  Trespassing Prohibited

It shall be unlawful for any person who owns or has the charge, care, control, or custody of any animal to permit such animal to trespass on private property.

6.04.640  Trespassing Animals

Any animal found trespassing on any private property in the City of Live Oak may be taken up by any person at interest and delivered to Animal Control Services. Any dog found running at large on the lands of another, where poultry or livestock are kept, without the permission of the owner or person in charge of such lands may be taken up by any person and delivered to Animal Control Services.

6.04.650  Commission Of Nuisances Prohibited

It shall be unlawful for any person who owns or has the charge, care, control, or custody of any animal to permit such animal to commit a nuisance on improved private property other than that of the person who owns or has the charge, care, control, or custody of the animal.

6.04.660  Disturbing The Peace
It shall be unlawful for any person who owns, has the charge, care, control, or custody of any animal or who allows any animal to remain upon his property, to permit such animal, by any sound or cry, to disturb the peace, quiet and comfort of any neighborhood or to interfere with any person in the reasonable and comfortable enjoyment of life or property. Every such animal shall be deemed to be a public nuisance, and shall be subject to abatement as such. In addition, the owner thereof, or person who has the charge, care, control, or custody of the animal, after personal service of a notice and citation of the condition, shall be subject to the penalties prescribed in Sec. 6.04.110 if the nuisance continues after the service of such notice and citation.

6.04.670  Entering Upon Premises

Upon presentation of proper credentials, duly authorized representatives of the Health Officer or Community Services Director or any peace officer or deputy sheriff, may enter at reasonable times upon any premises where any animal is kept for the purpose of taking up, seizing, or impounding any animal running at large or staked, herded, or grazed thereto contrary to the provisions of this Chapter, or for the purpose of inspecting the premises to ascertain whether any law of the City or the State relating to the care, treatment, or impounding of animals is being violated, or for the purpose of enforcing any other provisions of this Chapter.

6.04.680  Cost Of Capture

In the event it is necessary for Animal Control Services to cause the impoundment of any large animal there shall be collected from the owner of such animal in addition to all other fees, a capture fee which shall be the actual cost of the capture including but not limited to, the salaries of City or County personnel utilized in effectuating the capture.

6.04.690  Expense Borne By Owner

The cost of feeding, keeping, and treating an animal, impounded in accordance with the provisions of this chapter shall be borne by the person who owns or has the charge, care, control, or custody of such animal at the time such animal is taken into custody. The cost may be recovered by the City from the owner or person having legal custody of such animal at the time such animal is taken into custody in any action at law or in equity.

6.04.700  Redemption, Sale, Gift, Or Destruction Of Impounded Cats

Whenever any cat has been impounded under the provisions of this Chapter, at any time during the holding period required by Section 31752 of the Food and Agricultural Code, subject to the provisions for owner redemption contained therein, any person may at any time prior to the sale or other disposition thereof, during the regular office hours of the animal shelter, redeem the same by:

(a) paying all outstanding fees and charges owing to the animal shelter as required by the City Council in either ordinance or resolution, and
(b) paying the deposit required by Section Sec. 6.04.750, if the cat being redeemed is not spayed or neutered.

At any time after the expiration of the holding period, required by Section 31752 of the Food and Agricultural Code, Animal Control Services may, without further notice, and without advertising in any manner, sell, give away, or humanely destroy any cat not claimed or redeemed. Any cat having been released to a nonprofit animal rescue or adoption organization pursuant to Section 31752(b) of the Food and Agricultural Code shall, upon its return to the custody of Animal Control Services, be deemed to have completed the holding period required by Section 31752(a). Provided, however, that Animal Control Services may not transfer title to any living animal to any institution, engaged in the diagnosis or treatment of human or animal disease, or in research for the advancement of veterinary, dental, medical, or biological science, or in the testing or diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals, or drugs.

6.04.710 Redeeming Impounded Animals Other Than Dogs And Cats

(a) When Animal Control Services, under the provisions of this Chapter, has impounded any animal for at least seventy-two (72) hours and the animal has not been redeemed, Animal Control Services shall be free to dispose of such animal. If, in the opinion of Animal Control Services, the value of the animal will exceed the expense of keeping it, an advertisement shall be placed in a newspaper of general circulation that such animal is for sale. If the animal is not redeemed prior to the sale, the animal shall be sold for cash to the highest bidder.

(b) When any animal is impounded, the owner or any person interested therein may redeem the animal upon paying to Animal Control Services a fee as determined and set by resolution of the City Council, together with a further sum that is equal to the actual cost per day for the keep of such animal for each day such animal is impounded. If the animal has been offered for sale through public advertising, the owner or the person redeeming such animal shall pay the advertising costs in addition to the redemption fees set forth in this Section.

6.04.720 Extermination Of Rats

Whenever, in the opinion of the Health Officer, it is determined that any building or property in the City contains rats in a number or of a kind dangerous to the health and welfare of the citizens of the City, such building shall be deemed to be a public health nuisance within the meaning of this article and the person upon whose premises such rats are located shall be required to exterminate them and shall be required further, upon order of the Health Officer, to rat proof the premises designated by such Health Officer to be a public health nuisance.

6.04.730 Isolation Of Infected Animals

Any person that owns or has possession or control of any animal which is affected by any contagious or infectious disease, shall keep the animal within an enclosure, or herd the animal in a place where it is secure from contact with other animals of like kind that are not so affected.
6.04.740 Disposal Of Carcasses Of Infected Animals

Any person that has the care or control of any animal that dies from any contagious disease shall immediately cremate or bury the animal. An animal which has died from any contagious disease shall not be transported, except to the nearest crematory.

6.04.750 Cats: Spay/Neuter Deposit Required

Animal Control Services shall not sell, give away, or transfer any cat over six months of age except as provided for in Chapter 2 commencing with Section 31760 of Division 14.5 of the Agricultural Code.

ARTICLE FIVE: ANIMAL SANCTUARIES

6.04.760 Definitions

(a) Health officer: Whenever the term “health officer” is used in this section, it means a person designated by the city’s community services department to perform code enforcement functions or animal inspections.

(b) Small animals: Whenever the term “small animals” is used in this chapter, it means dogs, cats, rabbits, pigeons, or other small animal as determined by the community services department and approved by the city manager.

(c) Animal control officer: “Animal control officer” means any person authorized by the city manager, by designation, delegation, or contract, to administer or enforce the provisions of this chapter and applicable state laws and regulations pertaining to animal control or rabies control.

(d) Animal shelter: A facility operated by a public jurisdiction or by an accredited, tax-exempt humane organization for the purpose of impounding, harboring, selling, placing or destroying seized, stray, distressed, homeless, abandoned or unwanted animals.

(e) Building: A fully enclosed permanent structure that is constructed with permits that conform to standards of the building, electrical, fire, mechanical, plumbing and zoning codes.

(f) Director: the city manager or the head or director of the department designated by the city manager to enforce and administer the provisions of this chapter.

(g) Licensing authority: the city manager or person authorized by the city manager by designation, delegation or contract, to administer and enforce the provisions of this chapter and applicable state laws and regulations pertaining to dog, cat, or small animal licensing.

(h) Owner: An owner is defined as any person who acknowledges ownership of an animal or who harbors or keeps an animal in his or her possession for five or more consecutive days.
Private kennel: A person who maintains within or adjoining his private residence four but not more than six dogs over four months of age, four or more cats over four months of age, or three or more small animals over four months of age or more than a combined total of three dogs and three cats, such animals to be for that person’s recreational use or for exhibition in conformation shows, field or obedience trials and where the sale of offspring is not the primary function of the kennel. The maintenance of more than two dogs or cats used for breeding purposes for which compensation is received, or the parturition or rearing of more than two litters of dogs or cats in any one calendar year from the total number of females owned or maintained by that person on the premises shall be a rebuttable presumption that such animals are owned or maintained for the purpose of commercial breeding and the owner and the premises shall be subject to the permit requirements of a commercial kennel.

Dog: A domestic dog (Canis familiaris).

Cat: A domestic cat (Felis catus).

PIGEON: Racing or homing pigeons (Columba Livia)

6.04.770 Permit - Requirements General

No person shall have in his possession or control, on any premises in the city any, rabbit, dog, cat, pigeon, bird, or other small animal, hereinafter referred to in this chapter as “animals or fowl”, unless he shall have obtained and have in his possession a permit from the health officer, which permit shall be issued only after inspection of the premises and approval of the sanitary condition and sanitary facilities thereof, and such enclosure(s) exist as may be reasonably necessary to secure any such animal or fowl. No permit shall be required if no more than a maximum of six small animals are maintained in any combination thereof. Except as to the provisions regarding issuance, renewal and revocation of permits, all other provisions of this chapter shall be applicable to those persons maintaining six or less small animals.

6.04.780 Exemptions To Chapter Applicability

The provisions of this chapter shall not apply to circuses, carnivals, agricultural shows or exhibits and other similar enterprises which operate for limited periods only, where a permit to conduct such enterprises has been granted in accordance with the chapter of this code relating to the operation of such enterprises, nor to any pet shop, pet grooming parlor, or animal menagerie.

6.04.790 Permit - Application - Period Of Validity

All applications for permits for the keeping of any such animals or fowl shall be filed with the health officer, on forms to be provided by him or her. Every permit issued pursuant to such application shall be valid for a period of one year from date of issue, unless revoked in the manner as hereinafter provided by this chapter.

6.04.800 Permit - Fees
The fee for each biennial permit for the keeping of any such animals or fowl shall be as set forth in the master schedule of fees established by resolution of council.

6.04.810 Permit - Renewal Procedures

Upon the expiration of any permit, the same may be renewed by the person to whom it has been issued by filing an application for a renewal thereof with the health officer. Approval of such application for renewal of permit shall be issued and the permit endorsed for the succeeding annual period in the same manner as prescribed for the first renewal.

6.04.820 Permit - Transfer Prohibited

Permits issued under this chapter shall not be sold, assigned or transferred and shall cover the premises designated and the person to whom issued only. Permits shall be revoked, for violation of this provision.

6.04.830 Permit Privilege - Revocation Conditions - Note

Every such permit, so issued, or every privilege to keep six or less small animals shall be subject to revocation. The health officer shall revoke permits or revoke the privilege to keep six or less small animals without a permit for violations of the provisions of this chapter, regulations of the city, or the health laws and regulations of this state, by notice in writing delivered personally or by mail to the holder of such permit or person maintaining six or less small animals.

6.04.840 Removal Of Animals Following Permit Or Privilege Revocation - Time Limit

In the event of the revocation of any such permit, or in the event that there is a revocation of the privilege to maintain six or less small animals, the holder of such permit or that person maintaining six or less small animals shall remove all animals or fowl from the premises covered by the permit or from the premises maintaining six or less small animals within fifteen days after receipt of notice of revocation. If a written appeal to the health officer is made, the period of time for removal of such animals or fowl shall be extended until ten days after affirmation of the revocation by the health officer. The decision of the health officer shall be final.

6.04.850 Side Setback Area

No person shall keep any animals or fowl as designated in Section 6.16.020 within any side or rear setback area as defined by Live Oak Municipal Code chapters 17.16, 17.18, 17.20, or 17.22.

6.04.860 Premises To Be Fenced Or Enclosed

Any person maintaining any such animals or fowl within the city shall keep the premises upon which they are kept fenced or enclosed so as to keep them from leaving the premises, and shall not permit such animals or fowl to run at large upon the streets, or upon the property of other persons; provided, however, homing pigeons may be released for flying.
6.04.870  **Sanitary Enclosures Required**

A. All premises, enclosures, or structures wherein said animals or fowl are kept shall be kept in a clean and sanitary condition, free from all obnoxious smells or substances.

B. The presence of numerous flies or the presence of fly larvae in the vicinity of any such premises, enclosures or structures shall be evidence of a lack of sanitary maintenance of the premises.

C. Any unnecessary accumulation of debris, refuse, manure or other removable material upon any surface within any such enclosed area or premises, or within, any structure used or intended to be used for the housing of such animals or fowl, shall be evidence of a lack of sanitary maintenance of the premises.

D. Any obnoxious odor or allergen arising from any condition existing within the enclosure or within any structure used or intended to be used for the housing of such animals or fowl shall be evidence of a lack of sanitary maintenance of the premises.

E. All premises, enclosures or structures used or intended to be used for the keeping or housing of any such animals or fowl shall be thoroughly cleaned and all debris, refuse, manure or other removable material removed, there from as often as may be necessary to effect satisfactory compliance with the provisions of this section. Enclosures housing small animals shall be cleaned of all debris, refuse, offal, manure, and filth on a daily basis.

6.04.880  **Refuse Container Requirements**

All refuse and manure and any material conducive to the breeding of flies or which would create any obnoxious odor removed from such premises, enclosures or such structures, shall be placed in suitable tight containers, which containers must be covered with a tightly fitted fly proof cover.

6.04.890  **Number Of Animals - Restrictions**

From and after the effective date of this chapter, not more than six (6) small animals shall be kept on any premises within the city, unless the premises involved is operated under a City issued permit as a private kennel or animal shelter, or to engage in the handling of such animals or fowl on a commercial basis and where the conducting of such a business is in accordance with the city’s zoning ordinance.

6.04.900  **Noisy Animals Prohibited**

No person shall keep or permit to remain on any premises within the city any animal that habitually disturbs the peace and quietude of any neighborhood or person, by howling, barking, crying, baying or making any other noise.
6.04.910 Inspection Of Premises Authorized When

The health officer and any other employee authorized by the city manager or the director of the department community services are authorized to enter upon any premises, to the extent permitted and in the manner provided by law, other than a dwelling, for the purpose of inspecting the same to ascertain if any of the provisions of this chapter are being violated. Neither the health officer nor any such other employee of the community services department shall exercise the right of inspection granted by this section unless he has reasonable cause to believe that such inspection is reasonably necessary to carry out or enforce the provisions of this chapter.

Every person who keeps an animal, confined in an enclosed area shall provide it with an adequate exercise area. If the animal is restricted by a leash, rope, or chain, the leash, rope, or chain, shall be affixed in such a manner that it will prevent the animal from becoming entangled or injured and permit the animal’s access to adequate shelter, food, and water. Violation of this section constitutes a misdemeanor. This section shall not apply to an animal that is in transit, in a vehicle, or in the immediate control of a person.

6.04.920 Inspection By Health Officer Or Animal Control Officer

A. An animal control officer shall have the power to enter upon and inspect any premises where any animal is kept or harbored when such entry is necessary to enforce the provisions of this chapter. A search warrant or an inspection warrant shall be obtained whenever required by law.

B. Such entry and inspection shall be made only after the occupant of the premises has been given written or oral notice of the inspection by the administrator and/or an animal control officer. If the land is unoccupied, the administrator and/or animal control officer shall make a reasonable effort to give such notice to the owner or other person having control of the property before making entry.

C. Notwithstanding the foregoing, if the administrator and/or an animal control officer has reasonable cause to believe the keeping or maintaining of any animal is so hazardous as to require an immediate inspection to save the animal or protect public health or safety, he or she shall have the power to immediately enter and inspect the property without the use of unreasonable force. If the property is occupied, the administrator and/or an animal control officer shall first attempt to notify the occupant and demand entry.

6.04.930 Conditions Relating To Animal Facilities

Every person who owns, conducts, manages, or operates any pet shop, commercial kennel, private kennel, pet grooming parlor, or animal shelter shall comply with each of the following conditions:

A. Housing.
1. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury and restrict entrance of other animals or the escape of animals so contained therein.

2. Every building or enclosure wherein animals are maintained shall be properly ventilated to prevent drafts and to remove odors; heating and cooling shall be provided as required, according to the physical needs of the animals, with sufficient light to allow observation of animals.

3. All animal rooms, cages, kennels, runs, and stalls shall be of sufficient size to provide adequate and proper accommodation and protection from the weather for the animals kept therein.

4. All animal facilities shall be constructed and operated in a manner that reasonably protects public health and safety and the safety of the animals.

B. Sanitation: All animal facilities shall be maintained and operated at all times in a clean and sanitary condition, and in a manner that avoids causing odors or attraction of flies and vermin, and excessive noise.

C. Care of Animals.

1. All animals shall be supplied with a quantity of wholesome food suitable for the species and age of the respective animals, as often as the feeding habits of such animals require, sufficient to maintain a reasonable level of nutrition. All animals shall have available to them sufficient potable water. Food and water shall be served in separate, clean receptacles.

2. No animal, except those animals in a pasture provided with adequate food and water, shall be without attention for more than twenty-four consecutive hours. The name, address, and telephone number of a person responsible for the animal shall be posted in a conspicuous place, visible from outside the facility or at the main gate of a pasture where animals are kept, unless the owner or attendant of the animal(s) is immediately available on the premises.

3. All sick, diseased, or injured animals shall be isolated from healthy animals at all times and shall be given proper medical treatment. The administrator may order the operator of the facility to immediately seek licensed veterinarian treatment for any animal.

4. All animals shall be treated in a humane manner.

D. Compliance.

1. The health officer shall have the authority to enter the animal facility except by means of force when the health officer has reason to believe that the provisions of any permit or this chapter applicable state law or the rules and regulations of the health officer are being violated. The failure of the operator to consent to the entry shall be grounds for the revocation of the permit.
2. Failure of an applicant or a permit holder to comply with any of the provisions of the permit, this chapter, or applicable state law, or the rules and regulations of the health officer shall be deemed just cause for the denial of any permit, either original or renewal, or for revocation of a permit.

E. Additional Conditions Relating to Pet Shops. In addition to all the conditions stated in this section, every person who owns, conducts, manages, or operates any pet shop shall comply with each of the following conditions:

1. Housing facilities for animals shall be within a wholly enclosed structurally sound building, as defined in title 15 of the Live Oak Municipal Code. Such building shall have valid building permits and comply with all applicable building, electrical, fire, mechanical, plumbing and zoning codes.

2. Every pet shop shall include a heating and cooling system and a ventilation system that has been properly installed and meets all permit requirements, to regulate the temperature therein within a range suitable for the size and species of each animal, to prevent drafts and to remove odors; and shall also include an electrical system that has been properly installed and meets all permit requirements to support the required ventilation, heating and cooling systems.

3. All animal housing facilities including, but not limited to, animal rooms, cages, runs, and stalls shall provide a means to keep animals out of direct sunlight.

4. All pet shops shall include a properly installed and permitted hot and cold running water system which is connected to sanitary sewer facilities.

6.04.940 Expiration And Renewal Of Permit

Any permit issued under this part shall expire twelve months from the date of issuance. The procedure for the renewal of a permit shall be the same as for an original permit. Failure to make application for the renewal of a permit within thirty days of the expiration of a permit, or prior thereto, the applicant shall pay in addition to the permit a penalty for late renewal as set forth in the master schedule of fees established by resolution of council.

6.04.950 Inspection

As a condition to the issuance or renewal of a permit under this chapter, the health officer or his authorized representative shall have the authority to inspect at any reasonable time the animal facility.

6.04.960 Denial Or Revocation Of Permit

The city manager or designee may deny or revoke any permit issued pursuant to this chapter in the following situations:
A. Whenever he determines by inspection that any animal facility fails to meet any of the conditions of the permit, this chapter, or applicable state law.

B. Whenever he has reason to believe that the applicant or permit holder has willfully withheld, or falsified any information required for a permit.

C. If the applicant or permit holder has been convicted by a court of law of one or more violations of this chapter in any twelve-month period, or state laws relating to animals or public nuisance caused by animals, or has been convicted of cruelty to animals in this or any other state within the previous five years. For the purpose of this section, a forfeiture of bail shall be deemed to be a conviction of the offense charged.

6.04.970 Permit Not Transferable

Permits issued pursuant to the provisions of this chapter shall not be transferable.

Chapter 6.12 - KILLING ANIMALS

Sections:

6.12.010 Generally.

6.12.010 Generally.

It is unlawful and an infraction for any person to kill, slaughter or dress any animal or fowl in the city unless the activity is carried on in a reasonable manner and is not injurious to the public health, and/or is not indecent or offensive to the public. Nothing in this chapter shall be construed to give any person the right to violate any other city ordinance, county ordinance or state statute. (Ord. 205, 1977)

Chapter 6.16 - KEEPING OF DANGEROUS ANIMALS

Sections:

6.16.010 Definitions.
6.16.020 Keeping dangerous animals without special permit prohibited.
6.16.030 Special permit—Application requirements.
6.16.040 Special permit—Issuance conditions.
6.16.050 Special permit—Liability insurance or cash deposit required.
6.16.060 Special permit—Consent to entry for inspection.
6.16.070 Special permit—Limit on number of animals.
6.16.080 Special permit—Fee.
6.16.090 Special permit—Not required when.
6.16.010  Definitions
For purposes of this chapter:
A. “Dangerous animal” means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristic, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters. The term “dangerous animal” also means and includes any domestic mammal, reptile or fowl which, because of its size or vicious propensity or other characteristic, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters.
B. “Sheriff” means the sheriff of Sutter County or the sheriff’s designated representative. (Ord. 276 § 1, 1983)

6.16.020  Keeping Dangerous Animals Without Special Permit Prohibited
Except as hereinafter provided in this chapter, no person owning or having charge, custody, control or possession of any “dangerous animal,” as defined in Section 6.16.010, within the city limits of Live Oak shall permit or allow the same to run at large upon any highway, street, lane, alley, court or other public place, or upon any private property, or on or within the premises or personal property of such person in such manner as to endanger the health or safety of any person lawfully upon or in the vicinity of any such premises without first applying for and receiving a permit from the city clerk to harbor said dangerous animal, (Ord. 276 § 2, 1983)

6.16.030  Special Permit—Application Requirements
An application for any permit required pursuant to this chapter shall be made to the city clerk in writing and upon a form furnished by the city clerk if so required. Said application shall be verified under penalty of perjury by the person who desires to have, keep, maintain or have in his possession or under his control, in the city of Live Oak, the dangerous animal for which a permit is required, and shall set forth the following:
A. Name, address and telephone number of the applicant;
B. The applicant’s interest in such dangerous animal;
C. The proposed location, and the name, address and telephone number of the owner of such location, and of the lessee, if any;
D. The general description of the dangerous animal for which the permit is sought;
E. Any information known to the applicant concerning vicious or dangerous propensities of such animal;
F. The housing arrangements for such animal, with particular details as to the safety of the structure, locks, fencing, etc.;
G. Safety precautions proposed to be taken;
H. Noises or odors anticipated in keeping of such animals;
I. Prior history or incidents involving the public health or safety involving said animal;
J. Any additional information required by the city clerk at the time of filing such application or thereafter. (Ord. 276 § 3(a), 1983)

6.16.040 Special Permit—Issuance Conditions
The city clerk shall issue a special permit for the keeping or maintenance of a dangerous animal if it appears from the application that adequate safety precautions have been taken by the applicant for the preservation of health, life and property of others. (Ord. 276 § 3(b), 1983)

6.16.050 Special Permit—Liability Insurance Or Cash Deposit Required
Prior to the issuance of a special permit for the keeping or maintenance of a dangerous animal, and at all times during the duration of such permit, the applicant shall maintain liability insurance in a minimum amount of one hundred thousand dollars for bodily injury to or death of any person or persons or for property damage owned by any other person which may result from the ownership, keeping or maintenance of such animal. A certificate of insurance showing the maintenance of such policy and providing that at least thirty days’ prior notice of cancellation of such policy must be filed with the city clerk prior to the issuance of the special permit. In lieu of providing the certificate of insurance, an applicant may post other good and sufficient security in the form of a cash deposit or surety bond which will be liable for the payment of any damages caused by the maintenance of such dangerous animal during the period of the permit. (Ord. 276 § 3(c), 1983)

6.16.060 Special permit—Consent to entry for inspection,
By application for the dangerous animal permit, the applicant specifically consents to a reasonable inspection of all of the premises and personal property governed by the permit by the city of Live Oak, sheriff or designated official in order to verify compliance with the conditions for the issuance of the permit and to verify the existence of the information Set forth in the application. In the event that any false statements are discovered to have been made by the applicant, or in the event that the conditions actually existing do not adequately provide for public safety, the city clerk may refuse to issue such permit or may revoke such permit in the event that the violation is not corrected within a reasonable period of time as designated by the city clerk. (Ord. 276 § 3(d), 1983)

6.16.070 Special Permit—Limit On Number Of Animals
In no event shall a permit be issued pursuant to Section 6.16.040 for the keeping of more than two dangerous animals at any single location, (Ord. 276 § 3(e), 1983)

6.16.080 Special Permit—Fee
For the application for a new permit pursuant to Section 6.16.040, or for the annual renewal of such permit, the city clerk shall charge a processing and investigation fee of twenty-five dollars. (Ord. 276 § 3(f), 1983)

6.16.090 Special Permit—Not Required When
The provisions of Sections 6.16.030 through 6.16.090 shall not apply to the keeping of dangerous animals in the following cases:
A. The keeping of such animals in zoos, bona fide educational or medical institutions, museums, or any other place where they are kept as live specimens for the public to view or for the purpose of instruction or study;

B. The keeping of such animals for exhibition to the public of such animals by a circus, carnival, or other exhibit or show;

C. The keeping of such animals in a bona fide, licensed veterinary hospital for treatment. (Ord. 276 § 3(g), 1983)

6.16.100 Appeal—Fee For Council Review

Any person aggrieved by the implementation of any provisions of this chapter may, upon payment of an appeal fee of twenty-five dollars, have such action taken reviewed by the city council. (Ord. 276 § 5, 1983)

6.16.110 Violation—Penalty

Each day that this chapter is violated constitutes a separate and distinct violation which shall be punishable as an infraction, for which a fine of not more than two hundred fifty dollars may be imposed for each such violation. (Ord. 276 § 4, 1983)

Chapter 6.18 - KEEPING BEES IN RESIDENTIAL AREAS

Sections:

6.18.010 Definitions.
6.18.020 Prohibition.
6.18.110 Violation—Penalty.

6.18.010 Definitions

For the purposes of this chapter, the following words shall have the following meanings:

A. "Bees" means and includes any of a large number of broad-bodied, four-winged hairy insects that gather pollen or nectar, especially honey bees.

B. "Keeping bees" means and includes the maintaining of hives or colonies of bees for any purpose and also includes the maintaining of boxes and/or beehive boxes where bees, including wild bees, are allowed or encouraged to move in and congregate for any purpose. (Ord. 329 § I (part), 1989)

6.18.020 Prohibition

No person shall keep bees and/or allow the keeping of bees or provide for the keeping of bees on parcels of land less than one acre in size, nor shall hives or colonies of bees or boxes or beehive boxes where bees are allowed and/or encouraged to move in and congregate, be kept and/or permitted within five hundred feet of two or more residences in any residential zone within the city. (Ord. 329 § 1 (part), 1989)

6.18.110 Violation—Penalty
For each day that any provision of this chapter is violated shall constitute a separate and distinct violation which shall be punishable as an infraction for which a fine of not more than two hundred fifty dollars may be imposed for each such violation, (Ord. 3291 (part), 1989)
TITLE 7 (RESERVED)
### TITLE 8 - HEALTH AND SAFETY

#### Chapters:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.01</td>
<td>Massage Establishments And Massage Practitioners</td>
</tr>
<tr>
<td>8.05</td>
<td>Refuse Collection and Disposal</td>
</tr>
<tr>
<td>8.08</td>
<td>Fire Prevention Code</td>
</tr>
<tr>
<td>8.12</td>
<td>Motor Vehicle Racing</td>
</tr>
<tr>
<td>8.16</td>
<td>Trailers and Trailer Camps</td>
</tr>
<tr>
<td>8.20</td>
<td>Smoking in Public Places</td>
</tr>
<tr>
<td>8.24</td>
<td>Nuisance Abatement Code</td>
</tr>
</tbody>
</table>
Chapter 8.01

MASSAGE ESTABLISHMENTS AND MASSAGE PRACTITIONERS

Sections

8.01.010 Purpose and Intent
8.01.020 Definitions
8.01.030 Permit Required
8.01.040 Educational Requirements
8.01.050 Exemption
8.01.060 Application for Massage Establishment Permit or Practitioner Permit
8.01.070 Renewal Application
8.01.080 Permit Fee
8.01.090 Permit Referral
8.01.100 Action by Sheriff on Permit Application
8.01.110 Issuance of Permit
8.01.120 Suspension or Revocation of Permit
8.01.130 Hearing by Sheriff on Suspension or Ordinance No, 481 Revocation of Permit
8.01.140 Appeal Rights and Procedures
8.01.150 Prohibited Acts
8.01.160 Operational Requirements
8.01.165 Home Occupation Exception
8.01.170 Facility Requirements
8.01.180 Inspection for Compliance
8.01.190 Violation - Misdemeanor

8.01.010 Purpose and Intent

It is the purpose and intent of this chapter to provide for the orderly regulation of offices and establishments providing massage and/or bodywork services and home visit and/or outcall massage/bodywork services in the interests of the public health, safety and welfare by providing certain minimum building, sanitation, and operation standards for such businesses, and by providing certain minimum qualifications for the owners and operators of such businesses and for massage and/or bodywork practitioners. It is the further intent of this chapter to facilitate the ethical practice of massage and/or bodywork.
Definitions

For the purpose of this chapter, unless the context requires a different meaning, the words, terms, and phrases set forth on this section shall have the meanings given them in this section:

(a) “Applicant” means any person, as defined in subsection (j) of this section, who is the owner or operator of a massage establishment, or a massage practitioner, and is required to apply for and maintain a valid massage establishment permit, massage practitioner permit, or annual renewal thereof, pursuant to this chapter.

(b) “For compensation” means the exchange of massage for money, goods or services, and shall include the offer of free massage in conjunction with other services or goods provided for compensation.

(c) “Massage” means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the human body with the hands or any other parts of the body or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without the use of oils, creams, tonics, lotions, antiseptics, tanning products, or other similar preparations. Massage shall further include baths, including aromatherapy, vapor, shower, electric tub, sponge, hot towels, sauna, steam, or any other type of bath where the essential nature of the service involves any method of pressure or friction against, or stimulating the external parts of the human body with the hands or any other parts of the body.

(d) “Massage establishment” means an establishment having a fixed place of business, vehicle or vessel where any person engages in, conducts, carries on or otherwise permits or provides massage for compensation. For purposes of this chapter, the term “massage establishment” shall include any establishment which arranges, schedules or otherwise manages or oversees the provision of off—premises massage by more than one (1) massage practitioner.

(e) “Massage practitioner” means any person who, for any type of compensation, practices massage, whether in or at a massage establishment, or as off-premises massage.

(f) “Off-premises massage” means practicing massage for compensation at a location other than at a massage establishment which has been permitted pursuant to this chapter.

(g) “Operator” means any person, as defined in subsection (j) of this section, who operates and/or is responsible for the day-to-day activities of the massage establishment.

(h) “Owner” means any person, as defined in subsection (j) of this section, who has any ownership interest in a massage establishment.

(i) “Permit” means a written document authorizing the holder to engage in the business or activity specified in the document. Three types of permits are issued pursuant to this chapter are massage establishment permits, massage practitioner permits, and annual renewal permits.
“Person” means any individual, firm, association, partnership, corporation, joint venture, or combination of individuals.

“Recognized school of massage” means any school or institution of learning which teaches the theory, method, ethics, history, practice and work of massage, and which has been approved by the state in which it is located. Any school or institution of learning offering or allowing correspondence or internet course credit not requiring actual attendance at class shall not be deemed a “recognized school of massage” for purposes of this chapter.

“Sheriff” means the sheriff of the County of Sutter, or his/her designee, including any Deputy Sheriff who is responsible for receiving applications and required fees, and conducting the investigation necessary to the processing of applications for permits required by this chapter.

8.01.030  Permit Required

(a) It is unlawful for any person, including a corporation, partnership or other legal entity, to have an ownership interest in or to operate a massage establishment without a valid, current massage establishment permit duly issued as provided in this chapter.

(b) It is unlawful for any person to practice massage, whether in or at any massage establishment, or as an off-premises massage service, without a valid, current massage practitioner permit duly issued as provided in this chapter.

(c) It is unlawful to employ as a massage practitioner in a massage establishment any person who does not possess a valid, current massage practitioner permit duly issued as provided in this chapter.

(d) It is unlawful for the holder of a massage establishment permit to operate a massage establishment at any location other than the location specified in the permit.

8.01.040  Educational Requirements

(a) Educational requirements. All applicants for a massage establishment permit or a massage practitioner permit must meet one of the following educational standards in order to qualify for such permit:

(1) Completion of a course of instruction at a recognized school of massage, or a state approved and regionally accredited college, junior college or university, which includes at least 200 hours of a non-repetitive curriculum in anatomy, physiology, hygiene, sanitation, and the theory, history, ethics and practice of massage; or

(2) Certification by the National Certification Board for Therapeutic Massage and Bodywork.
Exemption from educational requirement. An applicant for a massage establishment permit may be exempted from the educational requirement if the applicant signs a declaration under penalty of perjury that he/she will not personally engage in the practice of massage.

8.01.050  Exemption

No massage establishment permit or massage practitioner permit shall be required of the following persons when practicing massage within the scope of his or her license, nor shall the premises where such persons practice massage be subject to the Operational Requirements of Section 8.01.160 or the Facility Requirements of section 8.01.170:

(a) Physicians, surgeons, chiropractors, osteopaths, physical therapists, nurses or any other person licensed to practice any healing art under the provisions of Division 2 of the California Business and Professions Code (Business and Professions Code § 500 et seq.).

(b) Any barber, cosmetologist, esthetician, manicurist, electrologist, apprentice, barber instructor or cosmetology instructor licensed under the California Barbering and Cosmetology Act (Business and Professions Code § 7301 et seq.).

8.01.060  Application for Massage Establishment Permit or Massage Practitioner Permit

Written application for a massage establishment permit or massage practitioner permit required by this chapter, and any annual renewal thereof, shall be filed with the Sheriff’s office. Such application shall be accompanied by a fee as prescribed by resolution of the City Council.

The following information concerning the applicant, if an individual; and concerning each officer and each director, and each stockholder holding more than ten percent (10%) of the stock of the corporation, if the applicant is a corporation; and concerning each partner, including limited partners, if the applicant is a partnership; and concerning the operator of the proposed massage establishment; shall be provided with the application:

(a) Name, present residential and business address(es), telephone number(s), and birth date.

(b) All other names previously used by the applicant, and the dates of use of each such name.

(c) The applicant’s weight, height, and color of hair and eyes.

(d) One set of the applicant’s fingerprints as prescribed by the sheriff. Any fee required for such fingerprinting shall be paid by the applicant, in addition to any other fees provided for in this chapter.

(e) Two (2) photographic prints, at least two (2) by two (2) inches in size, of a recent portrait photograph.
(f) The previous residence address(es) of the applicant for a period of five (5) years immediately prior to the date of application, and the dates of residence at each.

(g) Business, occupation or employment history of the applicant for the five (5) years immediately prior to the date of the application, and the inclusive dates of same.

(h) California driver’s license, if any, or other photographic identification issued by a state or federal agency confirming the applicant’s age as eighteen (18) years or older.

(i) A listing and general explanation of any convictions for any felonies or non-traffic misdemeanors within five (5) years immediately prior to the date of application.

(j) Whether the applicant is currently required to register under the provisions of section 290 of the California Penal Code.

(k) Whether the applicant has ever had an ownership interest in, operated or been employed by any business which has been the subject of an abatement proceeding under the California Red Light Abatement Act (California Penal Code § 11225-11325) or any abatement laws in other jurisdictions.

(l) Documented proof that the applicant has met the educational requirements set forth in 8.01.040(a).

(m) The name under which, and the address where the applicant proposes to operate a massage establishment, as well as the assessor’s parcel number for such property. The applicant shall also provide the street address where the applicant has conducted any business providing massage, relaxation, “hot tub,” “towel wraps,” “baths,” “health treatments,” or “tanning” services within any of the 24 months immediately preceding the date of the application, and the name under which such business was conducted.

(n) A statement that the applicant either:

(1) Owns the premises where the massage establishment shall be located; or

Leases such premises, in which event the name, address, and telephone number of the owner of the premises shall be specified, and the date and term of the lease shall be set forth.

(o) A statement describing the massage services to be offered.

(p) Such other and further information as may be required by the sheriff in order to determine compliance with eligibility requirements under this chapter, or by federal, state or local law.

8.01.070 Renewal Application

Every holder of a permit required by this chapter shall make application for a three (3) year renewal of his or her permit. Written application for renewal of any massage establishment or
massage practitioner permit must be submitted at least sixty (60) days before the permit expiration date. Except as otherwise provided in this chapter, a renewal application shall be in the same form, and shall be subject to the same requirements, as an initial permit application. The sheriff shall have the authority to extend the time period of any massage establishment or massage practitioner permit while a renewal application is being processed.

8.01.080  Permit Fee

An application for a massage establishment permit, massage practitioner permit, or annual renewal thereof, shall be accompanied by a nonrefundable fee in an amount established by resolution of the City Council.

8.01.090  Permit Referral

The Sheriff shall investigate the background of any applicant for any massage establishment, massage practitioner permit, or renewal thereof. Additionally, the sheriff shall refer an application for a massage establishment permit to the City Planning Department to ensure compliance with applicable zoning and permitting requirements. The sheriff may also refer an application for any permit under this chapter to other persons, entities or agencies as deemed appropriate.

8.01.100  Permit - Criteria for Granting and Denying Permits

(a) The sheriff shall either issue or deny a permit within sixty (60) calendar days following receipt of a completed application. In taking such action, the sheriff shall consider the recommendations of the County/City officials investigating the application pursuant to Section 8.01.090, along with any other relevant evidence.

(b) The Sheriff may deny a massage establishment permit, a massage practitioner permit or the renewal thereof on any of the following grounds:

(1) The applicant, within (5) years of the date of application, has been convicted in a court of competent jurisdiction of a violation of Penal Code § 266, 266h, 266i, 311.1-311.7, 314, 315, 316, 318, 647(b), 647(d) or 653.22; or equivalent offenses under the laws of another jurisdiction.

(2) The applicant, within five (5) years of the date of application, has been convicted in a court of competent jurisdiction of any offense involving the use of a controlled substance, other than marijuana, specified in Health and Safety Code § 11054, 11055, 11056, 11057 or 11058, or equivalent offenses under the laws of another jurisdiction.

(3) The applicant is subject to a permanent injunction against conducting or maintaining a nuisance pursuant to section 11225 through 11235, inclusive, of the California Penal Code, or any equivalent provisions under the laws of another jurisdiction.

(4) The applicant is required to register under the provisions of California Penal Code § 290.
(5) The applicant, within five (5) years of the date of the application, has been convicted in a court of competent jurisdiction of any crime in conjunction with or directly relating to the operation of a massage establishment, or the practice of massage.

(6) The applicant knowingly made a material misstatement of fact in the application required under this chapter.

(7) The applicant has not met the educational requirements set forth in this chapter.

(8) The applicant, if an individual, has not attained the age of eighteen (18) years of age.

(9) The applicant, within five (5) years of the date of application, has had a massage establishment or massage practitioner permit, or renewal thereof, issued under this chapter revoked under the authority of Section 8.01.130.

(c) The Sheriff may grant a massage establishment or massage practitioner permit, or annual renewal thereof, provided the requirements of Sections 8.01.040, 8.01.060, 8.01.080, 8.01.160, 8.01.170 are satisfied, unless the applicant is disqualified pursuant to subsection (b), above, or the massage establishment would not comply with all other applicable laws and regulations, including without limitation, the building, zoning and health regulations of the City of Live Oak.

(d) If a permit or a renewal thereof is approved, the Sheriff may include such restrictions and conditions in the permit as he or she deems reasonable and necessary under the circumstances to ensure compliance with the purposes and intent of this chapter. Upon approval of a permit or renewal thereof, the Sheriff shall prepare and forward to the applicant written notice that the permit has been granted or renewed, and a statement of any conditions attached thereto. No decision of the Sheriff upon an application for a permit or renewal thereof shall become final until the 15-calendar-day period in which an appeal may be made to the City Council has elapsed without an appeal having been file. Notice of the Sheriff’s decision shall be given to the permit applicant by personal delivery or by certified mail.

(e) If a permit or renewal thereof is denied, the Sheriff shall serve a written notice of denial upon the applicant by personal delivery or by certified mail. Such notice shall specify the ground(s) of denial, and shall include information concerning appeal rights and procedures, as provided in Section 8.01.140.

8.01.110 Issuance of Permit

Following the granting of a massage establishment or massage practitioner permit, or renewal thereof, and the lapse of the (fifteen) 15 day appeal period set forth in section 8.01.140, the Sheriff’s office shall issue the permit. Each massage establishment permit and massage practitioner permit shall be valid for a period of three (3) years following issuance thereof, unless sooner suspended or revoked as provided in Section 8.01.120. Permits issued hereunder may be renewed for successive 3 year periods as provided in Section 8.01.070.
The permit shall specify the full legal name of the permittee and the date the permit expires. A massage establishment permit shall specify the name and address of the business location.

8.01.120 Suspension or Revocation of Permit

(a) Any permit issued pursuant to this chapter may be suspended or revoked by the Sheriff, or his/her designee, after a duly noticed hearing as provided in Section 8.01.130, upon a finding by clear and convincing evidence that:

1) The permit was obtained by fraud.

2) Any person making use of such permit is violating or has violated any requirements or conditions of such permit.

3) The permittee has violated, or permitted any other person under his/her control or supervision to violate, any provision of this chapter, or of state or federal law, in connection with the practice of massage or operation of a massage establishment; or

4) The permittee has committed any offense which would be grounds for denial of an application, or employees of the massage establishment owned or operated by the permittee have committed such offenses in the course of their employment. For purposes of this subsection, a permittee shall be responsible for the actions of employees or independent contractors whose off-premises massage services he or she arranges, schedules or otherwise manages or oversees.

8.01.130 Hearing by Sheriff on Suspension or Revocation of Permit

(a) Prior to suspending or revoking any permit issued pursuant to this chapter, the Sheriff, or his/her designee, shall provide the permittee at least fifteen (15) days written notice of the date and time of a hearing to consider such suspension or revocation, and of the grounds thereof.

(b) The Sheriff, or his/her designee, shall consider all relevant evidence introduced at such hearing, and shall make written findings of fact based upon the evidence submitted, and based thereupon, decide whether, and subject to what conditions, if any, the permit shall be suspended or revoked.

(c) The written decision shall be served on the permittee within thirty (30) days of the conclusion of the hearing by personal delivery or certified mail, and in the case of suspension or revocation of the permit, shall include information concerning appeal rights and procedures, as provided in Section 8.01.140.

8.01.140 Appeal Rights and Procedures

(a) Any applicant for a permit, or a permittee, shall have the right to appeal a decision to deny a permit application or renewal application, or the requirements or conditions thereof, or a decision to suspend or revoke a permit, by filing a written notice of appeal with the Clerk of the
City Council, specifying the grounds of the appeal, within fifteen (15) days after the decision has been served on the applicant or permittee.

(b) Such appeal shall be heard by the City Manager, or such other hearing officer as he or she may designate, upon not less than fifteen (15) days written notice to the appellant. The City Manager, or designated hearing officer, shall consider all relevant evidence introduced at such hearing, and may continue the hearing for good cause and require such legal briefing as may be required to address any issues raised in the appeal.

(c) Within a reasonable time, but in no event later than thirty (30) days following the conclusion of the hearing, the City Manager, or designated hearing officer, shall issue a written decision affirming, denying or modifying the decision from which the appeal was taken, supported by factual findings and determinations referenced to supporting evidence.

(d) The decision of the City Manager, or designated hearing officer, shall be final, and shall be served on the appellant as provided in Code of Civil Procedure Section 1094.6(b), with a copy submitted to the Clerk of the City Council. The written decision shall include a notice to the appellant that the decision is subject to judicial review according to the provisions and time limits set forth in Code of Civil Procedure Section 1094.6.

In the event the City Manager, or designated hearing officer, decides to issue or to renew a permit upon appeal hereunder, the City Manager shall issue the permit within ten (10) days of such decision, for a period up to three (3) years, subject to such terms and conditions as the City Manager deems reasonable and necessary under the circumstances to ensure compliance with the purposes and intent of this chapter impose.

In the event a suspension or revocation of a permit is overturned upon appeal hereunder, the original permit shall be valid for the remainder of its term, subject to such additional terms and conditions as the City Manager may impose. In the event the original term of such permit has expired, the City Manager shall issue a new permit within ten (10) days of such decision, for a period up to three (3) years, subject to such terms and conditions as the City Manager deems reasonable and necessary under the circumstances to ensure compliance with the purposes and intent of this chapter.

8.01.150 Prohibited Acts

(a) No permittee or any other employee of a massage establishment shall place either his/her hands upon, or touch with any part of his/her body, a sexual or genital part of any other person in the course of a massage, or massage a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, pubic area, anus or perineum of any person or the vulva or the nipples of a female.

(b) No permittee or any other employee of a massage establishment shall uncover or expose the sexual or genital parts, as defined above of a client or themselves in the course of practicing massage or other health treatment before or after a massage. This subsection does not prohibit a
client from turning over in the course of a massage, so long as the therapist holds a drape over the client to protect his/her privacy.

8.01.160 Operational Requirements

All massage establishments shall comply with the following operating requirements.

(a) Exterior signs. A recognizable and legible sign shall be posted at the main entrance identifying the business as a massage establishment. Such sign shall comply with any applicable ordinance requirements.

(b) Maintenance of permits. A copy of the massage establishment permit and each massage practitioner’s permit shall be kept on the premises and available for inspection. A passport-size photograph of the permittee or a photocopy of the permittee’s driver license shall be affixed to each permit.

(c) Posting of services offered. Each service offered, the price thereof, and the minimum length of time such service shall be practiced shall be posted legibly on a list located in a conspicuous public place within the premises. No service other than those set forth on the list shall be provided.

(d) Payment. All payments for massage services shall be made at the designated reception area exclusively.

(e) Alcohol prohibited. No alcoholic beverages shall be sold, served, furnished, kept or possessed in any part of a massage establishment. The owner and/or operator shall be responsible to ensure that no person possesses alcoholic beverages inside the massage establishment.

(f) Written records. Every massage establishment shall maintain written records which include the date and hour of each service provided, the full name of each client and type of service received, as well as the name of the massage practitioner administering the service. These records shall be kept on the premises and shall be open to inspection by officials upon request, including the Sheriff and any other official charged or empowered with enforcement of this chapter. These records shall be kept for a period of at least six months.

(g) Dress code for employees. The holder of the massage establishment permit, massage practitioners and all other employees of the massage establishment shall remain fully clothed in clean outer garments while on the premises of the massage establishment. At a minimum such clothing shall be made of non-transparent material and shall cover the entirety of the torso area from the chest to mid-thigh.

(h) Operating hours. No massage establishment shall be kept open for business and no massage practitioner shall administer massages before the hour of 8:00 a.m. or after the hour of 10:00 p.m. More restrictive hours may be stipulated by the Sheriff where appropriate.
Recording or scanning devices prohibited. No audio or video recording device shall be used by the operator or any employee of the massage establishment to monitor the practice of a massage, or any conversation or other sounds in massage rooms without the expressed consent of the client. No device of any kind shall be installed or used which would operate in any way to detect or interfere with law enforcement surveillance or communication equipment.

Advertising. All advertisements for massage establishments and the services offered therein shall reflect the professional nonsexual nature of the business. No massage establishment granted a permit under this chapter shall distribute or cause to be distributed any advertising matter that depicts any service is available other than those services authorized by this chapter.

8.01.165 Home Occupation Exception

(a) An exception to the requirements of Section 8.01.160(e), which prohibits keeping or possessing alcoholic beverages on the premises of a massage and/or bodywork office or establishment, shall be permitted where a massage and/or bodywork office or establishment is in the applicant’s residence, and the applicant has complied with the provisions of Chapter 17.10 of this code pertaining to home occupations. When a home exception is granted under this section, the portions of the home or residence subject to the requirements of Section 8.01.100 shall be only those portions that are used at any time by the patron or customer.

(b) An exception to the requirements of Section 8.01.160(a) Exterior signs: Where a massage and/or bodywork office or establishment is in the applicant’s residence, and the applicant has complied with the provisions of Chapter 17.10 of this code pertaining to home occupations, then no exterior sign shall be required.

8.01.170 Facility Requirements

All massage establishments shall comply with the following requirements:

(a) A minimum of one tub or shower, and one toilet and one wash basin shall be provided.

(b) Massage establishments shall be equipped with clean and sanitary towels, sheets and linens in sufficient quantity. Towels, sheets and linens shall not be used by more than one person. Reuse of such linen is prohibited unless it has been laundered. Heavy white paper may be substituted for sheets, provided that such paper is discarded after each use.

(c) Cabinets or other covered space shall be provided for the storage of clean linen. Receptacles shall be provided for all soiled linen and paper towels.

(d) All rest rooms or wash basins shall be provided with hot and cold running water, soap, and single-service towels in wall-mounted dispensers.

(e) All walls, floors, ceilings, pools, showers, bathtubs and all other physical facilities must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms,
steam or vapor rooms, or vapor cabinets, shower compartments and rooms shall be thoroughly cleaned and disinfected each day the business is in operation.

(f) All other components of a massage establishment, including appliances, furniture and apparatus shall be maintained in a sanitary and operational condition at all times.

(g) Disinfecting agents and sterilizing equipment shall be provided for any instruments used in practicing acts of massage and instruments shall be disinfected and sterilized after each use.

(h) Pads used on massage tables shall be covered with durable, washable plastics or other acceptable waterproof material.

(i) All doors, except rest room doors, shall be kept unlocked during business hours. Locking devices shall not be allowed on any interior doors within the establishment, with the exception of rest room doors.

(j) Secure deposit devices capable of being locked by the client, or a security bag that may be carried by the client shall be available to the client for the protection of valuables.

(k) A single mirror, whose dimensions do not exceed three feet wide (horizontal) and five feet tall (vertical), may be installed within a room. No other mirrors shall be allowed.

(1) Massage establishments must be well lighted at all times during business hours.

8.01.180 Inspection for Compliance

As a condition of a massage establishment permit, investigating officials of the City shall have the right to enter the massage establishment during regular business hours to conduct reasonable inspections to observe and enforce compliance with the provisions of this chapter, as well as any other applicable requirements including but not limited to building, fire, planning and health requirements. A warrant shall be obtained whenever required by law.

8.01.190 Violation — Infraction or Misdemeanor

Any person who violates any provision of this chapter, including without limitation the prohibitions set forth in Sections 8.01.030 and 8.01.150, and the operational and facility requirements set forth in Sections 8.01.160 and 8.01.170, shall be deemed guilty of an infraction or a misdemeanor. Upon conviction thereof, such person shall be fined an amount not to exceed Five Hundred Dollars ($500), or by imprisonment for not more than six (6) months, or by both said fine and said imprisonment.

Chapter 8.05 - REFUSE COLLECTION AND DISPOSAL*

Sections

8.05.010 Definitions.
8.05.020 Collection by the city.
8.05.010 Definitions.

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

(a) “Collector” means the refuse disposal company with whom the city has contracted to provide the residents and property owners of the city with refuse collection.

(b) “Nuisance” shall mean the accumulation and existence of refuse on any private premises, on, in, or upon any street, alley or other public place within the city and which may be declared to be a nuisance. No person who owns, controls, or occupies any premises in the city shall cause, permit or allow any such nuisance to exist thereon.

(c) “Owner” means and shall conclusively be deemed to be the legal owner of any property subject to this chapter.

(d) “Refuse” means garbage and other refuse including, without limitation: (i) accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruits, or vegetables, and containers originally used for foodstuffs; (ii) lawn and garden refuse such as leaves, grass cuttings, roots and weeds from which the soil has been
removed, trimmings from trees or shrubs, plants and similar materials; (iii) rubbish and trash such as paper, rags, cardboard, fiber, metal, glass, cartons, containers, boxes, bottles or jars, and other articles or materials of a similar nature normally discarded as household or business refuse; and (iv) other trash and rubbish other than sod, rocks, concrete, bricks and similar solid material, plaster or dirt.

“Refuse” shall not include large appliances or furniture or chemicals of a type which must be disposed of in a Class I dump.

(e) “Refuse collection area” shall mean that space on the premises where refuse is deposited by occupants and where said refuse is stored until it is transferred into or onto a collection vehicle and removed from the premises,

(f) “Standard container” shall mean a can made of metal or other nonbreakable watertight material with a close-fitting cover, cover handle and side handles, of not more than thirty-five gallons net capacity.

(g) “Cart” shall mean an eighty-five-gallon or larger container with wheels supplied by the collector. (Ord. 432 § 1, 1996)

8.05.020   Collection By The City

All refuse accumulated in the city shall be collected, conveyed and disposed of by the city, its duly authorized agents and employees, or by the collector with whom the city may contract or have contracted for the collection, conveyance and disposal of refuse. The city and such contractor or contractors and their employees shall, except as otherwise provided in this chapter, have the exclusive right to collect, convey and transport in, along or over the public streets, alleys and highways in the city all refuse. This section shall not prohibit transportation of refuse over public ways within the city by collectors authorized by the Sutter County health officer to serve county areas adjacent to the city limits. (Ord. 432 § 2, 1996)

8.05.030   Use Of City’s Collection Service Required

The periodic collection of refuse from all places in the city benefits all occupants of places and premises in the city and promotes and protects the health, safety and welfare of all residents of the city. Therefore, refuse collection services provided by the collector, city or its authorized agents, are mandatory for all owners of property within the city in or from which refuse is created, accumulated or produced; provided, however, that there may be joint or multiple use of refuse containers, subject to securing a permit therefore from the city, pursuant to rules and regulations therefore established by the city.

It is unlawful for any person other than the collector or employees of the city for compensation to collect, remove or dispose of refuse within the city on a regularly scheduled basis; provided, however, that nothing contained herein shall prevent the use of garbage disposal devices as provided in the Uniform Plumbing Code. (Ord. 432 § 3, 1996)

8.05.040   Appeals

(a) An owner may appeal the mandatory collection of refuse in accordance with Section 8.05.030 by filing with the city manager a written request within fifteen days of receiving notice from the city or its authorized agent or collector that refuse service is required on the owner’s property. The appeal shall set forth a statement of the action desired by the owner and list the reasons for the desired action. Qualifying criteria for an appeal would include low refuse generator with
legal method of disposing of refuse or complete recycler, an alternative disposal method with
legal method of disposing of refuse not including hauling to the landfill, or physically incapable
of transporting refuse containers to curbside for collection. Sections 8.05.060 and 8.05.140 of
this chapter shall also be included as part of the criteria in evaluating an appeal from mandatory
collection. The appeal shall be acted upon by the city manager within ten days after the date of
filing.

(b) Any person who shall be dissatisfied with the action of the city manager may appeal to the
city council. In the event of such an appeal, the city manager shall transmit to the city council a
report setting forth the reasons for the action taken. (Ord. 432 § 4, 1996)

8.05.050  Owner Responsible For Refuse Collection

The owner of any property within the city in or from which refuse is created, accumulated or
produced shall subscribe to and pay for refuse collection service rendered to such property by the
collector and shall provide at a location specified in the city’s agreement with the collector an
adequate container or containers for deposit of refuse. The necessity for and type of refuse
collection service required, the type of containers to be utilized and the rates to be charged for
refuse collection services shall be established by agreement between the city and the collector or
by resolution adopted by the city council.

Nothing in this section is intended to prevent an arrangement, or the continuance of an existing
arrangement, under which payments for refuse collection service are made by a tenant or tenants,
or any agent, on behalf of the owner. However, any such arrangement will not affect the owner’s
obligation to the city or to the collector for such service. (Ord. 432 § 5, 1996)

8.05.060  Prohibition

(a) No person who owns, controls, or occupies any premises shall permit refuse to accumulate
for a period in excess of the period provided in this chapter or in rules and regulations adopted
pursuant hereto and no such person shall, following notice thereof, fail, refuse or neglect to place
refuse within refuse containers as provided in this chapter and in accordance with the rules and
regulations established pursuant to this chapter.

(b) No person shall throw, deposit, or leave any refuse, or permit the same to be thrown,
deposited, or left on the property or premises of another without the knowledge and prior
permission of the owner thereof.

(c) No owner of real property located in the city shall knowingly permit or countenance his
tenants while in occupation of such property to throw, deposit or leave any refuse upon the
property or premises of another.

(d) No person shall throw, deposit, or leave any refuse, or, being in possession or control of any
refuse, shall permit the same to be thrown, buried without being properly licensed to do so,
deposited, or left in or upon any street or other public place in violation of this chapter or the
rules and regulations established pursuant to this chapter. (Ord. 432 § 6, 1996)

8.05.070  Responsibility For Providing Container

Every owner, occupant, manager, or person in control of the premises of any dwelling unit or
units, or of any place of business or institution within the city where refuse accumulates, shall
provide or cause to be provided a sufficient number of containers of adequate size to
accommodate all refuse accumulated on the premises between collection days. The occupant,
manager or person in control of the premises shall be primarily responsible for providing the required containers of adequate size. Making arrangements with the collector to provide the container shall comply with this section. (Ord. 432 § 7, 1996)

8.05.080 Failure To Initiate Service Or To Provide Sufficient Refuse Containers

When an owner fails to initiate adequate refuse collection service within fifteen days of occupancy of a property, the city manager or designee will give the owner written notification that such service is required. If service is not initiated within fifteen days from the date of the mailing of the notice, the city manager may require the collector to initiate and continue refuse service for said property.

When in the judgment of the city manager additional refuse containers are required, they shall be provided at the owner’s cost upon written notification from the city manager. If the required additional containers are not provided within thirty days from the date of the mailing of the notice, the city manager may require the collector to provide the required containers at a cost established pursuant to agreement between the city and the collector or pursuant to rules and regulations adopted hereunder. Such cost may be added to the collection fees and collection in the same manner. (Ord. 432 § 8, 1996)

8.05.090 Garbage And Refuse Container Requirements

(a) Any one standard container to accommodate refuse shall not exceed thirty-five gallons in capacity and fifty pounds in weight, including contents. Carts may be eighty-five gallons or larger in capacity and up to two hundred pounds in weight including the contents and shall be supplied by the collector, so that they shall be capable of being emptied by standard cart equipment. Standard containers and carts shall be constructed of durable watertight materials, and shall be equipped with handles and a cover sufficient to prevent odors from escaping the container, flies and other insects from reaching or coming in contact with refuse, and the contents from being blown away.

(b) Refuse may, with health officer approval, be placed for collection in sturdy, grease-resistant, waterproof, non-returnable bags which are specifically designed for refuse disposal, said bags to be securely tied to prevent spillage.

(c) Refuse bins, drop boxes and proprietary containers, any of which may vary in capacity from one to fifty yards, shall conform to the following requirements:

1. Containers shall be constructed of substantial materials such as rolled steel, forms and plate.

2. Containers where putrescible waste is deposited shall have self-closing doors or covers which are fly-proof and such doors or covers shall remain closed except during loading and unloading.

3. Containers where refuse is deposited and which are equipped with covers shall remain closed except during loading and unloading. Containers which are not equipped with covers should be stored in a refuse collection area screened from view from the public streets and from adjacent property by a sight barrier not less than six feet high or not less than the height of the container, which ever is greater. This sight barrier requirement may be met by locating the refuse collection area completely within a building or by erecting a structure such as a wall or fence especially for this purpose. The intent of this subsection is to safeguard health and public welfare by preventing refuse from scattering and being blown away.

4. The use of oil drums as refuse containers is prohibited. (Ord. 432 § 9, 1996)
8.05.100 Placement Of Containers For Collection
Containers shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley, and accessible to and not more than two feet from the curb or sidewalk on the side of the street from which collection is to be made. Containers are to be placed at street side for collection within twelve hours of the time of collection and shall be removed within twelve hours after collection service is rendered. (Ord. 432 § 10, 1996)

8.05.110 Cuttings
Tree limbs, branches, hedge cuttings, leaves and similar materials may also be disposed of by placing them in refuse containers in such a manner that the lid can be secured and contents may be readily emptied. Larger branches from tree and shrub trimmings may also be placed on the ground at the place of collection providing they are neatly stacked and securely tied into bundles four feet or less in length and not more than fifty pounds in weight. In addition, said materials may be placed in cardboard cartons which are not longer than four feet and which do not have a loaded weight exceeding fifty pounds. (Ord. 432 § 11, 1996)

8.05.120 Content Of Containers
Contents of containers shall be limited to refuse, as defined in Section 8.05.010 of this chapter, except as hereafter qualified:
(a) Garbage. Food wastes or animal feces must be thoroughly drained and securely wrapped to prevent leakage, odor and access to flies and animals.
(b) Refuse. Feathers and ashes must be dampened and securely wrapped, and vacuum cleaner sweepings must likewise be securely wrapped.
(c) Cuttings. Grass, trees, shrub and flower trimmings, leaves and weeds must be contained as set forth in Section 8.05.110. (Ord. 432 § 12, 1996)

8.05.130 Prohibited Materials
Unless written approval is granted by the health officer, the following materials are prohibited in refuse set out for collection: ammunition, explosives, industrial wastes, chemicals, pathological, toxic and radioactive waste, acids, drugs, medicines, human feces, unwrapped animal feces, and items too large for the collection equipment or which may damage the collection machinery such as large pieces of metal, machine parts, logs and tree stumps. (Ord. 432 § 13, 1996)

8.05.140 Accumulation Limitation
No person who owns, controls or occupies any premises shall permit refuse to accumulate for a period in excess of one calendar week, or fail, refuse or neglect to place such refuse for collection in accordance with schedules established therefore, the provisions of this chapter and rules and regulations established pursuant thereto. (Ord. 432 § 14, 1996)

8.05.150 Administration Of Collection Service
The city manager shall administer the provisions of this chapter. In carrying out this responsibility, he shall have the following powers and duties:
(a) Establish rules and regulations consistent with this chapter governing storage, collection and disposition of refuse, including the determination of standards and specifications for approved
containers and placement of containers, The rules may permit special containers or bins where the quantity or nature of the material to be collected so requires.

(b) Establish additional rules and regulations consistent with this chapter as may be necessary, reasonable and proper to effect the sanitary, expedient, economical and efficient collection, removal and disposal of refuse.

(c) Establish the routes, hours and days of collection and he may change the same as he deems necessary and shall give notice of such routes, hours, days and changes as seems advisable. (Ord. 432 § 15, 1996)

8.05.160  Removal Of Building Scraps

All owners, contractors and builders of structures shall both during construction and demolition and upon the completion of construction or demolition of any such structure gather up and haul away at their sole cost and expense all refuse of every nature, description or kind which has resulted from the construction activities or demolition of structures, including all lumber scraps, shingles, plaster, brick, stone, concrete and other building materials, and shall place the lot and all nearby premises utilized in connection with such construction activities in a sightly condition. (Ord. 432 § 16, 1996)

8.05.170  Payment For Services Rendered

(a) All billing for refuse collection shall be made by the collector; all charges shall become delinquent if not paid within ninety days after the billing date.

(b) If the bill remains unpaid after the date of delinquency, the collector shall be entitled to a delinquency fee. However, said delinquency fee shall not be assessed until fifteen days after notification of the delinquency to the property owner and recipient of service. The form and content of the delinquency notice sent by the collector and the delinquency fee shall be approved by the city. The collector shall simultaneously file with the city manager a formal written notice stating that such delinquency notice has been sent to such property owner and recipient of service and the date such notice was sent. Said notice shall notify the property owner of the fees imposed and the process for collection of delinquent charges.

(c) The collector may assign to the city at expiration of the fifteen-day period any delinquent bills for lien proceedings.

(d) Upon receipt by the city of the assignment from the collector and at the convenience of the city, the city manager shall initiate proceedings to create a lien on the real property to which the refuse collection has been rendered according to Government Code Section 25831.

(e) An administrative fee may be added to the lien amount as established by separate resolution of the city council. (Ord. 432 § 17, 1996)

8.05.180  Agreement, Rules And Regulations

The city council may, by agreement with the collector or by separate resolution, implement rules and regulations to carry out and promote the provisions of this chapter. Such agreements, rules and regulations may set forth the time of collection of refuse, the rates to be charged for such collection, the time for payment of such rates, the size of containers to be utilized, the manner in which such containers or bundles of refuse are to be placed for collection and such other matters as may be necessary or appropriate to effect the provisions of this chapter. (Ord. 432 § 18, 1996)
8.05.190 Violation A Misdemeanor

Every person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be subject to the penalty provision set forth in Title 1, Chapter 1.12 of the Live Oak Municipal Code. (Ord. 432 § 19, 1996)

Chapter 8.08 - FIRE PREVENTION CODE

Sections:

8.08.010 Adoption
8.08.020 Definitions.
8.08.030 Articles 9, 12, 13, 29 and Divisions IV and X of Article 16 deleted.
8.08.040 Fire chief designated.
8.08.050 Provisions in conflict with state or city laws deleted.
8.08.060 Section 28.1 amended— Bonfires and outdoor rubbish fires.
8.08.070 Dry and combustible materials near buildings.
8.08.080 Appeals.
8.08.090 Copies on file.

8.08.010 Adoption

Pursuant to the provisions of Article 2 of Chapter 1 of Part 1 of Division I of Title 5 (Section 50020 et seq.) of the Government Code, there is adopted and there shall be enforced, in the incorporated territory of the city, the Fire Prevention Code, and Appendices A and B, the latest edition thereof, as amended, hereinafter called the “primary code” and any and all writings, things, and matters incorporated therein by reference, hereinafter called the “secondary codes,” promulgated, published and recommended by the National Board of Fire Underwriters, whose address is 465 California Street, San Francisco 4, California, which is a nationally recognized and approved publication and compilation of proposed rules, regulations or standards of a private organization or institution, which has been in existence for a period of at least three years. (Ord. 131 § 1, 1965)

8.08.020 Definitions

Whenever the words set out in this section are used in the Fire Prevention Code, they shall have the meanings ascribed to them as follows:

A. “Municipality” means the incorporated city of Live Oak.
B. “Corporation counsel” means the attorney for the city. (Ord. 131 § 4, 1965)

8.08.030 Articles 9, 12, 13, 29 And Divisions IV And X Of Article 16 Deleted
There are hereby deleted from the Fire Prevention Code and are not adopted by this chapter, the following provisions thereof

A. Article 9 (Dry Cleaning Plants) being Sections 9.1 to 9.18 inclusive;
B. Article 12 (Explosive and Ammunition) being Sections 12.1 to 12.4 inclusive;
C. Article 13 (Fireworks) being Sections 13.1 to 13.5 inclusive;
D. Division IV of Article 16 (Piping Valves and Fittings) being Sections 16.41 to 16.43 inclusive;
E. Division X of Article 16 (Tank Vehicles for Flammable Liquids) being Sections 16.101 to 16.1016 inclusive;
F. Article 29 (Tents) being Sections 29.1 to 29.3 inclusive. (Ord. 131 § 2, 1965)

8.08.040  Fire Chief Designated
A. All references to a chief of the bureau of fire prevention in the primary code hereafter shall be deleted. (When the words “chief of the bureau of fire prevention” are used in the primary code, they shall mean the city fire chief or his duly appointed representative.
B. Duties and responsibilities outlined in this chapter and the primary code shall be the duties and responsibilities of the fire chief within the city limits. (Ord. 131 § 3, 1965)

8.08.050  Provisions In Conflict With State Or City Laws Deleted
A. Any other provision of the primary code or secondary codes in conflict or inconsistent with, or the subject matter of which is regulated by the laws of the state are deleted therefrom and are not adopted by this chapter.
B. Any provisions of the primary code or secondary codes in conflict or inconsistent with, or the subject matter of which is regulated by the laws of any legal district within the boundaries of the city are deleted therefrom and are not adopted by this chapter. (Ord. 131 § 5, 1965)

8.08.060  Section 28.1 Amended—Bonfires And Outdoor Rubbish Fires
Section 28.1 of the primary code is amended to read as follows:
“Section 28.1—BONFIRES AND OUTDOOR RUBBISH FIRES.
“A. PERMIT REQUIRED.
“1. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on or in any public street, alley, road or other public ground without a permit or other proper authorization.
“2. It shall be unlawful for any person to burn brush, grass, refuse, debris, and other matter in open fires within the city limits of the City of Live Oak between the hours of 7:00 a.m. and 7:00 p.m. of the same day without first obtaining a permit from the Fire Chief of the City of Live Oak. Burning is lawful without a permit from 7:00 a.m. to 7:00 p.m. if conducted in a screened incinerator.
“3. The City Council shall by resolution annually determine and establish fire hazard seasons during various portions of the year in various geographical areas of the city. Said resolution shall be published at least once in the Live Oak Acorn, a newspaper of general circulation printed and
published in the City of Live Oak, State of California, eight (8) days prior to the effective date of said resolution. During said fire hazard season designated by resolution, burning permits shall be required for the following:

“(a.) Disposal of waste materials or rubbish from the construction or demolition of buildings or other structure where said burning is to be made either on the premises or in the immediate vicinity of the buildings or structures being constructed or demolished.

“B. LOCATION RESTRICTED. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fires to be kindled or maintained on any private lands unless; (1) the location is not less than 10 feet from any structure and adequate provision is made to prevent fire from spreading to within 10 feet of any structure, or; (2) the fire is contained within an approved type of incinerator with a closed, approved type spark arrester, located safely not less than five feet from any other flammable material.

“C. APPROVED INCINERATOR. Incinerators or receptacles for the burning of waste materials shall be one of the following types:

“TYPE I: This type shall be constructed of concrete or masonry with a chimney extending at least two feet above the fire doors, and equipped with a spark arrester, no opening of which shall be greater than one-quarter inch. A permanently installed fire door shall be provided. A clean-out opening shall be provided and shall be covered by a door or screen, no opening of which shall be greater than one-half inch.

“TYPE II: Type II incinerators shall be constructed of metal or masonry, and provided with a removable cover. The cover shall have no opening greater than one-half inch and shall be in place on the receptacle during burning operations.

“D. NO FIRES TO BE UNATTENDED. It shall be unlawful to leave, or cause or permit to be left; any outdoor or open fire unattended by an adult person, except those fires contained in an approved incinerator.” (Ord. 131 § 6, 1965)

8.08.070  Dry And Combustible Materials Near Buildings

Dry and combustible materials, including dry weeds, grass and general growth, and trash and rubbish shall be kept cleared for a minimum distance of fifteen feet around buildings at all times. (Ord. 131 § 7, 1965)

8.08.080  Appeals

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within ten days from the date of the disapproval. (Ord. 131 § 10, 1965)

8.08.090  Copies On File

Not less than three copies of the primary code adopted by reference, and of each secondary code pertaining thereto, all certified to be true copies by the clerk of the city shall be kept there for public inspection while the ordinance codified in this chapter is in force; provided, that after August 4, 1965, one of the copies of the primary code and of each secondary code may be kept in the office of the city fire chief instead of in the office of the city clerk. The city clerk shall at
all times maintain a reasonable supply of copies of the primary code and of any secondary codes incorporated in it by reference. Copies of the ordinance codified in this chapter shall be available for inspection at each of the city fire department and the city fire chief’s office. (Ord. 131 § 8, 1965)

Chapter 8.12 - MOTOR VEHICLE RACING

Sections:

8.12.010  Racing defined.
8.12.030  Nuisance during certain hours.
8.12.040  Hours permitted.

8.12.010  Racing Defined
For the purpose of this chapter, “racing” means a speed contest. (Ord. 198 § 5. 1976)

8.12.020  Findings Of Fact
It is found from substantial evidence presented to the city council at public hearings that motor vehicle racing is injurious to health and offensive to the senses so as to interfere with the comfortable enjoyment of life and property of persons in the neighborhood located in the vicinity of the Live Oak Racetrack and of a considerable number of persons residing in the city, by reason of the noise, dust, and fumes which is an unreasonable interference with the life and property of such persons after the hour of ten p.m. (Ord. 198 § 1, 1976)

8.12.030  Nuisance During Certain Hours
It is a public nuisance to race or cause to race any motor vehicle within the city, save and except at the Live Oak Racetrack on Saturdays between the hours of ten a.m. and ten p.m. (Ord, 198 § 2, 1976)

8.12.040  Hours Permitted
It is unlawful for any person to race or cause to race any motor vehicle within the city, save and except at the Live Oak Racetrack on Saturdays between the hours of ten a.m. and ten p.m. (Ord. 198 § 3, 1976)

Chapter 8.16 - TRAILERS AND TRAILER CAMPS

Sections:

8.16.010  Definitions.
8.16.020  Keeping Trailers in Authorized Camps Required - Temporary Permit Issuance

8.16.010  Definitions
The words and phrases set out in this section as used in this chapter shall have the meanings ascribed to them as follows:

A. “Auto and trailer camp” means any area or tract of land where space is rented or held out for rent to owners or users of trailer coaches or tent campers furnishing their own camping equipment or where free camping is permitted.

B. “Trailer coach” means any camp car, trailer or other vehicle, with or without motive power, designed and constructed to travel on the public thoroughfares at the maximum allowable speed limit and in accordance with the provisions of the vehicle code, and designed or used for human habitation. (Ord. 459, § 1, 2001)

8.16.020 Keeping Trailers In Authorized Camps Required - Temporary Permit Issuance

A. It is unlawful and a public nuisance for any person or persons to establish, keep or maintain upon any lot or other place within the city any trailer, auto coach or trailer coach primarily designed for transportation purposes upon a public highway, for occupancy as living quarters, for a longer period than seventy-two hours, unless the same is kept and maintained on a regularly established auto and trailer camp operated under permits from the state and the city.

B. The City Manager shall have the authority under this chapter, and upon written application to issue a temporary permit not to exceed two-weeks. A temporary permit will not be issued for any trailer, which would create or constitute a nuisance or health menace. For exceptional cases, due to a calamity the city manager has the discretion to extend a temporary permit not to exceed six months in duration. The decision from the City manager is final. (Ord. 459 § 1, 2001)

Chapter 8.20 - SMOKING IN PUBLIC PLACES

Sections:

8.20.010 Purpose and findings.
8.20.020 Definitions.
8.20.030 Applicability to city-owned facilities.
8.20.040 Prohibited smoking areas.
8.20.050 Places of employment.
8.20.060 Permitted smoking areas.
8.20.070 Posting requirements.
8.20.080 Enforcement.
8.20.090 Nonretaliation.
8.20.100 Conflict with other provisions.
8.20.110 Violation—Penalty.
8.20.010  Purpose And Findings
A. The city council of the city of Live Oak finds that:

1. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution; and

2. Reliable studies have shown that breathing sidestream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory infection, including asthmatics and those with obstructive airway disease; and

3. Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased respiratory function, bronchoconstriction, bronchospasm and decreased exercise tolerance; and

4. Nonsmokers with allergies, respiratory disease and those who suffer other ill effects of breathing sidestream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and

5. The smoking of tobacco, or any other weed or plant, is a proven danger to health.

B. Accordingly, it has been determined that the health, safety and general welfare of the residents of, persons employed in, and persons who frequent this city, would be benefited by the regulation of smoking in enclosed places, including places of employment. (Ord. 300 § 1, 1986)

8.20.020  Definitions
The following words and phrases, whenever used in this chapter, shall be construed as hereafter set out, unless it shall be apparent from the context that they have a different meaning:

1. “Bar” or “tavern” means an area which is devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

2. “Employee” means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.

3. “Employer” means any person, partnership, or corporation (including municipal corporation), who employs the services of another person.

4. “Enclosed” means closed in by roof and floor to ceiling walls with appropriate openings for ingress and egress.

5. “Indoor service lines” means any indoor line at which one or more persons are waiting for or receiving service of any kind whether or not such service includes the exchange of money.

6. “Place of employment” means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, conference rooms, and employee cafeterias and hallways. A private residence is not a place of employment, unless the residence is used as a child care or a health care facility.

7. “Smoking” means the carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment or the lighting or emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind. (Ord. 300 § 2, 1986)
8.20.030  Applicability To City-Owned Facilities
All enclosed facilities owned by the city of Live Oak shall be subject to the provisions of this chapter. (Ord. 300 § 3, 1986)

8.20.040  Prohibited Smoking Areas
Smoking shall be prohibited in the following places within the city of Live Oak:

A. All enclosed areas available to and customarily used by the general public, and all businesses patronized by the public, including, but not limited to, retail stores, hotels and motels, pharmacies, banks, and other business offices;

B. Within all restaurants having an occupied capacity of fifty or more persons; provided, however, that this prohibition does not prevent (1) the designating of a contiguous area within the restaurant that contains no more than fifty percent of the seating capacity of the restaurant as a smoking area, or (2) the providing of separate rooms designated as smoking rooms, as long as the rooms do not contain more than fifty percent of the seating capacity of the restaurant;

C. Waiting rooms, hallways, wards, and semi private rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors’ offices and other health care provider offices, except that health facilities shall also be subject to the provisions of Section 8.20.050 of this chapter regulating smoking in places of employment;

D. Elevators, public restrooms, indoor service lines, buses, taxicabs and other means of public transit under the authority of the city, and in ticket, boarding, and waiting areas of public transit depots; provided, however, that this prohibition does not prevent (1) the establishment of separate waiting areas for smokers and non smokers, or (2) the establishment of at least fifty percent of a given waiting area as a nonsmoking area;

E. In public areas of museums, galleries;

F. Enclosed theaters, auditoriums, and halls which are used for motion pictures, stage dramas and musical performances, ballets or other exhibitions, except when smoking is part of any such production;

G. Retail food marketing establishments, including grocery stores and supermarkets, except those areas of such establishments set aside for the serving of food and drink, restrooms and offices, and areas thereof not open to the public, which may be otherwise regulated by this chapter;

H. Public schools and other public facilities under the control of another public agency, which are available to and customarily used by the general public, to the extent that the same are subject to the jurisdiction of the city;

I. It shall be unlawful for any person to use any tobacco product in all City parks and within fifty feet of any public entrance into any City owned or leased facility. “Tobacco Product” means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco. Furthermore, smoking of any substance is prohibited in all City parks and within fifty feet of any public entrance into any City owned or leased facility. (Ord. 537, § 1, 2011)

J. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire
establishment as a nonsmoking establishment. (Ord. 300 § 4, 1986, Ord. 537 § 1, 2011)

8.20.050 Places Of Employment

A. It shall be the responsibility of employers to provide smoke-free areas for nonsmokers within existing facilities to the maximum extent possible, but employers are not required to incur any expense to make structural or other physical modifications in providing these areas.

B. Within ninety days of the effective date of the ordinance codified in this chapter, each employer and each place of employment located within the city shall adopt, implement, make known and maintain a written smoking policy, which shall contain at a minimum the following requirements:

1. Prohibition of smoking in conference and meeting rooms, classrooms, auditoriums, rest rooms, medical facilities, hallways and elevators;

2. Any employee in a place of employment shall be given the right to designate his or her immediate work area as a nonsmoking area and to post the same with an appropriate sign or signs, to be provided by the employer. The policy adopted by the employer shall include a reasonable definition of the term “immediate work area”;

3. In any dispute arising under this smoking policy, the rights of the nonsmoker shall be given precedence;

4. Provision and maintenance of a separate and contiguous nonsmoking area of not less than fifty percent of the seating capacity and floor space in cafeterias, lunchrooms and employee lounges;

5. The smoking policy shall be communicated to all employees within three weeks of its adoption, and at least annually thereafter.

C. Notwithstanding the provisions of subsection A of this section, every employer shall have the right to designate any place of employment, or portion thereof, as a nonsmoking area. (Ord. 300 § 5, 1986)

8.20.060 Permitted Smoking Areas

Notwithstanding any other provisions of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

A. Private residences;

B. Bars or taverns;

C. Hotel and motel rooms rented to guests;

D. Retail stores that deal exclusively in the sale of tobacco and smoking paraphernalia;

E. Restaurants, hotel and motel conference or meeting rooms, and public and private assembly rooms while these places are being used for private functions;

F. A private residence which may serve as a place of employment;

G. A private enclosed place occupied exclusively by smokers, even though such a place may be visited by nonsmokers, and private enclosed offices, excepting places in which smoking is prohibited by the fire department or by any other law, ordinance or regulation;
H. Private residences, unless the residence is used as a child care or health care facility. (Ord. 300 § 6, 1986)

8.20.070 Posting Requirements

A. “Smoking” or “No Smoking” signs, whichever are appropriate, with letters of not less than one inch in height or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently, and conspicuously posted in every building or other place where smoking is controlled by this chapter, by the owner, operator, manager or other person having control of such building or other place.

B. Every restaurant regulated by this chapter will have posted at its entrance a sign clearly stating that a nonsmoking section is available. (Ord. 300 § 7, 1986)

8.20.080 Enforcement

A. Enforcement shall be implemented by the Sutter County health department or its designees.

B. Any citizen who desires to register a complaint hereunder may initiate enforcement with the Sutter County health department or its designees.

C. Any owner, manager, operator or employer of any establishment controlled by this chapter shall have the right to inform persons violating this chapter of the appropriate provisions hereof. (Ord. 300 § 8, 1986)

8.20.090 Nonretaliation

No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this chapter. (Ord. 300 § 10, 1986)

8.20.100 Conflict With Other Provisions

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. (Ord. 300 § 11, 1986)

8.20.110 Violation—Penalty

A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to the restrictions of this chapter to: fail to properly post signs required hereunder; fail to provide signs for the use of employees in designating their areas; fail to properly set aside no-smoking areas; fail to adopt a smoking restriction policy; or fail to comply with any other requirements of this chapter.

B. It is unlawful for any person to smoke in any area restricted by the provisions of this chapter.

C. Any person/business who violates subsections A or B of this section or any other provisions of this chapter shall be guilty of an infraction, punishable by:

1. A fine, not exceeding one hundred dollars, for a first violation;

2. A fine, not exceeding two hundred dollars, for a second violation of this chapter within one year,

3. A fine, not exceeding five hundred dollars, for each additional violation of this chapter within one year. (Ord. 300 § 9, 1986)
### Chapter 8.24 - NUISANCE ABATEMENT CODE

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.24.010</td>
<td>Title</td>
</tr>
<tr>
<td>8.24.020</td>
<td>Purpose</td>
</tr>
<tr>
<td>8.24.030</td>
<td>Application</td>
</tr>
<tr>
<td>8.24.040</td>
<td>Enforcement</td>
</tr>
<tr>
<td>8.24.050</td>
<td>Right of entry</td>
</tr>
<tr>
<td>8.24.060</td>
<td>Responsibility for property maintenance</td>
</tr>
<tr>
<td>8.24.070</td>
<td>Appeal to city council</td>
</tr>
<tr>
<td>8.24.080</td>
<td>Violations and penalties</td>
</tr>
<tr>
<td>8.24.090</td>
<td>Definitions</td>
</tr>
<tr>
<td>8.24.100</td>
<td>Specified nuisances</td>
</tr>
<tr>
<td>8.24.110</td>
<td>Abatement procedure generally</td>
</tr>
<tr>
<td>8.24.120</td>
<td>Hearing notice</td>
</tr>
<tr>
<td>8.24.130</td>
<td>Hearings—Generally</td>
</tr>
<tr>
<td>8.24.140</td>
<td>Record of oral evidence at hearing</td>
</tr>
<tr>
<td>8.24.150</td>
<td>Continuances</td>
</tr>
<tr>
<td>8.24.160</td>
<td>Evidence rules</td>
</tr>
<tr>
<td>8.24.170</td>
<td>Rights of parties</td>
</tr>
<tr>
<td>8.24.180</td>
<td>Official notice</td>
</tr>
<tr>
<td>8.24.190</td>
<td>Inspection of premises</td>
</tr>
<tr>
<td>8.24.200</td>
<td>Form and contents of decision—Finality of decision</td>
</tr>
<tr>
<td>8.24.210</td>
<td>Service of the hearing examiner’s decision</td>
</tr>
<tr>
<td>8.24.220</td>
<td>Enforcement of hearing examiner’s order</td>
</tr>
<tr>
<td>8.24.230</td>
<td>Failure to obey order</td>
</tr>
<tr>
<td>8.24.240</td>
<td>Failure to complete work</td>
</tr>
<tr>
<td>8.24.250</td>
<td>Extension of date for completion</td>
</tr>
<tr>
<td>8.24.260</td>
<td>Interference with work prohibited</td>
</tr>
<tr>
<td>8.24.270</td>
<td>Summary abatement—Dangerous condition</td>
</tr>
<tr>
<td>8.24.280</td>
<td>Summary abatement—of city attorney</td>
</tr>
<tr>
<td>8.24.290</td>
<td>Lien or personal obligation</td>
</tr>
</tbody>
</table>
8.24.010  Title
This chapter shall be known as the “nuisance abatement code” and may be cited as the “nuisance abatement code” and shall hereinafter be referred to herein as “this code.” (Ord 339 (part), 1990: Ord. 326 (part), 1989)

8.24.020  Purpose
A. It is the intent of the city council in adopting this code to provide a comprehensive method for the identification and abatement of certain public nuisances within the city.

B. Provisions of this code are to be supplementary and complementary to all of the provisions of the city code, state law (Civil Code Section 3479, et seq., Government Code Section 38771, et seq., Penal Code Section 370, et seq., Health and Safety Code Section 14875, et seq.) and any law cognizable at common law or in equity and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the city to abate any and all nuisances. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.030  Application
The provisions of this code shall apply generally to all property throughout the city wherein any of the conditions hereinafter specified, are found to exist; provided, however, that any condition which would constitute a violation of this code, but which is duly authorized under any city, state or federal law, shall not be deemed to violate this code. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.040  Enforcement
A. The Live Oak fire chief and/or the Live Oak public works director are authorized and directed to use the provisions of this code for the purpose of abating those nuisances which exist as the result of violation of those ordinances for which their respective departments have primary enforcement responsibility.

B. As used herein, the term “fire chief” and the term “public works director” shall include their authorized representatives. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.050  Right Of Entry
To the extent authorized by law, the fire chief and/or public works director (hereinafter referred to as enforcement officers) may enter on such premises at reasonable times to make inspections. (Ord. 339 (part), 1990; Ord. 326 (part), 1989)

8.24.060 Responsibility For Property Maintenance

A. Every owner of real property within the city is required to maintain such property in a manner so as not to violate the provisions of this code and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

B. Every occupant, lessee or holder of any interest in property, other than as owner thereof, is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed by this section on the owner thereof shall in no instance relieve those persons herein referred to from the similar duty. (Ord. 339 (part), 1990; Ord. 326 (part), 1989)

8.24.070 Appeal To City Council

In order to hear cases brought by the enforcement officers, or either of them under the provisions of this code, the city council shall hear cases brought by the enforcement officers. (Ord. 339 (part), 1990; Ord. 326 (part), 1989)

8.24.080 Violations And Penalties

Any person, firm or corporation, whether owner, lessee, sublessor, sublessee or occupant of any premises who violates the provisions of this code shall be guilty of a misdemeanor for each day such violation continues and shall be punishable as provided in Title 1, Chapter 1.12, Section 1.12.010 of the Live Oak Municipal Code. (Ord. 339 (part), 1990; Ord. 326 (part), 1989)

8.24.090 Definitions

For purposes of this code, the following words shall have the following specified meanings:

A. “Junk” means any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, metal, paper, plaster, plaster of paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance, having no reasonably realistic market value or requiring reconditioning in order to be used for its original purpose.

B. “Junkyard” means any premises from on or which any junk is abandoned, bailed, bartered, bought, brought, bundled, deposited, disassembled, disposed of, exchanged, handled, kept, packed, processed, scattered, shipped, sold, stored or transported, regardless of whether or not such activity is done for profit.

C. Unreasonable Period. As used in Section 8.24.100, an “unreasonable period” means a duration of fifteen calendar days. However, if the keeping, storage, depositing, or accumulation of materials constituting a public nuisance is recurring, frequent and repetitious whereby such materials are removed and redeposited on two or more occasions within a three-month period, then “unreasonable period” shall be defined as fifteen days from the first occurrence, keeping, storage, depositing or accumulation of such materials. (Ord. 339 (part), 1990; Ord. 326 (part), 1989)

8.24.100 Specified Nuisances
In addition to conditions which are declared by other provisions of this code to be either illegal or to constitute a public nuisance and which are to be enforced under those applicable provisions of the Live Oak Municipal Code, it is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this city to maintain such premises in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist:

A. The keeping, storage, depositing or accumulation on the premises for an unreasonable period of any personal property, including but not limited to appliances, furniture, containers, packing materials, scrap metal, wood, building materials, junk, rubbish and debris, which is within the view of persons on adjacent or nearby real property or the public right-of-way and which is offensive to the senses or reduces the aesthetic appearance of the neighborhood or is detrimental to nearby property or property values; provided, however, that wood and building materials being used or to be used for a project of repair or renovation for which a building permit has been obtained may be stored for that period of time consistent with the life of the permit, either as originally issued or as extended;

B. The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials for an unreasonable period which is offensive to the senses or reduces the aesthetic appearance of the neighborhood or is detrimental to nearby property or property value;

C. Any dangerous, unsightly or blighted condition which is detrimental to the health, safety or welfare of the public;

D. Any condition recognized in law or in equity as constituting a public nuisance;

E. The maintenance of the exterior of any vacant or unoccupied building or the interior of any such building not otherwise a condition or violation of Title 15, Chapter 15.12 of the Live Oak Municipal Code, which is readily apparent to the senses and/or detrimental to the property visible from any public street or adjacent parcel of property in state of unsightliness so as to be offensive to the senses and/or detrimental to the property values in the neighborhood or otherwise detrimental to the public welfare.

Once proceedings have been commenced pursuant to this chapter to declare a building to be a public nuisance under this subsection, no such building shall be deemed to be in compliance with this chapter solely because such building thereafter becomes occupied. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.110 Abatement Procedure Generally

Whenever the enforcement officer has inspected or caused to be inspected any premises and has found and determined that such premises are in violation of this code, he shall commence proceedings to cause abatement of the nuisance as provided herein. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.120 Hearing Notice

A. The enforcement officer shall issue a notice directed to the record owner of the premises. The notice shall contain:

1. The street address and such other description as required to identify the premises;
2. A statement specifying the conditions which constitute the nuisance;

3. An order to the owner to appear before the city council at a stated time, but in no event less than twenty calendar days after having mailed such notice, to show cause why the premises should not be declared a public nuisance and the same abated in accordance with this code;

4. A statement advising the owner that he has the option of voluntarily abating the nuisance prior to the date set for completion prior to the hearing date. The owner must advise the enforcement officer in writing that he will abate the nuisance, and the date of completion. The enforcement officer will inspect the premises on the completion date, and if the nuisance has been abated, the hearing will be taken off calendar. The owner may request a continuance of the hearing pursuant to Section 8.24.150.

B. The hearing notice, and any amended or supplemental notice, shall be served either by personal delivery or by mailing a copy by certified mail, postage prepaid return receipt requested, upon the record owner at his/her/their address as it appears on the latest equalized assessment roll of Sutter County, or as known to the enforcement officer; a copy of the notice shall also be posted on the premises.

C. Proof of service of the hearing notice shall be certified by written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

D. The notice shall substantially follow as specified herein:

NOTICE OF VIOLATION OF THE
LIVE OAK NUISANCE ABATEMENT
CODE
(Title 8-Chapter 8.24
Live Oak Municipal Code)

NOTICE IS HEREBY GIVEN that as a result of an inspection of the premises at

by the Live Oak enforcement officer or authorized representative on the ______ day of ______, 19______, it has been determined that said premises violate Title 8, Chapter 8.24 of the Live Oak Municipal Code.

The condition(s) upon said premises which violates Title 8, Chapter 8.24 of the Live Oak Municipal Code include(s):

1. ........................................................................................................

2. ........................................................................................................

3. ........................................................................................................

4. ........................................................................................................

5. ........................................................................................................
NOTICE IS HEREBY GIVEN that a public hearing shall be held on the _______day of ________________ 19______, at _________________ beginning at the hour of ________ of said day.

Your attendance at this hearing is recommended if you contest the above-described violations. Your failure to appear at this hearing shall be deemed to be a waiver of any objections or protest to any and all procedures concerning the same.

If you do not contest the violations herein above-described, you may voluntarily abate the nuisance prior to the date set for hearing. Such abatement must be completed prior to the hearing date. You must advise the enforcement officer in writing that you or your agent(s) will abate the nuisance, and specify the date of completion. Thereafter, the enforcement officer shall inspect the premises on the completion date, and if the nuisance has been abated, the hearing will be taken off calendar.

Dated this ___________ day of _____________________ 19_____  


8.24.130  Hearings—Generally
A. At the time set for hearing, the city council shall proceed to hear the testimony of the enforcement officer, the owner, and other competent persons respecting the condition of the premises, and other relevant facts concerning the matter, (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.140  Record Of Oral Evidence At Hearing
A. The proceedings at the hearing shall be reported by a tape recorder. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the party’s own expense.

B. Preparation of a record of the proceeding shall be governed by California Code of Civil Procedure Section 1094.6, as presently written or hereinafter amended. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.150  Continuances
The city council may, upon request of the owner of the premises or upon request of the enforcement officer, grant continuances from time to time for good cause shown, or upon his own motion. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.160  Evidence Rules
Government Code of the State of California, Section 11513, Subsections (a), (b) and (c), as presently written or hereinafter amended, shall apply to hearings under Title 8, Chapter 8.24 of the Live Oak Municipal Code. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.170  Rights Of Parties
A. Each party may represent themselves, or be represented by anyone of their choice.

B. If a party does not proficiently speak or understand the English language, he may provide an interpreter, at the party’s own cost, to translate for the party. An interpreter shall not have had any involvement in the issues of the case prior to the hearing. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)
8.24.180  Official Notice

In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or which may appear in any of the official records of the city or any of its departments. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.190  Inspection Of Premises

A. The city council may inspect the premises involved in the hearing prior to, during or after the hearing; provided that:

1. Notice of such inspection shall be given to the parties before the inspection is made;
2. The parties are given an opportunity to be present during the inspection; and
3. Members of the city council may state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn therefrom.

B. Each party then shall have a right to rebut or explain the matters so stated by the members of the city council either for the record during the hearing or filing a written statement after the hearing for inclusion in the hearing record. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.200  Form And Contents Of Decision—Finality Of Decision

If it is shown by a preponderance of the evidence that the condition of the premises constitutes a public nuisance:

A. The decision of the city council shall be in writing and shall contain findings of fact and a determination of the issues presented. The decision shall also require the owner to commence abatement of the nuisance not later than fifteen days after the issuance of the decision, and that the abatement be completed within such time as specified by the city council, or in the alternative, within the time designated by the enforcement officer. The decision shall inform the owner that if the nuisance is abated by the city in such manner as may be ordered by the enforcement officer, the expense thereof shall be made a lien on the property involved:

B. The decision shall also inform the applicant that the time of review is governed by California Code of Civil Procedure Section 1094.6. Copies of the decision shall be forthwith delivered to the parties personally or sent to them by certified mail. The decision shall be final when signed by the mayor and served as herein provided, (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.210  Service Of The Hearing Examiner’s Decision

Upon issuance of the decision, the enforcement officer shall post a copy thereof conspicuously on the premises involved and shall serve a copy on the record owner, in the same manner as set forth in Section 8.24.120 B, and one copy shall be served on each of the following, if known to the enforcement officer or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in the premises. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.220  Enforcement Of Hearing Examiner’s Order
After any order of the city council made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. (Ord. 339 (part), 1990: Ord, 326 (part), 1989)

8.24.230  Failure To Obey Order

If, after any order of the city council made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the enforcement officer may institute any appropriate action to abate such conditions on the subject premises which constitute the public nuisance. (Ord. 339 (part), 1990: Ord, 326 (part), 1989)

8.24.240  Failure To Complete Work

A. Whenever the required abatement is not completed within the time so specified in the order, the enforcement officer may, in addition to any other remedy herein provided, cause the nuisance to be abated, so as to put the premises in such a condition that no violation of this code exists thereon.

B. The cost of such abatement shall be assessed against the property as a lien or made a personal obligation of the owner thereof as provided in Sections 8.24.320 through 8.24.360. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.250  Extension Of Date For Completion

A. Upon receipt of an application from the person required to conform to the order by a date fixed in the order, and an agreement by such person that he will comply with the order if allowed additional time, the enforcement officer may, in his discretion, grant an extension of time, not to exceed an additional one hundred twenty days, within which to complete such abatement, if the enforcement officer determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property.

B. The authority of the enforcement officer to extend time is limited to the physical abatement of the nuisance or for such other purposes as may be reasonably required by the circumstances of the case, but such extension will not in any way affect or extend the time to appeal the order. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.260  Interference With Work Prohibited

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city, or with any person who owns or holds any estate or interest in any premises on which a nuisance exists and which must be abated under the provisions of this code, whenever such officer, employee, contractor or authorized representative of the city, or person having an interest or estate in such premises is engaged in the work of abating any nuisance as required by the provisions of this code, or in performing any necessary work preliminary to or incidental to such work authorized or directed pursuant to this code. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.270  Summary Abatement—Dangerous Condition

If, in the opinion of the fire chief, there exists a condition on any premises which is of such a nature as to be imminently dangerous to the public health, safety or welfare, which, if abated according to the procedures of this code, would, during the pendency of the proceedings, subject
the public to potential harm of a serious nature, the same may be abated forthwith without compliance with the provisions of this code. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.280  Summary Abatement—Approval Of City Attorney

No summary abatement shall be undertaken unless it shall first be approved by the city attorney or his authorized representative. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.290  Lien Or Personal Obligation

The cost of abatement including penalties pursuant to Section 8.24.080 and all administrative costs of any action taken hereunder shall be assessed against the subject premises, as a lien or made a personal obligation to the owner as provided in Sections 8.24.320 through 8.24.360, except that in the event the courts shall decide the action taken under this chapter was improper, no lien shall be assessed. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)


The enforcement officer shall keep an itemized account of the expense incurred by the city in abating nuisances under the provisions of this code. Upon the completion of the work of abatement, such enforcement officer shall prepare and file with the city clerk a report specifying the work done, the itemized and total cost of the work, a description of the real property at which the work was performed, and the names and addresses of the persons entitled to notice pursuant to Section 8.24.120. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.310  Report Transmitted To Council

Upon receipt of the report, the city clerk shall present it to the city council for consideration. The city council shall fix a time, date and place for hearing the report, and any protests or objections thereto. The city clerk shall cause notice of the hearing to be served by certified mail, postage prepaid, addressed to the persons entitled to notice as specified by Section 8.24.320. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.320  Notice Of Equalization Of Assessment

Within ten days after the filing of the report referred to in Section 8.24.340 of this article, the city clerk shall cause to be served upon the owner, or agent of the owner, lessee, occupant, or person in possession of the parcel of land described in the statement and in the notice personally or by mail addressed to his last known address or to general delivery, Live Oak, California, if such address is unknown, and shall cause to be posted upon the parcel of land therein described a notice substantially in the following form:

NOTICE RE: EQUALIZATION OF ASSESSMENT FOR:

(DESCRIPTION OF ACTION TO BE TAKEN TO ABATE PROHIBITED CONDITION)

NOTICE IS HEREBY GIVEN that the City Council of the City of Live Oak, California, will on the day of _______________ 19____, in the Council Chambers of the City Hall beginning at the hour of________ of said day, hear any protest or objection to the cost of (describe proposal action to be taken) as and formerly located on Assessor’s Parcel No.________________________, in the City of Live Oak, California, for the purpose of
correcting, modifying or confirming the said costs and assessing the same against the said property. Failure to make any objection will be deemed to be a waiver of any objection or protests to any and all procedures concerning the same.

A statement showing all premises affected and charges against the same and/or the cost and proposed assessment for such action is on file in the Office of the City Clerk at the City Hall and is open to public inspection.

Dated this ___________________________ day of ______________, 19_____________

__________________________________________
City Clerk

In all cases, a copy of the above notice shall be mailed to the owner of record at his last known address as listed on the county assessor’s files. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.330  Equalization Of Assessment— Hearing

Person(s) served with a notice of assessment or any other person holding an interest in the property may object to the proposed assessment by filing a written protest with the city clerk on or before the date set for the hearing referred to in the notice. The city clerk shall present to the council all protests so filed. The council, sitting as a board of equalization at the hearing referred to in Section 8.24.360 of this chapter, which shall be held at the first regular meeting of the council after the expiration of ten days after the date of service or posting of the notice on the property therein described, may modify or correct any assessment which, in its opinion, is excessive or otherwise incorrect. If no corrections or modifications are made, the assessment shall be deemed confirmed, and the council’s decision thereon shall be final and conclusive, and the assessment shall thereupon become a lien against the property involved and described in the notice and shall remain a lien thereon until the assessment is paid. If any correction or modification of any assessment is made by the council, the corrected or modified amount shall be deemed confirmed, and the council’s decision thereon shall be final and conclusive, and the same shall thereupon become and remain a lien. Thereupon the city treasurer shall send out bills for the respective assessments. Any bills unpaid at the end of thirty days may be referred to the city treasurer for collection. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.340  Delinquent Assessments—Filing Of Assessments With Office Of The County Recorder

If delinquent, the amount of the assessment is subject to the same penalties and interest as provided for ordinary municipal taxes and may be subject to foreclosure as provided by law. Costs of foreclosure proceedings, filing and recordation fees and collection costs shall be additional obligations to the original assessment. Upon the receipt of the assessment roll, the city treasurer shall record the assessment with the office of the county recorder. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.350  Records Of Sale And Payments

The funds collected under the proceedings provided for in this chapter, either upon voluntary payment or as the result of sales, shall be paid to the city treasurer, who shall place the same in the general fund. (Ord. 339 (part), 1990: Ord. 326 (part), 1989)

8.24.360  Assessments, Payments And Refunds
No assessment or act relating to the assessment or collection of any sum of money for the cleaning of any premises or for any work done by the city under the provisions of this chapter shall be illegal or void on account of any informality in connection with the levying of the assessment or the doing of the work or because the same was not completed within the time required by law. Any payment erroneously paid or illegally collected under the provisions of this chapter may be refunded by the city upon an order of the council after a proper showing of such erroneous payment sought to be refunded. (Ord. 339 (part), 1990: Ord. 326 (part), 1989).
TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.03  Daytime Loitering and Truancy of Juveniles
9.04  Curfew for Minors
9.08  Weapons
9.12  Indecent Exposure
9.16  Trespassing on Posted Property
9.20  Trespassing on Housing Authority Property
9.24  Intoxicating Liquor and Glass Containers
9.30  Noise Regulation
Chapter 9.03 - DAYTIME LOITERING AND TRUANCY OF JUVENILES

Sections

9.03.010  Purpose

The purpose of this ordinance is to reduce the incidents of juvenile loitering and truancy that create a burden upon the health, safety and welfare of the community. Students who are absent from school are more likely to participate in unlawful activities and to become victims of crime. In addition, they impose an extraordinary burden on the manpower and resources of law enforcement because juveniles taken into custody must be supervised by law enforcement personnel until they are released to a parent or guardian. Personnel supervising these juveniles are then unavailable to carry out law enforcement duties in the field thereby decreasing the level of protection afforded to the community. The City Council finds that having an enforceable juvenile loitering and truancy ordinance is critical to addressing these concerns and determines that a special need exists for the adoption of such an ordinance.

9.03.020  Definitions

For the purpose of this chapter, the following definitions shall apply:

(a) “Adult” means any person who is eighteen (18) years of age or older or who is emancipated pursuant to law.

(b) “Caretaker” means any person who is eighteen (18) years of age or older, other than the juvenile’s parent or legal guardian, who has been given and has accepted responsibility for the care, custody and control of the juvenile by the juvenile’s parent or legal guardian.

(c) “Emergency” means the unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes but is not limited to fire, natural disaster, automobile accident or requirement for immediate medical care for another person.

(d) “Establishment” means any privately owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.

(e) “Guardian” means a person who, or private agency that, under court order, has been named the guardian of the juvenile.

(f) “Juvenile” means any person less than eighteen (18) years of age who is not emancipated pursuant to law.

(g) “Loitering” means to linger or hang around in a public place or establishment where one has no particular or legal purpose.
“(h) “Parent” means a person who is the natural or adoptive mother or father of a person.

(i) “Public place” means any place to which the public has access and includes but is not limited to public streets, highways, roads, alleys, parks, playgrounds, public buildings, public right-of-ways, public grounds, dedicated open or trail space, or privately owned land that is unsupervised and from which the public is not expressly excluded under applicable trespass laws, including but not limited to vacant lots, parking lots and the common areas of hospitals, apartment complexes, housing complexes, office buildings, transport facilities, shopping centers and malls. For the purpose of this chapter, public place shall not include the buildings, grounds or facilities of the school which the juvenile is required to attend but shall include the buildings, grounds and facilities of schools in which the juvenile is not enrolled.

(j) “Truancy” means the act or condition of being absent from school without permission by one who is subject to compulsory full-time education or to compulsory continuation or alternative education under state law. (Ord. 518 §1, 2008)

9.03.030 Parental, Guardian And Caretaker Responsibility

It is unlawful for the parent, legal guardian or caretaker of any juvenile to knowingly permit or, by insufficient control, to allow the juvenile to be in violation of Section 9.03.040 of this chapter. (Ord. 518 §1, 2008)

9.03.040 Daytime Loitering or Truancy

It is unlawful for any juvenile, who is subject to compulsory full-time education or to compulsory continuation, or alternative education under state law, to loiter in, or upon, any establishment or public place during the hours of 8:30 a.m. and 2:00 p.m., on any day when that juvenile would otherwise be required to attend school. The provisions of this section shall not apply if:

(a) The juvenile is accompanied by his or her parent, legal guardian or caretaker; or

(b) The juvenile is on an emergency errand directed by a parent, legal guardian or caretaker; or

(c) The juvenile is going to or coming directly from his or her place of school-authorized employment; or

(d) The juvenile is going to or from a medical, dental, optometrical, or chiropractic appointment; or

(e) The juvenile is a student who has permission to leave the school campus for lunch or school related activity and has in his or her possession a valid, school-issued, off-campus permit; or

(f) The juvenile is going to or coming from a compulsory alternative education program activity; or

(g) The juvenile is attending or, without any detour or stop, going to, or returning from, an event or activity directly related to the medical condition of the parent, legal guardian or child of whom the juvenile is the custodial parent; or

(h) The juvenile is officially enrolled in home schooling; or
(i) The juvenile is exempt by law from compulsory education, continuation education or alternative education; or

(j) The juvenile is authorized to be absent from his or her school pursuant to the provisions of California Education Code Section 48205, or any other applicable state or federal law; or

(k) The juvenile is, without any detour or stop, going to or returning from any event or activity authorized by the provisions of California Education Code Section 48205 or any other applicable state or federal law.

(l) The school which the juvenile is required to attend is not in session.

9.03.050 Violation, Enforcement and Penalties

(a) Violation. Any person who willfully violates any of the provisions of this chapter is guilty of an infraction, except that nothing herein shall be deemed to bar any legal, equitable, or summary remedy to which the City of Live Oak may be entitled.

(b) Aiding and Abetting: Any person who willfully permits, aids, abets, allows or encourages any juvenile to violate any of the provisions of this chapter is guilty of an infraction, except that nothing herein shall be deemed to bar any legal, equitable, or summary remedy to which the County of Sutter may be entitled.

(c) Enforcement: A peace officer may issue a citation to any juvenile, parent, guardian, caretaker or individual found to be in violation of this chapter and may detain that juvenile until he or she can be placed into the care and custody of a parent or legal guardian; or may transport the juvenile to his or her home or to the school from which the juvenile is absent. The peace officer may also notify the parent or legal guardian that the juvenile has been issued a citation. If cited, the juvenile and a parent or legal guardian shall appear in court as direction by the citation.

(d) Penalties.

(1) Any juvenile convicted of violating this chapter may be punished by the imposition of a fine not exceeding two hundred and fifty dollars ($250.00) or may be required to perform city or school-approved work projects or community service or both. If required to perform a project, the total time for performance shall not exceed twenty (20) hours over a period not to exceed sixty (60) days, during times other than a juvenile’s hours of school attendance or juvenile, parent or legal guardian’s hours of employment.

(2) Any parent, legal guardian, caretaker or individual convicted of violating this chapter may be punished by the imposition of a fine not exceeding two hundred and fifty dollars ($250.00).

Chapter 9.04 - CURFEW FOR MINORS

Sections:

9.04.010 Designated.

9.04.020 Parental responsibility.
9.04.010  Designated

It is unlawful for any person under the age of eighteen to loiter or wander about from place to place, without lawful business thereof, upon any public street, highway, alley, sidewalk or city right-of-way, or other city property in the city limits, between the hours of ten p.m. and daylight of the following day; provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parents, guardian or other adult person having the care and custody of the minor or when the minor is upon an emergency errand directed by his or her parent or guardian or other person having the care and custody of the minor, or when the minor is going to or coming from some particular function, event, theater, job, business, recreational activity, dance, or other such place, provided such person is proceeding in the most direct route to or from such place. This section does not apply to vehicular traffic at any hour. Each violation of this section shall constitute a separate misdemeanor offense. (Ord. 294 § 1, 1985: Ord, 177 (part), 1974: Ord. 67 § 1, 1953)

9.04.020  Parental Responsibility

It is unlawful for any parent, guardian or other person having legal care, custody or control of any minor under the age of eighteen to allow that minor to be in violation of the Live Oak municipal curfew ordinance. A parent, guardian or other person having legal care, custody or control of any minor under the age of eighteen shall be in violation of this section when such person has actual or constructive knowledge of the minor’s violation of the curfew ordinance. Each violation of this section shall constitute a separate infraction punishable by a fine of not less than fifty dollars nor more than five hundred dollars. (Ord. 294 § 2, 1985: Ord. 177 (part), 1974: Ord. 67 § 1 (part). 1953)

Chapter 9.08 - WEAPONS*

Sections:

9.08.010  Possessing Certain Concealed Weapons Prohibited

9.08.020  Discharging Firearms Within City Limits Prohibited

*For statutory provisions on the discharge of firearms, see Penal Code § 246.

9.08.010  Possessing Certain Concealed Weapons Prohibited

Every person who carries concealed upon his person, or concealed within any vehicle which is under his control or direction, any knife, which has a blade three inches or more in length; any snapblade knife, regardless of the length of the blade; any springblade knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight-edge razor, any razor blade fitted to a handle; or any cutting, stabbing or bludgeoning weapon or device capable of inflicting grievous bodily harm, is guilty of a misdemeanor. The provisions of this section shall not apply to any licensed hunter or fisherman while engaged in hunting or fishing, or while going or returning from the hunting or fishing expedition. (Ord. 219, 1978)

9.08.020  Discharging Firearms Within City Limits Prohibited
It is unlawful for any person to fire or discharge any rifle, gun, air gun, air rifle, slingshot or other instrument by which missiles are propelled through the air within the city limits. (Ord. 13 § 1, 1948)

Chapter 9.12 - INDECENT EXPOSURE

Sections:

9.12.010 Females exposing breasts in public places prohibited.
9.12.030 Permitting persons to violate chapter provisions prohibited.

9.12.010 Females Exposing Breasts In Public Places Prohibited
Every female is guilty of a misdemeanor who, while participating in any live act, demonstration or exhibition in any public place, place open to the public, or place open to public view, or while serving food or drink or both to any customer:
A. Exposes any portion of either breast below a straight line so drawn that both nipples and all portions of both breasts which have different pigmentation than that of the main portion of the breasts are below such straight line; or
B. Employs any device or covering which is intended to simulate such portions of the breast; or
C. Wears any type of clothing so that any portion of such part of the breast may be observed. (Ord. 206 § 1, 1977)

9.12.020 Exposing Private Parts In Public Places Prohibited
Every person is guilty of a misdemeanor who:
A. Exposes his or her private parts or buttocks, or employs any device or covering which is intended to simulate private parts or pubic hair of such person, while participating in any live act, demonstration, or exhibition in any public place, place open to the public, or place open to public view, or while serving food or drink or both to any customer
B. Permits, procures or assists any person to so expose himself or herself, or to employ any such device. (Ord. 206 § 2, 1977)

9.12.030 Permitting Persons To Violate Chapter Provisions Prohibited
Every person is guilty of a misdemeanor who permits, counsels, or assists any person to violate any provision of this chapter. (Ord. 206 § 3, 1977)

9.12.040 Exemptions
This chapter does not apply to:
A. A theater, concert hall, or similar establishment which is primarily devoted to theatrical performances;
B. Any act authorized or prohibited by any state statute. (Ord. 206 § 4, 1977)

Chapter 9.16 - TRESPASSING ON POSTED PROPERTY

Sections:

9.16.010 Posted property defined— Trespassing prohibited when.
9.16.020 Sign specifications for posting property.
9.16.030 Violation—Penalty.

9.16.010 Posted Property Defined— Trespassing Prohibited When
A. “Posted property” means any property owned by a public agency within the city of Live Oak on which signs have been placed in the manner hereafter described in this chapter.
B. It is unlawful for any person to enter upon or remain upon any posted property during those hours prohibited by the signs posted thereon without the written permission of the owner, tenant or occupant in legal possession or control thereof. (Ord. 269 § 1, 1982)

9.16.020 Sign Specifications For Posting Property
The signs shall be not less than one square foot in area, and will have letters not less than two inches in height which shall read “TRESPASSING— LOITERING FORBIDDEN BY LIVE OAK CITY ORDINANCE NO. 269” followed by a designation of specific hours during which such trespassing and loitering are prohibited. These signs shall be posted at each entrance to the property and on at least two prominent places on the exterior boundaries of the property where they are clearly visible from outside of the property. (Ord. 269 § 2, 1982)

9.16.030 Violation—Penalty
Violation of any of the provisions of this chapter constitutes an infraction punishable on the first offense by a fine not in excess of fifty dollars on a second offense by a fine not in excess of one hundred dollars, and on each subsequent offense by a fine not in excess of two hundred fifty dollars. Every separate violation of this chapter shall be deemed a separate offense. (Ord. 269 § 3, 1982)

Chapter 9.20 - TRESPASSING ON HOUSING AUTHORITY PROPERTY

Sections:

9.20.010 Driving or riding vehicles or toy vehicles on Housing Authority property prohibited when.
9.20.020 Signs and copies of regulations required.
9.20.030 State Vehicle Code provisions applicable when.
9.20.010  Driving Or Riding Vehicles Or Toy Vehicles On Housing Authority Property Prohibited When

It is unlawful for any person to drive any vehicle, animal, bicycle, pair of skates, skateboard, or for any person to stop, park or leave standing any vehicle, animal, bicycle, pair of skates or skateboard, whether attended or unattended, upon the driveways, paths or grounds of the Housing Authority of the county of Sutter within the city of Live Oak, except with the permission of and upon and subject to such conditions and regulations as may be imposed by the governing board or officer of the Housing Authority of the county of Sutter governing such property. (Ord. 270 § 1, 1982)

9.20.020  Signs And Copies Of Regulations Required

The Housing Authority of the county of Sutter shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this chapter and shall keep available at the principal administrative office under the Housing Authority of the county of Sutter, for examination by all interested persons, a written statement of such special conditions and regulations adopted by or pursuant to this chapter. (Ord. 270 § 2, 1982)


When the Housing Authority of the county of Sutter permits public traffic upon the driveways, paths or grounds under its control then, except for those conditions imposed or regulations enacted by the Housing Authority of the county of Sutter applicable to traffic, all of the provisions of the California Vehicle Code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths or grounds under the control of the Housing Authority. (Ord. 270 § 3, 1982)

9.20.040  Violation - Penalty

Violation of any of the provisions of this chapter constitutes an infraction punishable on the first offense by a fine not in excess of fifty dollars, on a second offense by a fine not in excess of one hundred dollars, and on each subsequent offense by a fine not in excess of two hundred fifty dollars. (Ord. 270 § 4, 1982)

Chapter 9.24 - INTOXICATING LIQUOR AND GLASS CONTAINERS

Sections:

9.24.010  Title.
9.24.050  Enforcement.
This chapter shall be known as the “Glass Container and Intoxicating Liquor Code” and may be cited as such and shall hereinafter be referred to herein as “this code.” (Ord. 343 (part), 1990: Ord. 335 (part), 1990)


A. It is the intent of the city council in adopting this code to prohibit the consumption of intoxicating liquor, as defined herein, on the streets, sidewalks and public properties located within the city limits of the city of Live Oak. For purposes of this section, the phrase “streets, sidewalks and public property located within the city limits of the city of Live Oak” excludes public parks and recreational facilities as defined herein.

B. It is the further intent of the city council in adopting this code to prohibit the consumption of any beverage, alcoholic or nonalcoholic, from glass containers, as defined herein, in or on any public park or recreational facility within the city limits, as defined herein.

C. It is further the intent of the city council, in adopting this code to prohibit the consumption of intoxicating liquor from non-glass containers in or on any public park or recreational facility within city limits unless the person individually or as a representative of a group of persons obtains a permit from the city clerk as specified herein. (Ord. 343 (part), 1990: Ord. 335 (part), 1990)

9.24.030 Definitions

For purposes of this chapter:

A. “Glass container” means any glass object used as a vessel to contain or hold beverages. This definition includes but is not limited to glass bottles, jars, table glasses, etc.

B. “Intoxicating liquor” means any and all liquor or drinks which contain more than 3.2 percent of alcohol by weight.

C. “Public parks and recreational facilities” means and includes all outdoor public property located within the city of Live Oak and used for sports and recreation and social gathering, including but not limited to parks and sports or recreational facilities.

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

E. “Street” means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the city of Live Oak which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state. (Ord. 343 (part), 1990: Ord. 335 (part), 1990)

9.24.040 Application

The provisions of this code shall apply generally to all public property throughout the city of Live Oak wherein any of the conditions hereinafter specified are found to exist; provided,
however, that any condition which would constitute a violation of this code, but which is duly authorized under any city, state or federal law, shall not be deemed to violate this code. (Ord. 343 (part), 1990: Ord. 335 (part), 1990)

9.24.050 Enforcement

Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the Sutter County sheriff’s department. (Ord. 343 (part), 1990: Ord. 335 (part), 1990)

9.24.060 Permit Application

A. Person(s) who desire to consume intoxicating liquor from non-glass containers in public parks and recreational facilities shall be required to obtain a permit from the city clerk prior to said consumption or use in or on public parks and recreational facilities.

B. The permit application shall be drafted in substantially the following form:

    CITY OF LIVE OAK
    PERMIT APPLICATION FOR USE
    OF GLASS BEVERAGE CONTAINERS
    IN OUTDOOR PUBLIC PARKS AND RECREATIONAL FACILITIES WITHIN
    CITY LIMITS

1. Name:________________________________________________________

2. Address:_____________________________________________________

3. Telephone Number (____)_____________________________________

4. I request this permit as an individual only.        YES___________________        NO___________________

5. I request this permit as a representative for a group of persons or an organization.     YES___________________        NO___________________

6. If you answered yes to question 5 above, list the name of the persons or organization that you represent.________________________________________________________

7. The applicant shall keep a copy of this permit application on his/her person or otherwise have a copy at his/her disposal upon request by any enforcement officer to produce a copy of the same.

8. In the event the applicant cannot provide the enforcement officer with a copy of this permit application upon demand, the applicant shall be cited and fined by the enforcement officer in the amount of one hundred dollars.

9. The applicant may contest the citation by requesting a hearing before a hearing officer or board to determine whether as an individual or a representative said applicant violated this
section. The applicant may request a hearing by telephoning (916) 695-2112 or visiting or writing the City Council, 9955 Live Oak Blvd., Live Oak, CA 95953, within ten (10) days of the date of the citation. If the applicant requests a hearing, he/she must attend it in person.

10. In the event the applicant fails to pay the fine or citation within thirty (30) days of the date of citation or within thirty (30) days after the date of appeal, the City may pursue any and all legal remedies to collect the fine, including all reasonable costs and reasonable attorney fees. (Ord. 343 (part), 1990: Ord. 335 (part), 1990)

9.24.070 Violations And Penalties

A. Persons who are cited for consuming or possessing nonalcoholic beverages from glass containers in public parks and recreational facilities shall be deemed to have committed an infraction and are subject to civil penalties as set forth in this code.

B. It shall be a misdemeanor for any person to drink intoxicating liquor upon any of the streets, sidewalks, or public property located within the city of Live Oak.

C. It shall also be a misdemeanor for any person who consumes or possesses intoxicating liquor from glass containers within public parks and recreational facilities.

D. It shall also be a misdemeanor for any person who consumes or possesses intoxicating liquor from nonglass containers absent the appropriate permit as defined and set forth herein within public parks and recreational facilities.

E. Any person convicted, of a misdemeanor under this code shall be punished by a fine not to exceed five hundred dollars or by imprisonment not to exceed six months, or by both such fine and imprisonment. Each such person is guilty of a separate occurrence which constitutes a violation of this code. (Ord. 343 (part), 1990: Ord. 335 (part), 1990)

Chapter 9.30 - NOISE REGULATION

Sections:

9.30.010 Declaration of policy.
9.30.050 Severability.

9.30.010 Declaration Of Policy

It is declared to be the policy of the city to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically proscribed. (Ord. 332 (part), 1989)

9.30.020 Offensive Noise Standards
Unnecessary, excessive and annoying noises are noises which originate from residential properties or on public ways in violation of this chapter, but such enumeration shall not be deemed to be exclusive:

A. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, stereo, television or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of neighboring residential inhabitants with volume louder than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operating and who are voluntary listeners thereto. The operation of any such set, instrument, phonogram, stereo, machine or device in such a manner as to be plainly audible at a distance of ten feet from the residential building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this chapter.

B. The using, operating or permitting to be played, used or operated of any radio receiving set, stereo, tape recorder, sound amplifier or other machine or device for producing or reproducing sound from any motor vehicle on any public street at any time with volume louder than is necessary for convenient hearing for the persons who are in the motor vehicle in which such sound machine or device is operating and who are voluntary listeners thereto. The operation of any such sound machine or device in such a manner as to be plainly audible at any time at a distance of ten feet from the motor vehicle in which it is located shall be prima facie evidence of a violation of this chapter.

C. Yelling, shouting, hooting, whistling or singing originating from any residential property or upon any public way at any time so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.

D. Animals and Fowl. No person shall keep or maintain, or permit the keeping of, upon any premises owned, occupied or controlled by such person any animal or fowl otherwise permitted to be kept which by any sound, cry or behavior, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in any residential neighborhood.

E. Construction of Buildings and Projects. It is unlawful for any person within a residential zone, or within a radius of five hundred feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures or projects, or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction-type device between the hours of ten p.m. and seven a.m. in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance, unless beforehand a permit has been duly obtained from the officer or body of the city having the function to issue permits of this kind.

F. Vehicle Repairs. It is unlawful for any person within any residential area of the city to repair, rebuild or test any motor vehicle between the hours of ten p.m. and seven a.m. in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance. (Ord. 353 § 1, 1991: Ord. 332 (part), 1989)

9.30.030 Violations—Misdemeanors

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars or be imprisoned in the city or county jail for a period not exceeding six months,
or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 332 (part), 1989)

9.30.040 Violations—Additional Remedies—Injunctions

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction or such to the provision of the city’s Nuisance Abatement Ordinance, (Ord. 332 (part), 1989)

9.30.050 Severability

If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this chapter which can be given effect without the invalid provision or application and, to this end, the provisions of this chapter are hereby declared to be severable. (Ord. 332 (part), 1989)
Chapter 9.40 LOITERING FOR DRUG ACTIVITIES

Sections:

9.40.010 Definitions
9.40.020 Findings
9.40.030 Circumstances
9.40.040 Violation-Penalty
9.40.050 Severability

It is unlawful for any person to loiter in, on or near any thoroughfare or place open to the public or place open to public view in a manner and under circumstances manifesting a purpose of engaging in unlawful drug activity.

9.40.010 Definitions

As used in this ordinance the following terms shall have the meanings respectively ascribed to them in this section.

A. “Unlawful drug activity” means any act or conduct declared to be unlawful under the provisions of Chapters 6 and 6.5 of Division 1.0 of the California Health and Safety Code, consisting of Sections 11350 through 11400 of said Code, and such amendments thereto as may hereafter be adopted.

B. “Known unlawful drug user, possessor, or seller,” means a person who has, within the knowledge of the arresting officer, been convicted in any court within the State of California of any unlawful drug activity, or convicted of any substantially similar activity under the laws of any other state, or a person who displays physical characteristics of drug intoxication or usage, including but not limited thereto such things as “needle tracks”, or persons arrested within the past two years while in the possession of illegal controlled substances or drug paraphernalia.

9.40.020 Findings

The City Council finds and determines that:

A. Violent crime in this community is and continues to escalate at an alarming rate. The citizens of this community are violently victimized and intimidated by individuals who have embraced a criminal life style which has no place in a civilized society.

B. The presence of illegal activity, and in particular, unlawful drug activity, fosters an environment that attracts crime, degrades the quality of life in neighborhoods by creating visual blight, health hazards to our youth and others in the presence of used hypodermic syringes, discarded dangerous drugs, and other trash and rubbish, and impacts the business community by
turning away potential customers from the places of business within the area where drug dealers, drug users and purchasers congregate to sell, consume and purchase drugs.

C. It is a legitimate need of the City of Live Oak to address problems inimical to the health, safety and welfare of the community and loitering with the intent to commit certain illegal acts is such a problem.

D. The Council desires to enhance the ability of law enforcement to curtail the environment which is conducive to criminal activity from the streets of this community with an additional enforcement tool to abate the public nuisance created by the individuals who engage in the illegal activities described in this section.

9.40.030 Circumstances

Among the circumstances that may be considered in determining whether a person has violated this ordinance based upon the knowledge and personal observations of the arresting officer, are the following:

A. The person is a known unlawful drug user, possessor, or seller.

B. The person is in the company of, or inside or near a vehicle registered to, a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for unlawful drug activity.

C. The person is currently subject to an order prohibiting his or her presence in a drug area, or prohibiting the person from being in the company of a known unlawful drug user, possessor, or seller.

D. The person behaves in a manner as to raise reasonable suspicion that he or she is seeking to engage in, or is about to engage in, or is then engaged in any unlawful drug activity, including, by way of example only, acting as a “lookout,” making gestures or statements to motorists or pedestrians known to represent invitations to purchase or sell drugs, or exchanging small objects or packages with another person in a furtive manner.

E. The person is identified as a member of a criminal street gang, as defined, in Section 186.22(f) of the Penal Code, or a group which has, among its members, known unlawful drug users, possessors, or sellers. The method of identification may include, but is not limited to, the wearing of distinctive clothing or insignias,

F. The person attempts to conceal himself or herself from the observation of the arresting officer or conceals or disposes of any object which reasonably could be involved in the conduct of any unlawful drug activity.

9.40.040 Violation-Penalty

Violation of this chapter shall constitute a misdemeanor and shall be punishable as such.
9.40.050 Severability

If any subsection, sentence, clause or phrase of this section is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The Council of the City of Live Oak hereby declares that it would have passed this section, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.
<table>
<thead>
<tr>
<th>Title</th>
<th>Chapter Number</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>TITLE 10 - VEHICLES AND TRAFFIC</td>
<td>10.04</td>
<td>Definitions</td>
</tr>
<tr>
<td></td>
<td>10.08</td>
<td>Traffic Administration</td>
</tr>
<tr>
<td></td>
<td>10.12</td>
<td>Obedience to Traffic Regulations</td>
</tr>
<tr>
<td></td>
<td>10.16</td>
<td>Traffic-control Devices</td>
</tr>
<tr>
<td></td>
<td>10.20</td>
<td>Turning Movements</td>
</tr>
<tr>
<td></td>
<td>10.24</td>
<td>One-way Streets and Alleys</td>
</tr>
<tr>
<td></td>
<td>10.28</td>
<td>Special Stops</td>
</tr>
<tr>
<td></td>
<td>10.32</td>
<td>Miscellaneous Driving Rules</td>
</tr>
<tr>
<td></td>
<td>10.36</td>
<td>Pedestrians</td>
</tr>
<tr>
<td></td>
<td>10.40</td>
<td>Stopping, Standing and Parking</td>
</tr>
<tr>
<td></td>
<td>10.42</td>
<td>Miscellaneous Vehicle and Traffic Violations</td>
</tr>
<tr>
<td></td>
<td>10.44</td>
<td>Restricted Parking Areas</td>
</tr>
<tr>
<td></td>
<td>10.48</td>
<td>Restricted Use of Certain Streets</td>
</tr>
<tr>
<td></td>
<td>10.52</td>
<td>Trains</td>
</tr>
<tr>
<td></td>
<td>10.56</td>
<td>Special Speed Zones</td>
</tr>
<tr>
<td></td>
<td>10.60</td>
<td>Schedule of Designated Streets</td>
</tr>
<tr>
<td></td>
<td>10.64</td>
<td>Bicycle Registration</td>
</tr>
<tr>
<td></td>
<td>10.68</td>
<td>Skateboards</td>
</tr>
<tr>
<td></td>
<td>10.72</td>
<td>Abandoned, Wrecked, Dismantled or Inoperative Vehicles</td>
</tr>
<tr>
<td></td>
<td>10.75</td>
<td>Procedure on Parking Violations</td>
</tr>
<tr>
<td></td>
<td>10.81</td>
<td>Trip Reduction Regulations</td>
</tr>
</tbody>
</table>
Chapter 10.04 - DEFINITIONS

Sections:

10.04.010  Vehicle code definitions to be used.
10.04.020  Definitions generally.
10.04.030  City traffic district.
10.04.040  Coach.
10.04.050  Curb.
10.04.060  Divisional island.
10.04.070  Holidays.
10.04.080  Loading zone.
10.04.090  Official time standard.
10.04.100  Parking meter.
10.04.110  Parkway.
10.04.120  Passenger loading zone.
10.04.130  Pedestrian.
10.04.140  Police officer.
10.04.150  Stop.
10.04.160  Vehicle code.

*For the statutory definitions of the vehicle code, see Veh. Code § 100 et seq.

10.04.010  Vehicle Code Definitions To Be Used
Whenever any words or phrases used in this title are not defined, but are defined in the Vehicle Code of the state, and amendments thereto, such definitions shall apply. (Ord. 149 § 1.1, 1968)

10.04.020  Definitions Generally
The words and phrases set out in this chapter, when used in this title, shall for the purpose of this title have the meanings respectively ascribed to them in this chapter. (Ord. 149 § 1 (part), 1968)

10.04.030  City Traffic District
“City traffic district” refers to all streets and portions of streets within all that area bounded by the city limits. (Ord. 149 § 1.2, 1968)

10.04.040  Coach
“Coach” means any motor bus, motor coach, trackless trolley, or passenger stage used as a common carrier of passengers. (Ord. 149 § 1.3, 1968)

10.04.050  Curb
“Curb” means the lateral boundary of a road way whether such curb is marked by curbing construction or not: curb does not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracks or right-of-ways of public utility companies. (Ord. 149 § 1.5. 1968)

10.04.060  Divisional Island

“Divisional island” means a raised or painted island located in the roadway and separating opposing or conflicting streams of traffic. (Ord. 149 § 1.6, 1968)

10.04.070  Holidays

“Holidays” refers to legal holidays. (Ord. 149 § 1.7, 1968)

10.04.080  Loading Zone

“Loading zone” means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. (Ord. 149 § 1.8, 1968)

10.04.090  Official Time Standard

Whenever certain hours are named in this title, they shall mean standard time or daylight saving time as may be in current use in this city. (Ord. 149 § 1.9, 1968)

10.04.100  Parking Meter

“Parking meter” means a mechanical device installed within or upon the curb or sidewalk area, immediately adjacent to a parking space, for the purpose of controlling the period of time occupancy of such parking meter space by any vehicle. (Ord. 149 § 1.11, 1968)

10.04.110  Parkway

“Parkway” means that portion of a Street other than a roadway or a sidewalk, (Ord. 149 § 1.10, 1968)

10.04.120  Passenger Loading Zone

“Passenger loading zone” means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers. (Ord. 149 § 1.12, 1968)

10.04.130  Pedestrian

“Pedestrian” means any person afoot. (Ord. 149 § 1.13, 1968)

10.04.140  Police Officer

“Police officer” means every officer of the police department of this city or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (Ord. 149 § 1.14, 1968)

10.04.150  Stop

“Stop,” when required, means complete cessation of movement. (Ord. 149 § 1.15, 1968)

10.04.160  Vehicle Code

“Vehicle Code” refers to the Vehicle Code of the state. (Ord. 149 § 1.16. 1968)
Chapter 10.08 - TRAFFIC ADMINISTRATION

Sections:

10.08.010  Traffic Division—Police Administration
There is established in the police department of this city a traffic division to be under the control of an officer of police appointed by and directly responsible to the chief of police. (Ord. 149 § 2 (part), 1968)

10.08.020  Traffic Division—Duties
It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city, to make arrests for traffic violations, to investigate traffic accidents and to cooperate with the city traffic committee and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the division by this title and the traffic ordinances of this city. (Ord. 149 § 2.1, 1968)

10.08.030  Traffic Division—Accident Studies Authorized
Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic committee in conducting studies of such accidents and determining remedial measures. (Ord. 149 § 2.2, 1968)

10.08.040  Traffic Division—Filing Accident Reports
The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic committee. (Ord. 149 § 2.3, 1968)

10.08.050  Traffic Division—Annual Report
The traffic division shall annually prepare a traffic report which shall be filed with the city council. Such a report shall contain information on traffic matters in this city as follows:

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

B. The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
Chapter 10.12 - OBEDIENCE TO TRAFFIC REGULATIONS*

Sections:

10.12.010 Authority Of Police And Fire Departments
Officers of the police department and such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department or members of the fire department may direct traffic as conditions may require, notwithstanding the provisions to the contrary contained in this title or the Vehicle Code. (Ord. 149 § 3 (part), 1968)

10.12.020 Unauthorized Persons Directing Traffic Prohibited
No person other than an officer of the police department, or members of the fire department, or a person authorized by the chief of police, or a person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal. (Ord. 149 § 3.1, 1968)

10.12.030 Obedience To Police Or Authorized Officers
No person shall fail or refuse to comply with (or shall perform any act forbidden by) any lawful order, signal, or direction of a traffic or police officer, or a member of the fire department, or a person authorized by the chief of police or by law. (Ord. 149 § 3.2, 1968)

10.12.040 Riding Bicycles Or Animals

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*For statutory provisions authorizing cities to regulate traffic by means of traffic officers, see Veh. Code § 2110(c); for provisions requiring obedience to local traffic officers, see Veh. Code § 21100.3: for provisions authorizing cities to remove vehicles from streets under certain circumstances, see Veh. Code § 22652.
Every person riding a bicycle or riding or driving an animal upon a highway has all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except those provisions which by their very nature can have no application. (Ord. 149 § 3.3, 1968)

10.12.050 Obstructing Authorized Officers Prohibited

No person shall interfere with or obstruct in any way any police officer or other officer or employee of this city in their enforcement of the provisions of this title. The removal, obliteration or concealment of any chalk mark or other distinguishing mark used by any police officer or other employee or officer of this city in connection with the enforcement of the parking regulations of this title shall, if done for the purpose of evading the provisions of this title, constitute such interference or obstruction. (Ord. 149 § 3.4, 1968)

10.12.060 Public Employees Operating Vehicles

The provisions of this title shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this state, any county or city, and it is unlawful for any operator to violate any of the provisions of this title except as otherwise permitted in this title or by the Vehicle Code. (Ord. 149 § 3.5, 1968)

10.12.070 Exemption Of Certain Vehicles

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

B. The foregoing exemptions shall not, however, relieve the operator of any such vehicle from obligation to exercise due care for the safety of others or the consequences of his willful disregard of the safety of others.

C. The provisions of this title regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction or repair work or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or delivery of United States mail. (Ord. 149 § 3.6, 1968)

10.12.080 Report Of Damage To Certain Property

A. The operator of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, parking meter, lighting post, telephone pole, electric light or power pole, or resulting in damage to any tree, traffic-control device or other property of a like nature located in or along any street, shall within twenty-four hours after such accident make a written report of such accident to the police department of this city.

B. Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person operating or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damages in such accident.
C. The operator of any vehicle involved in an accident shall not be subject to the requirements or penalties of this section if and during the time he is physically incapable of making a report, but in such event he shall make a report as required in subdivision A of this section within twenty-four hours after regaining ability to make such report. (Ord. 149 § 3.7, 1968)

10.12.090 Removal Of Vehicles From Streets Authorized When

Any regularly employed and salaried officer of the police department of this city may remove or cause to be removed:

A. Any vehicle that has been parked or left standing upon a street or highway for seventy-two or more consecutive hours.

B. Any vehicle which is parked or left standing upon a street or highway between the hours of seven a.m. and seven p.m. when such parking or standing is prohibited by ordinance or resolution of this city and signs are posted giving notice of such removal.

C. Any vehicle which is parked or left standing upon a street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or for the installation of underground utilities, or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic, or where the use of the Street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicles would prohibit or interfere with such use or movement; provided, that signs giving notice that such vehicle may be removed are erected or placed at least twenty-four hours prior to the removal. (Ord. 149 § 3.8, 1968)

Chapter 10.16 - TRAFFIC-CONTROL DEVICES*

Sections:

10.16.010 Installation authority.
10.16.020 Required for enforcement purposes.
10.16.030 Obedience required—Exception.
10.16.040 Traffic signal installation.
10.16.050 Lane marking.
10.16.060 Distinctive roadway markings.
10.16.070 Removal, relocation or discontinuance.
10.16.080 Hours of operation.
10.16.090 Unauthorized painting of curb.

*For statutory provisions authorizing cities to regulate traffic by means of traffic-control devices, see Veh. Code § 21100(d).
A. The city traffic committee shall have the power and duty to place and maintain or cause to be placed and maintained official traffic-control devices when and as required to make effective the provisions of this title.

B. Whenever the Vehicle Code requires, for the effectiveness of any provision thereof, that traffic-control devices be installed to give notice to the public of the application of such law, the city traffic committee is authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

C. The city traffic committee may also place and maintain or cause to be placed and maintained such additional traffic-control devices as it deems necessary or proper to regulate traffic or to guide or warn traffic, but it shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations, and rules as may be set forth in this title or as may be determined by ordinance or resolution of the council. (Ord. 149 § 4 (part), 1968)

10.16.020 Required For Enforcement Purposes

No provision of the Vehicle Code or of this title for which signs are required shall be enforced against an alleged violator unless appropriate legible signs are in place giving notice of such provisions of the traffic law. (Ord. 149 § 4.1, 1968)

10.16.030 Obedience Required—Exception

The operator of any vehicle or train shall obey the instructions of any official traffic-control device placed in accordance with this title unless otherwise directed by a police officer or other authorized person subject to the exceptions granted the operator of an authorized emergency vehicle when responding to emergency calls. (Ord. 149 § 4.2, 1968)

10.16.040 Traffic Signal Installation

A. The city traffic committee is directed to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

B. The city traffic committee shall ascertain and determine the locations where such signals are required by field investigation, traffic counts and other traffic information as may be pertinent, and its determinations there from shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the California Maintenance Manual issued by the Division of Highways of the State Department of Public Works.

C. Whenever the city traffic committee installs and maintains an official traffic signal at any intersection, it shall likewise erect and maintain at such intersection street name signs clearly visible to traffic approaching from all directions unless such street name signs have previously been placed and are maintained at any such intersection. (Ord. 149 § 4.3, 1968)

10.16.050 Lane Marking

The city traffic committee is authorized to mark centerlines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway. (Ord. 149 § 4.4, 1968)
10.16.060 Distinctive Roadway Markings
The city traffic committee is authorized to place and maintain distinctive roadway markings as
described in the Vehicle Code on those streets or parts of streets where the volume of traffic or
the vertical or other curvature of the roadway renders it hazardous to drive on the left side of
such marking or signs and markings. Such marking or signs and marking shall have the same
effect as similar markings placed by the State Department of Public Works pursuant to

10.16.070 Removal, Relocation Or Discontinuance
The city traffic committee is authorized to remove, relocate or discontinue the operation of any
traffic-control device not specifically required by the Vehicle Code or this title when ever it
determines in any particular case that the conditions which warranted or required the installation
no longer exist or pertain. (Ord. 149 § 4.6, 1968)

10.16.080 Hours Of Operation
The city traffic committee shall determine the hours and days during which any traffic-control
device shall be in operation or be in effect, except in those cases where such hours or days are
specified in this title. (Ord. 149 § 4.7, 1968)

10.16.090 Unauthorized Painting Of Curb
No person, unless authorized by this city, shall paint any street or curb surface; provided,
however, that this section shall not apply to the painting of numbers on a curb surface by any
person who has complied with the provisions of any resolution or ordinance of this city
pertaining thereto. (Ord. 149 § 4.8, 1968)

Chapter 10.20 - TURNING MOVEMENTS*

Sections:

10.20.010 Turning markers at intersections and multiple lanes.
10.20.020 Signs restricting turns.
10.20.030 Right turns against stop signal.

*For statutory provisions authorizing cities to place traffic-control devices within or adjacent to intersections to
regulate or prohibit turning movements at such intersections, see Veh. Code § 22101.

10.20.010 Turning Markers At Intersections And Multiple Lanes
The city traffic committee is authorized to place official traffic-control devices within or adjacent
to intersections and indicating the course to be traveled by vehicles turning at such intersections;
and the city traffic committee is authorized to locate and indicate more than one lane of traffic
from which drivers of vehicles may make right-hand or left-hand turns, and the course to be
traveled as so indicated may conform to or be other than as prescribed by law or ordinance. (Ord.
149 § 5 (part), 1968)

10.20.020 Signs Restricting Turns
The city traffic committee is authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted. (Ord. 149 § 5.1, 1968)

10.20.030 Right Turns Against Stop Signal

A. No driver of a vehicle shall make a right turn against a red or stop signal at any intersection which is signposted giving notice of such restriction as provided in subsection B of this section.

B. The city traffic committee shall post appropriate signs giving effect to this section where it determines that the making of right turns against traffic signal stop indication would seriously interfere with the safe and orderly flow of traffic. (Ord. 149 § 5.2, 1968)

Chapter 10.24 - ONE-WAY STREETS AND ALLEYS

Sections:

10.24.010 Signs Required

Whenever any ordinance or resolution of this city designates any one-way street or alley, the city traffic committee shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. (Ord. 149 § 6, 1968)

Chapter 10.28 - SPECIAL STOPS*

Sections:

10.28.010 Stop signs—Erected where—Authority.

10.28.020 Application of regulations.

10.28.030 Emerging from alley, driveway or building.

*For statutory provisions authorizing cities to designate stop intersections, see Veh. Code § 21101t (b).

10.28.010 Stop Signs—Erected Where—Authority

Whenever any ordinance or resolution of this city designates and describe any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the city traffic committee shall erect and maintain stop signs as follows: A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated, and at those entrances to other intersections where a stop is required, and at any railroad grade crossing so designated; provided, however, stop signs shall not be erected or maintained at any entrance
to an intersection when such entrance is controlled by an official traffic-control signal. Every such sign shall conform with and shall be placed as provided in the Vehicle Code. (Ord. 149 § 7 (part), 1968)

10.28.020 Application Of Regulations

A. Those streets and parts of streets established by resolution of the council are through streets for the purposes of this chapter.

B. The provisions of this chapter shall also apply at one or more entrances to the intersections as such entrances and intersections are established by resolution of the council.

C. The provisions of this chapter shall apply at those highway railway grade crossings as established by resolution of the council. (Ord. 149 § 7.1, 1968)

10.28.030 Emerging From Alley, Driveway Or Building

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alley or driveway. (Ord, 149 § 7.2, 1968)

Chapter 10.32 - MISCELLANEOUS DRIVING RULES

Sections:

10.32.010 Driving through funeral procession.
10.32.020 Clinging to moving vehicles.
10.32.030 Commercial vehicles using private driveways.
10.32.040 Riding or driving on sidewalk.
10.32.050 Driving over new pavement or markings.
10.32.060 Barriers and signs—Approval for erection—Obedience required.
10.32.070 Obstructing traffic movement in intersection prohibited.
10.32.080 Limited access roadway.
10.32.090 Freeway use restricted.

10.32.010 Driving Through Funeral Procession

No operator of any vehicle shall drive between the vehicles comprising a funeral procession or a parade; provided, that such vehicles are conspicuously so designated. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be subject to the orders of the police department. (Ord. 149 § 8 (part), 1968)

10.32.020 Clinging To Moving Vehicles

No person shall attach himself with his hands, or to catch on or hold on to with his hands, or by other means, to any moving vehicle or train for the purpose of receiving motive power there from. (Ord. 149 § 8.1, 1968)
10.32.030  Commercial Vehicles Using Private Driveways

A. No person shall operate or drive a commercial vehicle in, on or across any private driveway approach or sidewalk area or the driveway itself without the consent of the owner or occupant of the property, if a sign or markings are in place indicating that the use of such driveway is prohibited.

B. For the purpose of this section, a “commercial vehicle” means a vehicle having a rated capacity in excess of one-half ton. (Ord. 149 § 8.2, 1968)

10.32.040  Riding Or Driving On Sidewalk

No person shall ride, drive, propel, or cause to be propelled any vehicle or animal across or upon any sidewalk excepting over permanently constructed driveways, and excepting when it is necessary for any temporary purpose to drive a loaded vehicle across a sidewalk; provided further, that the sidewalk area is substantially protected by wooden planks two-inches thick, and written permission is previously obtained from the city traffic committee. Such wooden planks shall not be permitted to remain upon such sidewalk area during the hours from six p.m. to six a.m. (Ord. 149 § 8.3, 1968)

10.32.050  Driving Over New Pavement Or Markings

No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted markings in any street when a barrier sign, cone marker or other warning device is in place warning persons not to drive over or across such pavement or marking, or when any such device is in place indicating that the street or any portion thereof is closed. (Ord. 149 § 8.4, 1968)

10.32.060  Barriers And Signs—Approval For Erection—Obedience Required

No person, public utility or department in the city shall erect or place any barrier or sign on any street unless of a type approved by the city traffic committee, or disobey the instructions, remove, tamper with or destroy any barrier or sign lawfully placed on any street by any person, public utility or by any department of this city. (Ord. 149 § 8.5, 1968)

10.32.070  Obstructing Traffic Movement In Intersection Prohibited

No operator of any vehicle shall enter any intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (Ord, 149 § 8.6, 1968)

10.32.080  Limited Access Roadway

No persons shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are lawfully established. (Ord. 149 § 8.7, 1968)

10.32.090  Freeway Use Restricted

No person shall drive or operate any bicycle, motordriven cycle, or any vehicle which is not drawn by a motor vehicle upon any street established as a freeway, as defined by state law, nor shall any pedestrian walk across or along any such street so designated and described except in space set aside for the use of pedestrians; provided, official signs are in place giving notice of such restrictions. (Ord. 149 § 8.8. 1968)
Chapter 10.36 - PEDESTRIANS*

Sections:

10.36.010 Crosswalks—Established where—Authority.
10.36.020 Crosswalks—Use required.

*For statutory provisions authorizing cities to establish crosswalks between intersections, see Veh. Code § 21106.

10.36.010 Crosswalks—Established Where—Authority
A. The city traffic committee shall establish, designate and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway as follows: crosswalks shall be established and maintained at all intersections within the central traffic district and at such intersections outside such district, and at other places within or outside the district where the city traffic committee determines that there is particular hazard to pedestrians crossing the roadway subject to the limitation contained in subsection B of this section.

B. Other than crosswalks at intersections, no crosswalk shall be established in any block which is less than four hundred feet in length, and such crosswalk shall be located as nearly as practicable at midblock.

C. The city traffic committee may place signs at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall not cross in the crosswalk so indicated. (Ord. 149 § 9 (part). 1968)

10.36.020 Crosswalks—Use Required
No pedestrian shall cross a roadway other than by a crosswalk in the central traffic district or in any business district. (Ord. 149 § 9.1, 1968)

Chapter 10.40 - STOPPING, STANDING AND PARKING*

Sections:

10.40.010 Application of regulations.
10.40.020 Parkways.
10.40.030 Curb markings and signs—Compliance required—Maintenance authority.
10.40.040 No parking areas.
10.40.050 Use of streets for vehicle storage prohibited.
10.40.060 Parking for display or advertising.
10.40.070 Parking adjacent to schools.
10.40.080 Parking prohibited on narrow streets.
10.40.010 Application Of Regulations

A. The provisions of this title prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times specified in this chapter, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

B. The provisions of this title imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times. (Ord. 149 § 10 (part), 1968)

10.40.020 Parkways

No person shall stop, stand or park a vehicle within any parkway. (Ord. 149 § 10.1, 1968)

10.40.030 Curb Markings And Signs—Compliance Required—Maintenance Authority

A. The city traffic committee is authorized to maintain by appropriate signs, or by paint upon the curb surface, all stopping zones, no parking areas, and restricted parking areas, as defined and described in this title.

B. When the curb markings or signs are in place, no operator of any vehicle shall stop, stand or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this title. (Ord. 149 § 10.2. 1968)

10.40.040 No Parking Areas

No operator of any vehicle shall stop, stand, park, or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal:

A. Within any divisional island unless authorized and clearly indicated with appropriate signs or markings:

B. On either side of any street between the projected property lines of any public walk, public steps, street, or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface;

C. In any area where the city traffic committee determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property, when such area is indicated by appropriate signs or by red paint upon the curb surface;
D. In any area established by resolution of the council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface;

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

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

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

H. At any place within twenty feet of a point on the curb immediately opposite the midblock end of a safety zone, when such place is indicated by appropriate signs or by red paint upon the curb surface;

I. At any place within twenty feet of a crosswalk at an intersection, in the central traffic district or in any business district, when such place is indicated by appropriate signs or by red paint upon the curb surface; except, that a bus may stop at a designated bus stop;

J. Within twenty feet of the approach to any traffic signal, boulevard stop sign, or official electric flashing device. (Ord. 149 § 10.3, 1968)

10.40.050 Use Of Streets For Vehicle Storage Prohibited

No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of seventy-two hours. (Ord. 149 § 10.4, 1968)

10.40.060 Parking For Display Or Advertising

No operator of any vehicle shall park a vehicle upon any street in this city for the principal purpose of advertising or displaying it for sale, unless authorized by resolution of the council. (Ord. 149 § 10.5, 1968)

10.40.070 Parking Adjacent To Schools

A. The city traffic committee is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in its opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected prohibiting parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (Ord. 149 § 10.8, 1968)

10.40.080 Parking Prohibited On Narrow Streets
A. The city traffic committee is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet.

B. When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking. (Ord. 149 § 10.9, 1968)

10.40.090 Parking On Grades

No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding three percent, within any business or residence district, without blocking the wheels of the vehicle by turning them against the curb or by other means. (Ord. 149 §10.10, 1968)

10.40.100 Parking Of Peddlers’ And Vendors’ Vehicles

A. Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon, or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street within this city except that such vehicles, wagons or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this subsection shall not apply to persons delivering such articles upon order of, or by agreement with a customer from a store or other fixed place of business or distribution. (Ord. 542 §1 2012)

B. No person shall park or stand on any street any lunch wagon, eating cart or vehicle, or pushcart from which sandwiches, peanuts, popcorn, candy, ice cream or other articles of food are sold or offered for sale without first obtaining a written permit to do so from the city, which shall designate the specific location in which such cart shall stand. A fee of seventy-five ($75.00) dollars will be charged to apply for such permit. The permit must be renewed annually. (Ord. 542 §1 2012)

C. No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the city traffic committee which shall designate the specific location where such vehicle may stand. (Ord. 542 §1 2012)

D. Whenever any permit is granted under the provisions of this section and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon, or pushcart on any location other than as designated in such permit. In the event that the holder of any such permit is convicted in any court of competent jurisdiction for violating any of the provisions of this section, such permit shall be forthwith revoked by the city traffic committee upon the filing of the record of such conviction with such officers and no permit shall thereafter be issued to such person until six months have elapsed from the date of such revocation. (Ord. 149 10.11,1968) (Ord. 149 10.11,1968, Ord. 542, §1, 2012)

10.40.110 Emergency Parking Signs

A. Whenever the city traffic committee determines that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other
reasons, the city traffic committee shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys, as the city traffic committee directs, during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency, and the city traffic committee shall cause such signs to be removed promptly there after.

B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs. (Ord, 149 § 10.12. 1968)

10.40.120 Display Of Warning Devices When Commercial Vehicle Disabled

Every motor truck having an aula den weight of four thousand pounds or more, and every truck tractor irrespective of weight when operated upon any street or highway during darkness shall be equipped with and carry at least two flares or two red lanterns or two warning lights or reflectors, which reflectors shall be of a type approved by the Department of California Highway Patrol. When any vehicle abovementioned or any trailer or semi trailer is disabled upon the streets or highways outside of any business or residence district within this city, and upon which street or highway there is in sufficient street lighting to reveal a vehicle at a distance of two hundred feet during darkness, a warning signal of the character indicated above shall be immediately placed at a distance of approximately one hundred feet in advance of, and one hundred feet to the rear of such disabled vehicle by the driver thereof. The continuous flashing of at least four approved Class A-Type I turn signal lamps, at least two toward the front and at least two toward the rear of the vehicle, shall be considered to meet the requirements of this section until the devices mentioned above can be placed in the required locations. The warning signals mentioned in this section shall be displayed continuously during darkness while such vehicle remains disabled upon such street or highway. (Ord. 149 § 10.13, 1968)

10.40.130 Repairing Or Greasing Vehicles On Public Streets

No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased, dismantle or cause to be dismantled any vehicle or any part thereof upon any public street in this city. Temporary emergency repairs may be made upon a public street. (Ord. 149 §10.6, 1968)

10.40.140 Washing Or Polishing Vehicles On Public Streets

No person shall wash or cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any public street in this city, when a charge is made for such service. (Ord. 149 § 10.7, 1968)

Chapter 10.42 - MISCELLANEOUS VEHICLE AND TRAFFIC VIOLATIONS

Sections:

10.42.010 On-street and off-street parking spaces—Designation by resolution.
10.42.020 Notice of on-street restrictions.
10.42.030 Notice of off-street restrictions.
10.42.040 Unlawful to park.
10.42.050 Private parking facilities.
10.42.060 Unregistered vehicles.
10.42.070 Display of license plates.
10.42.080 Display of tabs.
10.42.090 Prohibited parking or standing.
10.42.100 Curb parking.
10.42.110 Abandonment prohibited.

10.42.010 On-Street And Off-Street Parking Spaces—Designation By Resolution
The council may by resolution designate on street parking spaces and off-street parking space in parking lots owned and maintained by the city for the exclusive use of vehicles which display a distinguishing license plate or placard issued pursuant to Division 11, Chapter 9 of the California Vehicle Code. Any parking spaces so designated shall be restricted to vehicles displaying such license plates or placards on a twenty-four-hour-a-day basis each day during the year including Sundays and holidays. Any parking space so designated shall be subject to any temporary prohibitions which may be established by resolution of the council. (Ord. 419 § 1 (part), 1995)

10.42.020 Notice Of On-Street Restrictions
On-street parking spaces may be designated pursuant to Division 11, Chapter 9 of the California Vehicle Code. (Ord. 419 § 1 (part), 1995)

10.42.030 Notice Of Off-Street Restrictions
If the council by resolution adopted pursuant to Section 10.42.010 designates any off-street parking spaces in parking lots owned and maintained by the city, the city engineer shall mark and/or sign such spaces in accordance and pursuant to Division 11, Chapter 9 of the California Vehicle Code. (Ord. 419 § 1 (part), 1995)

10.42.040 Unlawful To Park
It is unlawful for any person to park or leave standing any vehicle in any on-street or off-street stall or space designated pursuant to this chapter unless the vehicle displays a distinguishing license plate or placard issued pursuant to Division 11, Chapter 9 of the California Vehicle Code. (Ord. 419 § 1 (part), 1995)

10.42.050 Private Parking Facilities
The council urges owners of privately owned and operated parking facilities to reserve parking stalls for the exclusive use of physically handicapped persons pursuant to Division 11, Chapter 9 of the California Vehicle Code. (Ord. 419 § 1 (part), 1995)

10.42.060 Unregistered Vehicles
No person shall leave standing upon a city street or public parking facility, any vehicle defined in Division 1 of the California Vehicle Code requiring registration, unless it is registered, and the
proof of such valid registration is properly displayed, in compliance with California Vehicle Code regulations. (Ord. 419 § I (part), 1995)

10.42.070    Display Of License Plates

No person shall leave standing upon a city street or public parking facility any vehicle defined in Division I of the California Vehicle Code requiring registration, without proper display of license plates, as defined in Section 5200 of the California Vehicle Code. (Ord. 419 § I (part), 1995)

10.42.080    Display Of Tabs

No person shall leave standing upon a city street or public parking facility any vehicle defined in Division I of the California Vehicle Code requiring registration, without proper display of proof of valid registration, as defined in Section 5204(a) of the California Vehicle Code. This requirement does not apply to fleet vehicles, as defined in Section 5204(b) of the California Vehicle Code. (Ord. 419 § I (part), 1995)

10.42.090    Prohibited Parking Or Standing

No person shall leave standing or parked any vehicle defined in Division 1 of the California Vehicle Code requiring registration, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic-control device, in any crosswalk, within fifteen feet of a driveway entrance to any fire station, in front of a public or a private driveway, in front of a door, on a sidewalk, on the roadway side of any vehicle stopped, parked or standing at the curb or edge of a highway. (Ord. 419 § I (part), 1995)

10.42.100    Curb Parking

Every vehicle stopped or parked upon a roadway within the city where there are adjacent curbs shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within eighteen inches of the right-hand curb, except, motorcycles shall be parked with at least one wheel or fender touching the right-hand curb. Where no curbs or barriers bound any roadway, right-hand parallel parking is required unless otherwise indicated. This section shall not be construed to permit any vehicle to stop or park upon a roadway in a direction opposite to that in which traffic normally moves upon that half of the roadway on which such vehicle is stopped or parked. (Ord. 419 § 1 (part), 1995)

10.42.110    Abandonment Prohibited

No person shall abandon a vehicle upon a city street, or upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. (Ord. 419 § 1 (part), 1995)

Chapter 10.44 - RESTRICTED PARKING AREAS*

Sections:

10.44.010    Twenty-four minute parking.
10.44.020    Forty minute parking.
10.44.030    One hour parking.
10.44.010 Twenty-Four Minute Parking
A. Green curb marking shall mean no standing or parking for a period of time longer than twenty-four minutes at any time between 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays.

B. When authorized signs, parking meters or curb markings have been determined by the city traffic committee to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park the vehicle adjacent to any such legible curb marking or sign or parking meter in violation thereof. (Ord. 149 § II (part), 1968)

10.44.020 Forty Minute Parking
When authorized signs, parking meters or curb markings have been determined by the city traffic committee to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park the vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays, for a period of time longer than forty minutes. (Ord. 149 § 11.1, 1968)

10.44.030 One Hour Parking
When authorized signs, parking meters or curb markings have been determined by the city traffic committee to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park the vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period of time longer than one hour. (Ord. 149 11.2, 1968)

10.44.040 Two Hour Parking
When authorized signs, parking meters or curb markings have been determined by the city traffic committee to be necessary and are in place giving notice thereof, no operator of any vehicle shall
stop, stand or park the vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period of time longer than two hours. (Ord. 149 § 11.3, 1968)

10.44.050 Parallel Parking On One-Way Streets

A. Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.

B. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.

C. The city traffic committee is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way roadway of a highway having two or more separate roadways and shall erect signs giving notice thereof.

D. The requirement of parallel parking imposed by this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case such vehicle may be backed up to the curb; provided, that such vehicle does not extend beyond the centerline of the street and does not block traffic thereby. (Ord. 149 § 11.4, 1968)

10.44.060 Diagonal Parking

A. On any of the streets or portions of streets established by resolution of the council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it is unlawful for the operator of any vehicle to park the vehicle except:

1. At the angle to the curb indicated by signs or pavement markings allotting space to parked vehicles and entirely within the limits of the allotted space;

2. With the front wheel nearest the curb within six inches of the curb.

B. The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods, in which event the provisions applicable in Section 10.44.050 shall be complied with. (Ord. 149 11.5, 1968)

10.44.070 Parking Space Markings

A. The city traffic committee is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted.

B. When such parking space markings are placed on the highway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible. (Ord. 149 11.6. 1968)

10.44.080 No Stopping Zones

A. The city traffic committee shall designate established no stopping zones by placing and maintaining appropriate signs indicating that stopping of vehicles is prohibited and indicating the hours and day when stopping is prohibited.
B. During the hours and on the days designated on the signs, it is unlawful for the operator of any vehicle to stop the vehicle on any of the streets or parts of streets established by resolution of the council as no stopping zones. (Ord. 149 § 11.7, 1968)

10.44.090 Loading Zones

A. The city traffic committee is authorized to determine and to mark loading zones and passenger loading zones as follows:

1. At any place in the central traffic district or any business district;
2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.

B. In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes.

C. Loading zones shall be indicated by yellow paint upon the top of all curbs within such zones.

D. Passenger loading zones shall be indicated by white paint upon the top of all curbs in said zones. (Ord. 149 § 12 (part), 1968)

10.44.100 Curb Markings

The city traffic committee is authorized, subject to the provisions and limitations of this title, to place, and when required in this title shall place the following curb markings to indicate parking or standing regulations, and the curb markings shall have the meanings as set forth in this section:

A. Red means no stopping, standing or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.

B. Yellow means no stopping, standing or parking at any time between seven a.m. and six p.m. of any day except Sundays and holidays for any purpose other than the loading or unloading of passengers or materials; provided, that the loading or unloading of passengers shall not consume more than three minutes nor the loading or unloading of materials more than twenty minutes.

C. White means no stopping, standing or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mailbox, which shall not exceed three minutes and such restrictions shall apply between seven a.m. and six p.m. of any day except Sundays and holidays and except as follows:

1. When such zone is in front of a hotel or in front of a mailbox, the restrictions shall apply at all times.
2. When such zone is in front of a theater the restrictions shall apply at all times except when such theater is closed.

D. Blue means parking at all times shall be limited exclusively to the vehicles of physically handicapped persons.

E. When the city traffic committee as authorized under this title has caused such curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section. (Ord. 256 § 1, 1980: Ord. 149 § 12.1, 1968)
10.44.110  Applicability Of Loading Or Unloading Provisions
A. Permission granted in this chapter to stop or stand a vehicle for purposes of loading or unloading of materials shall apply only to commercial vehicles and shall not extend beyond the time necessary therefore, and in no event for more than twenty minutes.
B. The loading or unloading of materials shall apply only to commercial deliveries, also the delivery or pickup of express and parcel post packages and United States mail.
C. Permission in this chapter granted to stop or park for purposes of loading or unloading passengers shall include the loading or unloading of personal baggage but shall not extend beyond the time necessary therefore and in no event for more than three minutes.
D. Within the total time limits specified in subsections A and C of this section, the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges granted by this chapter. (Ord. 149 § 12.2, 1968)

10.44.120  Yellow Loading Zones
No person shall stop, stand or park a vehicle in any yellow loading zone for any purpose other than loading or unloading passengers or material for such time as is permitted in Section 10.44.110. (Ord. 149 § 12.3, 1968)

10.44.130  Passenger Loading Zones
No person shall stop, stand or park a vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in Section 10.44.110. (Ord. 149 § 12.4, 1968)

10.44.140  Loading Or Unloading In Alleys
No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley. (Ord. 149 § 12.5. 1968)

10.44.150  Bus And Coach Zones Authorized
A. The city traffic committee is authorized to establish bus zones opposite curb space for the loading and unloading of buses or common carriers of passengers and to determine the location thereof.
B. Coach zones shall normally be established on the far side of an intersection. (Ord. 149 § 12.6, 1968)

Chapter 10.48 - RESTRICTED USE OF CERTAIN STREETS

Sections:

10.48.010  Central traffic district—Certain vehicles restricted.
10.48.020  Central traffic district—Advertising vehicles.
10.48.030  Central traffic district—Animal-drawn vehicles.
10.48.040  Truck routes.
10.48.010  Central Traffic District—Certain Vehicles Restricted

No person shall operate any of the following vehicles in the central traffic district between the hours of seven a.m. and six p.m. of any day:

A. Any freight vehicle more than eight and one-half feet in width, with load, or any freight vehicle so loaded that any part of its load extends more than twenty feet to the front or rear of the vehicle;

B. Any vehicle carrying building material that has not been loaded, or is not to be unloaded at some point within the central traffic district;

C. Any vehicle conveying refuse, rubbish, garbage or dirt; provided, that the city traffic committee may by written permit authorize the operation of any such vehicle for the purpose of making necessary emergency deliveries to or from points within the central traffic district. (Ord. 149 § 13 (part), 1968)

10.48.020  Central Traffic District—Advertising Vehicles

No person shall operate or drive any vehicle used for advertising purposes or any advertising vehicle equipped with a sound-amplifying or loud-speaking device upon any street or alley at any time within the central traffic district, without first obtaining a permit from the chief of police. (Ord. 149 § 13.1, 1968)

10.48.030  Central Traffic District—Animal-Drawn Vehicles

No person shall drive any animal-drawn vehicle into or within the central traffic district between the hours of four thirty p.m. and six p.m. of any day. (Ord. 149 § 13.2, 1968)

10.48.040  Truck Routes

A. Whenever any ordinance of this city designates and describes any street or portion thereof as a street, the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three tons, the city traffic committee is authorized to designate such street or streets, by appropriate signs, as truck routes, for the movement of vehicles exceeding a maximum gross weight limit of three tons.

B. When any such truck route or routes are established and designated by appropriate signs the operator of any vehicle exceeding a maximum gross weight limit of three tons shall drive on such route or routes and none other, except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of three tons coming from a truck route having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets, or for the purpose of delivering materials to be used in the actual and bonafide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained therefore.
C. The provisions of this section shall not apply to passenger buses under the jurisdiction of the public utilities commission, or to any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

D. Those streets and parts of streets established by ordinance of the council are declared to be truck routes for the movement of vehicles exceeding a maximum gross weight of three tons. (Ord. 289 § 1 (part), 1984; Ord. 149 § 13.3, 1968)

10.48.050 Commercial Vehicles Prohibited On Certain Streets

A. Whenever any ordinance of the city designates and describes any street or portion thereof as a street the use of which is prohibited by any commercial vehicle, the city traffic committee shall erect and maintain appropriate signs on those streets affected by such ordinance.

B. Those streets and parts of streets established by ordinance of the council are declared to be streets, the use of which is prohibited by any commercial vehicle. The provisions of this section shall not apply to passenger buses under the jurisdiction of the public utilities commission. (Ord. 289 § 1 (part), 1984; Ord. 149 § 13.4, 1968)

10.48.060 Truck Routes Defined

A. The following streets are designated as truck routes, the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three tons within the meaning of Section 10.48.040:

1. State Route 99:
2. Larkin Road:
3. Pennington Road:
4. Broadway (between Larkin Road and Elm Street);
5. Elm Street (between Broadway and California Street);
6. California Street (between Elm Street and Pennington Road).

B. All other streets within the city limits of the city of Live Oak, except those designated in subsection A of this section, are restricted streets as contemplated in Section 10.48.040. (Ord. 289 § 2. 1985; Ord. 149 § 13.5, 1968)

10.48.070 Violation Of Section 10.48.040—Penalty

A violation of Section 10.48.040 of this code shall be an infraction punishable by a fine of not less than fifty dollars nor more than five hundred dollars. (Ord. 289 § 3, 1985; (Ord. 149 § 13.6, 1968)

Chapter 10.52 - TRAINS

Sections:

10.52.010 Railway gates.
10.52.020 Blocking traffic on one street—Ten minute limit.
10.52.030 Blocking traffic on two streets—Five minute limit.
10.52.010  Railway Gates
No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed. (Ord. 149 § 15 (part), 1968)

10.52.020  Blocking Traffic On One Street—Ten Minute Limit
No person shall cause or permit any railway train or railway cars or similar vehicle on rails to stop or stand or to be operated in such a manner as to prevent the use of any street for the purposes of travel for a period of time longer than ten minutes; except, that this provision shall not apply to railway trains, cars or similar vehicles on rails while blocking or obstructing a crossing because of an accident which requires the operator of the train, car or similar vehicle on rails to stop at or near the scene of the accident. (Ord. 149 § 15.1. 1968)

10.52.030  Blocking Traffic On Two Streets—Five Minute Limit
No person, firm, or corporation shall operate any train or train of cars or permit the same or any portion thereof to remain standing so as to block the movement of traffic on any two streets for a period of five minutes and at no time block more than two streets at the same time. (Ord. 204 § 2, 1968)

Chapter 10.56 - SPECIAL SPEED ZONES

Sections:

10.56.010  Speed regulation by traffic signals authorized.
10.56.020  Speed limits designated.

10.56.010  Speed Regulation By Traffic Signals Authorized
The city traffic committee is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof. (Ord. 149 § 16 (part), 1968)

10.56.020  Speed Limits Designated
It is unlawful and an infraction to drive a motor vehicle upon any portion of the following streets in excess of the following stated speed limits:

A. Archer Avenue.
1. From Live Oak Boulevard to east city Limit, 35 miles per hour;

B. Broadway:
1. From Larkin Road to Elm Street, 35 miles per hour;
2. From Elm Street to Pennington Road, 25 miles per hour;

C. Larkin Road:
1. From south city limit to curve, 45 miles per hour;
2. From curve to Live Oak Boulevard, 35 miles per hour;
3. Live Oak Boulevard to Pennington Road, 30 miles per hour;
4. From Pennington Road to Nevada Street, 35 miles per hour;
5. From Nevada Street to north city limit, 45 miles per hour;

D. Pennington Road:
1. From west city limit to Connecticut Avenue, 35 miles per hour;
2. From Connecticut Avenue to five hundred feet east of Maple Park, 30 miles per hour;
3. From five hundred feet east of Maple Park to east city limit, 35 miles per hour;

Except that the speed limit along Pennington Road from the westerly side of the Live Oak High School to the easterly side of the Live Oak Elementary School shall be 25 miles per hour when children are present. (Ord. 225, 1978)

Chapter 10.60 - SCHEDULE OF DESIGNATED STREETS

Sections:
- **10.60.010** Truck routes and truck parking
- **10.60.020** Through streets
- **10.60.030** Stop sign intersections
- **10.60.040** Limited parking

**10.60.010 Truck Routes And Truck Parking**

A. In accordance with the provisions of Section 10.48.040, and when properly posted giving notice thereof, the following streets or portions of streets are declared to be truck routes for the movement of vehicles exceeding a maximum gross weight of three tons:
1. State Route 99;
2. Larkin Road;
3. Pennington Road;
4. Broadway between Larkin Road and Elm Street;
5. Elm Street between Broadway and California Street;
6. California Street between Elm Street and Pennington Road.

B. No vehicle exceeding a maximum gross weight of ten thousand pounds, or commercial vehicle, as defined in vehicle code section 15210, shall park on any of the following truck routes, except in the case of an emergency or for the purpose of loading and unloading as otherwise provided in this title:
1. Larkin Road;
2. Pennington Road;
3. Broadway (between Larkin Road and Elm Street);
4. Elm Street (between Broadway and California Street);
5. California Street (between Elm Street and Pennington Road).

Nothing in this section shall prohibit the parking of a pickup mounted with a camper or a self-propelled mobile home.

10.60.020 Through Streets
In accordance with the provisions of Section 10.28.010, and when properly posted giving notice thereof, through streets shall be as follows:

A. State Route 99 within the limits of the city;
B. Pennington Road from State Route 99 west and east to the city limits;
C. Larkin Road south of State Route 99 to the city limits;
D. Larkin Road between State Route 99 and Pennington Road;
E. Larkin Road north of Pennington Road to the city limits.

10.60.030 Stop Sign Intersections
In accordance with the provisions of Section 10.28.010, and when properly posted giving notice thereof, vehicles are required to stop when traveling on the following streets, prior to entering or crossing the intersections designated as follows:

A. Westbound traffic on the alley between Birch Street and Archer Avenue at State Route 99;
B. Southbound traffic on K Street at Archer Avenue;
C. North and southbound traffic on L Street at Archer Avenue;
D. Eastbound traffic on Fir Street at Sinnard Avenue;
E. East and westbound traffic on Gum Street at L Street;
F. North bound traffic on Broadway at Elm Street;
G. Eastbound traffic on Elm Street at Broadway;
H. Eastbound traffic on Fir Street at Broadway;
I. Eastbound traffic on Gum Street at Broadway;
J. North and southbound traffic on California Street and Fir Street;
K. Eastbound traffic on Elm Street at P Street;
L. East and westbound traffic on Fir Street at P Street
M. North and southbound traffic on P Street at Fir Street;
N. Eastbound traffic on Gum Street at California Street;
Limited Parking

In accordance with the provisions of Section 10.48.040, and when properly posted giving notice thereof, the following street will be limited to one-hour parking, except in the case of an emergency or for the purpose of loading and unloading as otherwise provided in this title:

A. State Route 99.

(Ord. 458 §1, 2001)

Chapter 10.64 - BICYCLE REGISTRATION*

Sections:

10.64.010     License—Required.
10.64.020     License—Application—Issuance.
10.64.030     License—Plates and registration—records.
10.64.040     License—Fees.
10.64.050     Secondhand dealers—Weekly reports to police.
10.64.060     Transfer of registration.
10.64.070     Altering bicycle or license numbers prohibited.
10.64.080     Violation—Penalty—Impoundment.

* For statutory provisions on bicycle registration, see Veh. Code § 39000 et seq.

10.64.010     License—Required

It is unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets, alleys or public highways of the city without first obtaining from the police department a license therefore. (Ord. 132 § 1, 1965)

10.64.020     License—Application—Issuance

The city clerk’s office is designated as the agency through whom applications for bicycle licenses shall be processed. The city clerk’s office is authorized and directed to issue, upon written application, bicycle licenses which shall be effective from January 1st to and including December 31st of the succeeding year and thereafter all licenses shall be issued every two years commencing on the first day of each even numbered year and ending on the thirty-first day of December of each odd numbered year. The licenses, when issued, shall entitle the licensee to operate such bicycle for which said license has been issued upon all of the streets, alleys and public highways exclusive of the sidewalks thereof in the city. The city clerk’s office may confer with the applicable law enforcement department, i.e. the Sutter County sheriff’s department in connection with the processing of such applications and the issuances of such licenses. (Ord. 252 § 1 (part), 1980: Ord. 132 § 2, 1965)

10.64.030     License—Plates And Registration—Police Records
The city shall provide each year metallic license plates and seals, together with registration cards and isinglass holders therefore, said metallic license plates and registration cards having numbers stamped thereon in numerical order, and it shall be the duty of the police department to attach one such metallic license plate to the frame of each bicycle and to issue a corresponding registration card to the licensee upon the payment of the license fee provided for in Section 10.64.040. Such metallic license plate shall remain attached during the existence of such license. The police department shall also keep a record of the date of issue of each license, to whom issued, and the number thereof. (Ord. 132 § 3, 1965)

10.64.040 License—Fees

The license fee to be paid for each bicycle shall be one dollar and shall be paid in advance. All license fees collected under this chapter shall be paid into the general fund of the city. (Ord. 252 § 1 (part), 1980: Ord. 132 § 7, 1965)

10.64.050 Secondhand Dealers—Weekly Reports To Police

All persons engaged in the business of buying secondhand bicycles are required to make weekly report to the police department giving the name and address of the person from whom each bicycle is purchased, the description of each bicycle purchased, the frame number thereof, and the number of the metallic license plate found thereon, if any. All persons engaged in the business of selling new or secondhand bicycles are required to make a weekly report to the police department, giving a list of all sales made by such dealers, which list shall include the name and address of each person to whom sold, the kind of bicycle sold, together with a description and frame number thereof, and the number of the metallic license plate attached thereof, if any. (Ord. 132 § 4, 1965)

10.64.060 Transfer Of Registration

It shall be the duty of every person who sells or transfers ownership of any bicycle to report such sale or transfer by returning to the police department the registration card issued to such person as licensee thereof, together with the name and address of the person to whom the bicycle was sold or transferred, and such report shall be made within five days of the date of the sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration therefore within five days of the sale or transfer. (Ord. 132 § 5, 1965)

10.64.070 Altering Bicycle Or License Numbers Prohibited

It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this chapter. It is also unlawful for any person to remove, destroy, mutilate or alter any license plate, seal or registration card during the time in which the license plate, seal or registration card is operative; provided, however, that nothing in this chapter shall prohibit the police department from stamping numbers on the frames of bicycles on which no serial number can be found, or on which the number is illegible or insufficient for identification purposes. (Ord. 132 § 6, 1965)

10.64.080 Violation—Penalty—Impoundment

Every person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. In addition to the penalty herein above set forth,
the police department of the city, or any of the members thereof, may impound and retain possession of any bicycle operated in violation of any of the provisions of this chapter, and retain possession of the same until the license provided for in this chapter is obtained by the owner of the bicycle. (Ord. 132 § 8, 1965)

Chapter 10.68 - SKATEBOARDS

Sections:

10.68.010 Regulations generally.

10.68.010 Regulations Generally

It is unlawful for any person to ride, by skateboard or similar device, upon any public street within the city limits in violation of the following restrictions:

A. Such use shall not occur after sunset of one day and before sunrise of the following day.

B. Persons riding skateboards shall ride as near to the right side of the roadway as practicable.

C. No person riding a skateboard shall attach the same or himself to any other vehicle.

D. Persons riding skateboards shall yield the right-of-way to all motor vehicles and pedestrians.

E. No person shall ride a skateboard when approaching or upon the crest of a grade or a curve in a street where the view of such person is obstructed within such distance as to create a hazard from an approaching motor vehicle.

F. No person shall ride a skateboard on any street or sidewalk in any business district, “Business district” shall have the meaning given to it by Section 235 of the California Vehicle Code.

G. Except as provided in this chapter, any person riding a skateboard shall be subject to all of the duties applicable to the driver of vehicle under the California Vehicle Code, except those provisions which, by their very nature, can have no application. (Ord. 217 § 1, 1978)

Chapter 10.72 - ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

Sections:

10.72.010 Statutory authority declared nuisance - findings.

10.72.020 Definitions.

10.72.030 Applicability.

10.72.040 Exceptions.

10.72.050 Administrative costs.

10.72.060 Abatement notice.

10.72.070 Appeal abatement hearing with city manager.

10.72.080 Appeal hearing procedure.

10.72.090 Right of entry.
10.72.010  Statutory Authority Declared Nuisance — Findings

In accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked or dismantled vehicles or parts thereof as public nuisances, the city council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public properly, not including highways, is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare.

Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property, except as expressly permitted in this chapter is declared to constitute a public nuisance, which may be abated as such in accordance with the provisions of this chapter.

10.72.020  Definitions

As used in this chapter, the following definitions shall apply:

A. “Abandon” means to give up completely with the intent of never again claiming a right or interest in.

B. “Appeal hearing” means a person designated to hear all matters of dispute, determination and interpretation that may arise under this chapter, and shall consist of the city manager, or a person designated by the city manager to act on his/her behalf.

C. “Appraiser” means a person designated as having the authority to make appraisals of the value of vehicles pursuant to California Vehicle Code Section 22855 and includes regularly salaried employees of the City of Live Oak designated by the Live Oak city council to perform this function. The Chief of police and the code enforcement officer are designated by the City of Live Oak city council as appraisers pursuant to California Vehicle Code Section 22855.

D. “Chief of Police” refers either to the Chief of Police in the event that a Municipal Police Department is established or, until such time, by the senior most law Enforcement Officer assigned by contract to provide law enforcement services to the City or that person’s designee.

E. “Code Enforcement Officer/Enforcement Officer” means the person designated to assist the Chief of Police in administration and enforcement of this chapter and shall have those responsibilities and rights as further set forth in this chapter, including but not limited to the removal of vehicles or parts thereof as allowed by this chapter.

F. “Dismantled” refers to a vehicle which has been taken apart and remains in pieces.

G. “Highway” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. “Highway” includes streets.
H. “Inoperable vehicle” means the condition of a vehicle which is physically incapable of working, functioning, or otherwise operation to produce its designed effects.

I. “Owner of the land” means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

J. “Owner of the vehicle” means the last registered owner and legal owner of record.

K. “Public property” does not include “highway.”

L. “Vehicle” means a device by which and person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

M. “Wrecked” refers to a vehicle or part thereof which is disabled or in a state of ruin or dilapidation.

10.72.030 Application

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It supplements and is in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, the state or any other legal entity or agency having jurisdiction.

10.72.040 Exceptions

A. This chapter shall not apply to any vehicle (s) or parts thereof which:

(1) Is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, or

(2) Is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise and is not unsightly or otherwise detrimental to the public health, safety or welfare.

(3) A vehicle or part thereof having historical value as defined by vehicle code 5004 (a).

B. Nothing in this section shall authorize the maintenance of a public or private nuisance, as defined under provisions of law other than this chapter.

10.72.050 Administrative Cost

The city council may from time to time by resolution determine an amount to be assessed as administrative costs excluding the actual cost of removal of any vehicle or parts thereof under this chapter.

10.72.060 Abatement Notice

Upon discovery of the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property within the city, the code enforcement officer shall have the authority to serve abatement notices and will cause the abatement and removal thereof in accordance with the procedures prescribed in this chapter.

A. The following abatement notice is required prior to removal of any vehicle or parts thereof as provided in this chapter:
1. A 10-day notice of intention to abate and remove the vehicle (the “notice to abate”), or parts thereof, as a public nuisance shall be mailed by certified mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The enforcement officer shall post a copy of the Notice upon or at the site of such vehicle or part.

2. The notice to abate shall be in the following form:

The notice to abate is not required in the following circumstances:

1. A vehicle or part thereof is inoperative due to the absence of a motor, transmission or wheels and each of the following conditions are found to exist by the code enforcement officer:
   a. The vehicle or part thereof is incapable of being towed,
   b. The vehicle or part thereof is valued at less than $200 by an appraiser as defined in this chapter,
   c. The vehicle or part thereof is determined by the code enforcement officer to be a public nuisance presenting an immediate threat to public health or safety, and
   d. The property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof.

10.72.070  Appeal Abatement Hearing With City Manager

A. The owner of the vehicle and/or the owner of the land on which the vehicle is located shall have the right to request a hearing before the City Manager if such a request is submitted to the Live Oak City Hall office staff in writing within 10 days after the mailing of the Notice of Intention to Abate and Remove. The appeal may concern questions of abatement and removal of the vehicle, or parts thereof, as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle, or parts thereof, against the property on which it is located. If there is no request for a hearing or a sworn, written statement denying responsibility for the presence of the vehicle on his/her land within the 10 days after mailing of the Notice of Intention to Abate and Remove, the city shall have the authority to abate and remove the vehicle, or parts thereof, as a public nuisance without holding any hearings.

B. If the owner of the land submits a sworn, written statement denying responsibility for the presence of the vehicle on his/her land within such 10 day period, said statement shall be construed as a request for a hearing which does not require his/her presence.

C. Notice of the hearing shall be mailed, by certified mail, at least 10 days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such a condition that identification numbers are not available to determine ownership. If no request for hearing or sworn, written statement denying responsibility for the presence of the vehicle on his/her land is received within the 10 days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle, or parts thereof as a public nuisance without holding a hearing.

10.72.080  Appeal Hearing Procedure

Upon the date, and at the time and place, specified for hearing in the Notice of Hearing required by Section 10.72.070 the City Manager shall proceed to hear the testimony of the Code
Enforcement Officer or Chief of Police, requesting party, and any other competent persons respecting the condition of the vehicle or part constituting the subject of the hearing, and any other relevant facts concerning the matter. The property owner may either appear in person at the hearing or present a sworn written statement-denying responsibility for the presence of the vehicle on his or her land, with the reasons for such denial.

The provisions of the California Administrative Procedure Act (commencing with Section 11500 of the Government Code) shall not be applicable to such hearing; nor shall formal rules of evidence in civil or criminal judicial proceedings be so applicable.

Within seven (7) days following the date on which the hearing was held, the City Manager shall issue a written decision which either affirms or reverses the Code Enforcement Officer or Chief of Police determination made that the vehicle is abandoned, wrecked or inoperative. The decision shall include findings of fact and conclusions. Copies of the decision shall be forthwith served upon the parties, either by personal delivery or by certified mail, return receipt requested. The decision may be appealed to the city council within 10 days after the service by mail of the decision. If the City Manager affirms the Code Enforcement Officer’s or Chief of Police determination, such decision shall direct the property owner and/or vehicle owner to abate the nuisance within the time prescribed by this Section. Such decision shall give notice that if the nuisance is to abated it may be abated by the Code Enforcement Officer or Chief of Police in such manner as the Enforcement Officers deems proper, and that the expense thereof may be made a lien against the real property involved, in accordance with Section 38773.5 of the Government Code, or, in the case of an abandoned vehicle, that such expense my be recovered from the last registered owner of record thereof, pursuant to Section 22524 of the Vehicle Code. Provided however, that if the Code Enforcement Officer has found that the vehicle or part constituting the nuisance was placed upon the land without the consent of the property owner, and that the property owner has not subsequently acquiesced in its presence, the Code Enforcement Officers shall not assess such cost against the real property, or otherwise attempt to collect such cost from the property owner. The decision shall require that abatement of the nuisance by the property owner and or vehicle owner be physically completed within ten (10) days after service of such decision or, in the alternative, within such time as the Code Enforcement Officers shall determine to be reasonable under all of the circumstances.

10.72.090 Right Of Entry

The Code Enforcement Officer, Chief of Police or any person or persons with whom the City Manager has contracted to provide such services, shall be authorized to enter upon private property or public property for purposes of administering and enforcing this chapter, to examine a vehicle or part thereof declared to be a nuisance pursuant to this Section. Any other person, firm or corporation authorized by the city to remove vehicles from property for purposes of enforcement of this Section may enter upon private property to perform such removal, upon request from the Code Enforcement Officer or Chief of Police.

10.72.100 Vehicle Disposition

After a vehicle has been moved pursuant to this Section, such vehicles shall not be reconstructed or made operable unless, pursuant to California Vehicle Code Section 5004:

A. The vehicle qualifies for horseless carriage license plates or; B, The vehicle qualifies for historical vehicle license plates.
The code enforcement officer or chief of police may dispose of a vehicle or part thereof under this Section by removal thereof to a licensed scrap yard, automobile dismantler’s yard or other site authorized by Section 22662 of the Vehicle Code.

Within 12 days after the notice is mailed, final disposition may proceed. Within five (5) days after the date of removal of the vehicle or parts thereof removed and any evidence of registration available, including registration certificates, certificates of title or license plates shall be given to the Department of Motor Vehicle identifying the vehicle or part thereof, has been removed.

10.72.110 Administrative Costs Assessment—Delinquent Action

If the administrative costs and the cost of removal which are charged against the owner of the parcels of land pursuant to Section 10.72.070 and 10.72.080 are not paid within 30 days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other city taxes. Any costs required to be paid for the removal and disposition of any vehicle determined to be abandoned shall not exceed those for towing and 7 days of storage.

Cost of enforcement and administration of this chapter shall include, but not be limited to, charges for each vehicle cited under this ordinance, a towing fee for each vehicle towed pursuant to this ordinance, charges related to vehicle disposal, and a fee to cover the cost of hearing, staff time involved in hearing required by this chapter, inspection of vehicles and other property, publication, mailing and posting of notices, conducting hearings, processing appeals and pursuing any judicial action. Such charges shall be established from time to time by resolution the City Council.

10.72.120 Unlawful Acts

It is unlawful and an infraction for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this Section or state law where such state law is applicable. A fine of not less than $100 and no more than $500 per day maybe imposed upon any person convicted of a violation of this section. In addition to any costs of removal and disposition of the vehicle that may be assessed pursuant to this chapter. (Ord. 456, § 3, 2000)

Chapter 10.75 - PROCEDURE ON PARKING VIOLATIONS

Sections:

10.75.010 The City of Live Oak shall process parking violations which it issues.
10.75.020 Notice of parking violation.
10.75.030 Review of issuance of notice of parking violation—Deposit of parking penalty.
10.75.040 Appeal to justice or municipal court.
10.75.050 Method of collection when determination is final.
10.75.060 Fine schedule.
10.75.010 The City Of Live Oak Shall Process Parking Violations Which It Issues

The city of Live Oak shall act as the processing agency for all parking violation citations which it issues. This chapter shall specify the procedure to be followed for any violation of any regulation that is not a misdemeanor governing the standing or parking of a vehicle under the Vehicle Code, under any federal statute or regulation, or under any ordinance, rule or regulation of the city. Such violations shall be subject to a civil penalty, the enforcement of which is set forth in this chapter. (Ord. 417 (part). 1995)

10.75.020 Notice Of Parking Violation

A peace officer or person authorized to enforce parking laws, upon finding a vehicle parked in violation of law, shall securely attach to the vehicle a notice of parking violation setting forth the violation (including reference to the law violated), the approximate time thereof, the location where the violation occurred, the time for the registered owner/lessee or rentee to deposit the parking penalty, or to contest the violation. The notice shall also set forth the vehicle license number and the registration expiration date if they are visible, the last four digits of the vehicle identification number if that number is visible through the windshield, the color of the vehicle and, if possible, the make of the vehicle, as well as any other requirements of Vehicle Code Section 40202, or any other requirement of law. The notice of parking violation shall be served by attaching it to the vehicle either under the windshield wiper or in another conspicuous place upon the vehicle, or if the driver of the vehicle is personally present, by delivering the notice of violation directly to the driver. The notice of parking violation shall be accompanied by a written note of the parking penalty due for that violation and the address of the person authorized to receive a deposit for the parking penalty, to whom payment may be sent, and a statement in bold print that payments of the parking penalty for the parking violation may be sent through the mail. 

If the parking penalty is received by the person authorized to receive the deposit of the parking penalty and there is no contest as to that violation, the proceedings under this chapter shall terminate. If a person contests the violation, the city shall process in accordance with Section 10.75.030. (Ord. 417 § 1 (part), 1995)

10.75.030 Review Of Issuance Of Notice Of Parking Violation—Deposit Of Parking Penalty

If the payment of the parking penalty is not received by the city by the date affixed on the notice of parking violation, the city shall deliver to the registered owner a notice of delinquent parking violation. Delivery of a notice of delinquent parking violation may be made by personal service or by first class mail addressed to the registered owner as shown on the records of the Department of Motor Vehicles. For a period of twenty-one days from the issuance of the notice of parking violation, or ten days from the mailing of the notice of a delinquent parking violation, a person may request review by the city by written request, telephone or in person. Following the request for review, the sheriff lieutenant or his designee shall investigate with its own records and staff the circumstances of the citation with respect to the contestant’s written explanation of reasons for contesting the parking violation. If, based on the result of that investigation, the city is satisfied that the violation did not occur or that the registered owner was not responsible for the violation, the city shall cancel the notice of parking violation and make an adequate record of the reasons for canceling the notice and shall mail the results of the investigation to the person who contested the notice of parking violation or the notice of delinquent parking violation.
If the person contesting a notice of parking violation or notice of delinquent parking violation is not satisfied with the results of the investigation specified above, and wishes to request an administrative hearing, the person shall, within fifteen days of the mailing of the results of the investigation, deposit the amount of the parking penalty and request an administrative hearing. The administrative hearing shall consist of the following:

1. The person requesting an administrative hearing shall indicate to the city his or her election for a review by mail or personal conference.

2. If the person requesting a hearing is a minor, that person shall be permitted to appear at a hearing or admit responsibility for a parking violation without the necessity of the appointment of a guardian. The city may proceed against that person in the same manner as if that person were an adult.

3. Administrative hearings shall be conducted before the city finance director, or before an examiner designated by the city finance director to conduct the hearing. Any examiner so designated shall demonstrate those qualifications, training and objectivity as prescribed by the city finance director to adequately fulfill the duties called for in this chapter.

4. The city shall not be required to produce any evidence other than the notice of parking violation, or copy thereof, and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. This documentation in proper form shall be considered prima facie evidence of violation.

5. The finance director is authorized to establish written procedures consistent with this chapter and any other provision of law which shall insure a fair and impartial review of the contested parking violations. The city’s final decision may be delivered personally to the person requesting review or by first class mail. (Ord, 417 § I (part), 1995)

10.75.040 Appeal To Justice Or Municipal Court

Within twenty days after the mailing or personal delivery of the city’s final decision as set forth in Section 10.75.030, the contestant may seek review by filing an appeal to be heard by the justice or municipal court pursuant to the provisions of Vehicle Code Section 40230. (Ord. 417 § I (part), 1995)

10.75.050 Method Of Collection When Determination Is Final

The city shall terminate proceedings on the notice of delinquent parking violation in the event the city collects the penalties and administrative fees, or when the city receives information, which it shall verify with the Department of Motor Vehicles, that the penalty has been paid to the Department.

Except as otherwise might be allowed by Vehicle Code Sections 40221 and 40222, or other provision of law, the city shall proceed to collect all final determinations for which parking penalties and administrative and service fees remain due (either when the right to appeal has expired or when there has been a final determination) by either filing an itemization of unpaid parking penalties and administrative and service fees with the Department of Motor Vehicles for collection with the registration of the vehicle or, if more than $400.00 in unpaid penalties and fees have been accrued by any person or registered owner, by proceeding to obtain a civil judgment pursuant to the provisions of Vehicle Code Section 40220, (Ord. 417 § 1 (part), 1995)

10.75.060 Fine Schedule
The amount of fines, penalties, administrative fees, service fees and all other assessments concerning the violation of any regulation governing the standing or parking of a vehicle shall be established by the city council. From time to time, the city council may review and reset the schedule of penalties or fines. This will be accomplished by resolution, and a current copy of the schedule will be maintained in the city clerk’s office and at the Live Oak Sheriff Sub-Station. (Ord. 417 § 1 (part), 1995)

Chapter 10.81 - TRIP REDUCTION REGULATIONS

Sections:

10.81.010  Purpose
10.81.020  Objective
10.81.030  Intent and applicability
10.81.040  Definitions
10.81.050  Requirements for new employers
10.81.060  Transportation plan
10.81.070  Transportation control measure menu
10.81.080  Plan review
10.81.090  Annual reporting requirements
10.81.100  Implementation schedule
10.81.110  Monitoring of employer performance
10.81.120  Penalties
10.81.130  Appeal

10.81.010  Purpose
The primary purposes of these trip reduction regulations include the following:

A. Reduce vehicle emissions in the Live Oak area by reducing the number of vehicular trips that might otherwise be generated by home-to-work commuting.

B. Reduce traffic congestion in Live Oak by reducing both the number of vehicular trips and the vehicular miles traveled that might otherwise be generated by home-to-work commuting.

C. Reduce or delay the need for major transportation facility improvements and reduce congestion by making efficient use of existing facilities.

D. Reduce future motor vehicle emissions as a contribution for complying with federal and state ambient air quality standards.

E. Implement measures that will work towards reducing air pollution and compliance with Congestion Management Program (CMP) and CCAA requirements.
F. Increase the average vehicle ridership (AVR) during the weekday work commute period ("peak period"). (Ord. 407 § 2 (part), 1994)

10.81.020 Objective

The fundamental objective of the trip reduction program as established by these regulations is to increase the average vehicle ridership (AVR) for home-to-work commuting. (Ord. 407 § 2 (part), 1994)

10.81.030 Intent And Applicability

It is the intent of these regulations that all new employers strive to increase average vehicle ridership. New employers are required to put forth a good faith effort to encourage employees to use alternative transportation modes through the methods described below.

These trip reduction regulations apply to all new employers with more than 500 employees. It specifically excludes all existing employers. (Ord. 407 § 2 (part), 1994)

10.81.040 Definitions

The following definitions shall apply to these regulations:

A. Alternative Commute Mode. “Alternative commute mode” is a method of traveling to and from the worksite other than by single occupant vehicle (i.e., transit, carpool, vanpool, bicycle, walking, telecommuting).

B. Average Vehicle Ridership (AVR). “Average vehicle ridership” is the average number of persons occupying each vehicle. AVR is calculated by multiplying the number of employees by the standard number of trips in a work week (generally 10), then dividing by the actual number of vehicular trips per work week. For example, if all employees drive alone to work each day, the AVR = 1.0. 10 employees would be expected to take 10 trips each per week for a total of 100 trips. If only 67 vehicular trips are taken, then the AVR is 1.5, which means that, on average, each vehicle is transporting 1.5 people to their destination. The higher the AVR, the more people are using alternative transportation methods.

C. Carpool. “Carpool” is a motor vehicle occupied by two or more persons traveling to and from work.

D. Commuter. “Commuter” is an employee who travels regularly to and from an employment facility three or more days a week.

E. Commuter Matching Service. “Commuter matching service” is any system for mapping and matching home and work locations of interested commuters to identify prospects for ridesharing.

F. Employee. “Employee” is a person employed at a location for at least twenty hours a week.

G. Employee Transportation Coordinator (ETC). “Employee transportation coordinator” is an employee or other individual designated by the employer to coordinate and implement TCM activities as required by the transportation plan.

H. New Employer. “New employer” means any business, nonprofit organization, or public agency with one or more employees, including the owner, that locates in Live Oak after the adoption of the ordinance codified in this chapter.

I. Peak Period Commuter. “Peak period commuter” means any employee who travels regularly to and from a work facility three or more days a week and arrives or departs from the facility during
the weekday peak period specified by the jurisdiction. This peak period should be linked to the hours that commuter congestion actually occurs.

J. Rideshare Program. “Rideshare program” means the commuter matching service operated by Caltrans-Sacramento Rideshare.

K. Ridesharer. “Ridesharer” means any employee who commutes to and from his or her work location by any mode other than single occupancy light or medium duty vehicle, motorcycle or moped.

L. Shift of Employment. “Shift of employment” is any group of employees who work at a common work location and who arrive and depart from work in a common time interval not greater than one hour.

M. Single Occupant Vehicle. “Single occupant vehicle” is a motor vehicle occupied by one employee for commute purposes.

N. Transportation Control Measures (TCMs). “Transportation control measures (TCMs)” are measures used to maintain or improve the efficient movement of persons and goods while reducing the congestion and air quality impacts associated with motorized vehicles.

O. Transportation Control Measure (TCM) Coordinator. “Transportation control measure (TCM) coordinator” is a public agency employee or other individual designated to manage and enforce employer compliance with these trip reduction regulations.

P. Transportation Management Association (TMA). “Transportation management association (TMA)” is an association, usually of employers, developers, property managers, and public agencies, organized to facilitate, support and encourage the use of alternative transportation methods for commuters.

Q. Transportation Plan. “Transportation plan” is the plan developed by the employer to reduce single occupant vehicle trips, pursuant to Section 10.81.050.

R. Trip Reduction Credit. “Trip reduction credit” is the number of points credited to an employer’s transportation plan for implementing a specific transportation control measure (TCM) program.

S. Vanpool. “Vanpool” is a motor vehicle, other than a motor truck or truck tractor, suited for occupancy by more than six but less than sixteen persons including the driver, traveling to and from work. (Ord. 407 § 2 (part), 1994)

10.81.050 Requirements For New Employers

Every new employer of 500 or more employees shall encourage use of alternative commute modes by providing the following:

A. Employee Transportation Coordinator (ETC).

1. Every new employer of 500 or more employees shall facilitate the employees’ use of an area-wide ridesharing program by designating an employee transportation coordinator (ETC) for employees. The name, title, address, and telephone number of such coordinator shall be reported to the TCM coordinator within sixty calendar days of acquiring a business license. The ETC should be strongly encouraged to take advantage of educational resources, including training seminars, work shops, training manuals, and discussions with other ETCs. ETCs need not be
full-time employees, nor is it necessary that ETC duties take up a majority of the designated employee’s time.

B. The employee transportation coordinator’s responsibilities shall include:

1. Publicizing the availability of public transportation;
2. Communicating employee transportation needs to the city TCM coordinator and/or city staff as appropriate;
3. Assisting employees in forming carpool or vanpools;
4. Developing, coordinating and implementing the employer’s transportation plan;
5. Coordinating, documenting and preparing the Annual Transportation Mode Survey & Report;
6. Performing an annual survey of employees showing the distribution of employees by transportation mode;
7. Coordinating participation in a ridesharing program through a transportation management association, either as a member agency or otherwise, including the distribution and collection of commuter matching forms, and submittal to the appropriate rideshare program. The information on these forms will then be entered into the regional database to match commuters by home and work address for carpools and vanpools;
8. Coordinating any necessary, authorized on site visits by the TCM coordinator. (Ord. 407 § 2 (part), 1994)

10.81.060 Transportation Plan

A. A transportation plan is required for each new employer having 500 or more employees working at a single site for at least twenty hours per week, and/or for every new employer upon reaching a level of 500 or more employees working at one site for at least twenty hours per week.

B. In the case of seasonal work locations, the transportation plan shall be in effect only at such times that the employment level reaches 500 or more employees at a single site for at least twenty hours per week.

C. Transportation plan elements shall include:

1. Description. A description of the activity and operating characteristics of the proposed project (e.g., business hours and peak hours of travel), including a parking area map or diagram.
2. Existing Conditions. A description of the alternative transportation facilities and programs currently in place, such as bike lockers, preferential carpool parking, rideshare information posting, vanpool subsidies, etc.
3. Estimate. A description and estimation of the commuting characteristics of the labor force (e.g., travel distance and mode).
4. Transportation Control Measures (TCMs). Measures designed to reduce the number of single occupant vehicle trips. Each TCM is assigned a point value for trip reduction based on its effectiveness in reducing trips.
5. Implementation Schedule. A timeline showing the approximate schedule of implementation of each of the selected mitigation measures.
6. Management Support Letter. In order for the transportation plan to be successfully implemented, the top management of the employer must be aware of the program and committed to making it work. A letter expressing that commitment is required.

D. The plan must include mandatory and optional transportation control measures (TCMs) from the list in Section 10.81.060. Each of these transportation control measures (TCMs) are assigned a trip reduction credit; the plan must include measures that have a cumulative total of fourteen trip reduction points.

E. The TCM coordinator shall provide assistance to ETCs in preparing and managing their transportation plan. This assistance may include, but is not limited to, guidebooks to an estimate of the potential effectiveness of common ridesharing activities, sample transportation plans, educational resources, and networking opportunities.

F. In order to meet the required levels of trip reduction, every transportation plan shall list the TCMs proposed to be implemented. Every plan shall include and implement all of the mandatory TCMs set forth in the project requirements in Section 10.81.060. The employer may then select from optional TCMs from the transportation control measure menu shown below that will best serve to reduce commute trips of the employees of the particular project. The transportation plan will then receive the vehicle trip reduction credits as defined in this section. (Ord. 407 § 2 (part), 1994)

**10.81.070 Transportation Control Measure Menu**

Each of the following transportation control measures (TCMs) are assigned a trip reduction credit. Each transportation plan must include measures that have a cumulative total of fourteen trip reduction points.

A. Required Transportation Control Measures (TCMs).

1. Designation of an employee transportation coordinator (FTC).
   Trip reduction credit: 2 points.

2. Posting of ridesharing information, including:
   a. Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing;
   b. The names and phone numbers of the employee transportation coordinator (ETC), transportation management association and the TCM coordinator.
   Trip reduction credit: 1 point.

3. Posting of alternative transportation mode information, including:
   a. Current schedules, rates (including procedures for obtaining transit passes) and routes of mass transit service to the employment site;
   b. The location of all bicycle routes within at least a five mile radius of the facility.
   Trip reduction credit: 1 point.

4. Distribution of Commuter Matching Service Applications to Employees. Caltrans Sacramento Rideshare maintains regional computer databases to match commuters with common cross streets. They provide rideshare applications to employers for distribution and then directly mail
the match lists to the employees. Credit will be given if the ETC distributes the applications annually to all employees and upon hiring to all new employees.

Trip reduction credit: 3 points.

5. Bicycle Parking Facilities. Unless there are overriding considerations specific to the employment site, sufficient bicycle parking must be supplied for employees. To receive credit, the employer must provide bicycle parking for all bicycle commuters, as determined by a survey of employees, or two percent of employment, which ever is less. The bicycle parking facilities shall be, at minimum, Class II stationary bike racks.

Trip reduction credit: 1 point.

6. Preferential Carpool/Vanpool Parking. Unless there are overriding considerations specific to the employment site, parking spaces for four percent of employees must be painted “Carpool Parking” or “Vanpool Parking” and must be, with the exception of handicapped and customer parking, the spaces with most convenient access to the employee entrances. The ETC shall be responsible for monitoring the spaces.

Trip reduction credit: 2 points.

B. Optional Transportation Control Measures (TCMs). Each new employer, in preparing a transportation plan, may chose from the following menu of TCMs to achieve the required number of trip reduction credits. It is at the discretion of the individual employer to choose which are best suited to his location, business, and employees.

1. ETC Education Program. The ETC must attend educational seminars, workshops, or other approved training programs on an annual basis. Points given are based on number of hours of attendance; two points are given for eight hours of training, with an additional point for every additional four hours of training, to a maximum credit of four points. However, since initial education of the ETC is critical, additional points are available for ETC education in the first year. In the first year, four points are given for eight hours of training, with an additional two points for every additional four hours of training, to a maximum credit of ten points. The ETC training is provided free of charge by Sacramento Rideshare.

Trip reduction credit: 2 - 10 points.

2. In-House Carpool Matching Service. The ETC conducts a survey of all employees in order to identify persons interested in being matched into carpools. Potential carpoolers are then matched by work address and shift. Credit is given if this service is performed on an annual basis and for all new employees interested in ridesharing.

Trip reduction credit: 4 points.

3. Additional Preferential Carpool/Vanpool Parking. Additional employee parking spaces must be painted “Carpool Parking” or “Vanpool Parking” and must be, with the exception of handicapped and customer parking, the spaces with most convenient access to the employee entrances. The ETC shall be responsible for monitoring the spaces. An additional point is provided for each additional two percent of total number of employees for which preferential carpool/vanpool parking is provided, up to a maximum of three additional points.

Trip reduction credit: 1 - 3 points.
4. Transportation Management Association (TMA) Membership. The ETC or other designated management employee shall actively participate in a regional TMA. The ETC shall attend all membership meetings or send a designated representative, pay all required dues, and/or be involved in any other programs which the TMA board administers.

Trip reduction credit: 4 points.

5. Guaranteed Ride Home Program. Employers shall provide or contract to provide a guaranteed ride home for employees who rideshare two days a week or more. The guaranteed ride home shall be provided to the ridesharer in the event that an emergency or illness requires that they or their carpool or vanpool driver must leave work early.

Trip reduction credit: 3 points.

6. Parking Fee. Employees who arrive at work in single occupant vehicles shall pay a parking fee of $10.00 per week, while carpool and vanpool vehicles are not charged. Credit is given only in situations where there is no alternative free public parking available within one-quarter mile of the site.

Trip reduction credit: 6 points.

7. Clean Air Fuel Vehicles. The employer leases or purchases and maintains fleet vehicles that use clean air fuels, such as compressed natural gas, electricity, methanol, and propane. Two points are given for each dedicated alternative fuel vehicle, and one point is given for each flexible fuel (able to use either gasoline or alternative fuel) vehicle, to a maximum of ten points.

Trip reduction credit: 1 - 10 points.

8. Shuttle Bus/Buspool Program. The employer shall provide sufficient shuttle service to transport workers to and from their residences, a park-and-ride lot, or other staging area to the workplace. The employer may choose to lease a bus and may work with nearby employers or employment complexes to maximize ridership.

Trip reduction credit: 4 points.

9. Vanpool Program. The employer is required to continuously extend an offer to purchase or lease a van or vans, to obtain insurance and to make available to any group of at least seven employees a van for commute purposes. The employer may recover full or partial operating costs from the vanpool participants.

Trip reduction credit: 4 points.

10. Transit Pass Subsidy. The employer provides a monthly transit pass subsidy of 50% or the maximum taxable benefit limit, whichever is higher. The workplace must be within a reasonable walking distance of a transit stop. The ETC will be responsible for distribution of the passes and collection of fees.

Trip reduction credit: 4 points.

11. Transit Shelter. The employer shall construct a shelter on a designated bus route or shall post a bond for future construction once the transit route is extended to the site. Credit is given when the transit shelter is constructed in conformance with regulations and when the employment site is on or adjacent to an existing or planned bus route.

Trip reduction credit: 2 points.
12. Secure Bicycle Parking Facilities. Parking must be supplied for at least three percent of employment. The bicycle parking facilities shall be of the following types:

a. A Class I bicycle parking facility with a locking door, typically called a bicycle locker, where a single bicyclist has access to a bicycle storage compartment;

b. A fenced or covered area with Class II stationary bike racks and a locked gate.

Trip reduction credit: 4 points.

13. Showers and Lockers. Four showers, two men’s and two women’s, shall be provided for each 500 employees. Thirty lockers shall be provided.

Trip reduction credit: 2 points.

14. Flexible Work Location/Telecommuting. A management strategy allowing the employee flexibility in work place outside of the employer’s established location. These strategies may include but are not limited to telecommuting from the employee’s home, or the creation of neighborhood office satellites. Credit is given when employees in appropriate positions, which may not include the entire work force, are permitted to telecommute at least one day per week.

Trip reduction credit: 4 points.

15. Flexible Work Hours. A work hour management strategy allowing the employee to adjust work hours outside of the employer’s established start and stop time and outside peak hours. Variable work hours may include, but are not limited to: (a) staggered work hours involving a shift in the set work hours of all employees at the workplace to those outside of peak hours; and (b) flexible work hours involving individually determined work hours within guidelines established by the employer. Credit is given when employees in appropriate positions, which may not include the entire work force, are permitted to take advantage of flexible work hours.

Trip reduction credit: 2 points.

16. Compressed Work Weeks. A management strategy allowing the employee to compress the total number of hours required in a week to fewer days. For example, a typical forty-hour work week could be compressed into four ten-hour days. Credit is given when employees in appropriate positions, which may not include the entire work force, are permitted to reduce their number of work days by at least one in two weeks (9-80 schedule).

Trip reduction credit: 3 points.

17. On-Site Services. Necessary services would be provided within one-quarter mile of the employment site to eliminate the need for a vehicular trip before, during, or after the work day. Necessary services would include, but are not limited to, child care, cafeteria/restaurant, lunch room, automated teller machine, dry cleaners, or post office. These services may be provided by the employer, through cooperative efforts of employers and service providers, or by other means. Actual credits awarded will depend on which service or combination of services are provided and proximity to employment site.

Trip reduction credit: Negotiable with TCM coordinator and designated approving body. Expected range for each service: 1 - 10 or more points, depending on service type, proximity, and extent of service provided. Maximum point award for all services is 15 points total.
18. Transit System Subsidy/Grant. Employer provides support to local transit system, which may be for system operations or for capital needs such as new buses. Subsidies or grants may be financial or through donation of capital needs. Actual credits awarded shall depend on the amount and type of subsidy or grant.

Trip Reduction Credit: Negotiable with TCM coordinator, Yuba-Sutter Transit and designated approving body. Expected range for each service: 1 - 20 or more points, depending on service type, proximity, and extent of service provided.

19. Other. Trip reduction measures that are not included in this menu or do not specifically fit the descriptions contained herein may also be considered. Innovative methods are strongly encouraged. An example would be a high school setting up a ridesharing educational program for their students.

Trip reduction credit: Negotiable with TCM coordinator and designated approving body. (Ord. 407 § 2 (part), 1994)
employees, regularly arriving at and leaving the project site by each of the following modes of transportation:

1. Single passenger motor vehicles (including mopeds);
2. Carpools, including number of vehicles and number of occupants per vehicle;
3. Van-type vehicles with seven or more commuters including the number of vehicles and number of occupants per vehicle;
4. Mass transit;
5. Bicycles:
6. Flexible work location/telecommuting;
7. All others.

c. Totals. The total number of employees by work shift at the project Site.
d. Employee Characteristics. The zip code and nearest cross streets of each employee’s residence.
e. Employee Transportation Coordinator (ETC). The name, address and telephone number of the ETC.
f. Statement of Certification. The employer shall certify that the TCMs agreed to for trip reduction credit have been fully implemented. If the TCMs have not been implemented, an explanation shall be included, and the Annual Transportation Survey & Report shall include actions to be taken to implement the program. (Ord. 407 § 2 (part), 1994)

**10.81.100 Implementation Schedule**

New employers with 500 or more employees working at a single site shall comply with the ordinance codified in this chapter within six months of commencing operations. (Ord. 407 § 2 (part), 1994)

**10.81.110 Monitoring Of Employer Performance**

A. The TCM coordinator shall review the Annual Transportation Mode Survey & Report of each project and compare performance with the goals established in the approved transportation plan. Inspection of the business location by the TCM coordinator may be conducted as necessary to determine compliance with these provisions or to assist ETCs in preparing surveys or reports. A good faith effort to encourage employees to use alternative transportation as provided in the transportation plan is required. However, this chapter does not hold employers liable if the TCM coordinator finds the results of the transportation plan on employee commute habits did not achieve the stated trip reduction goals.

B. If, after review of the Annual Transportation Mode Survey & Report, the county TCM coordinator finds the performance has been unsatisfactory, the county TCM coordinator shall work with the employer to achieve the implementation of the TCMs with one year of submittal. The employer shall be assisted in submitting a revised report by the TCM coordinator.

C. If the revised report is still not satisfactory, the TCM coordinator shall prepare a staff report to the public works director. The public works director may then find that the employer and/or the
ETC is in violation of these regulations and recommend that the matter be forwarded to the city attorney for action pursuant to Section 10.81.120 below. (Ord. 407 § 2 (part). 1994)

10.81.120 Penalties

Failure to comply with the requirements of the regulation or with the terms of a transportation plan required pursuant to this regulation shall be deemed a violation and subject to the following penalties:

A. Misdemeanor or as an infraction in the discretion of the city attorney.

B. Violations of these regulations are punishable separately and independently of any other remedies at law or in equity, including but not limited to those remedies provided in any applicable transportation plan.

C. In addition to any other penalty allowed, the city council may impose civil or administrative fines of up to maximum of $500.00 per day for failure to meet the goals set forth in the regulations. Fines collected under this regulation will be used by the city for the implementation of transportation control measures. (Ord. 407 § 2 (part), 1994)

10.81.130 Appeal

Appeal from an action taken by the public works director pursuant to this regulation may be made in writing to the city council within twenty days of the public works director’s decision. (Ord. 407 § 2 (part). 1994)
TITLE 12 - STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.01  Applicability
12.04  Trees
12.08  Utility Installations
12.12  Underground Utility Services
12.16  Encroachments
12.20  Park and Recreational Facilities
Chapter 12.01 INSTALLATION OF CURBS, GUTTERS, AND/OR SIDEWALKS

Sections

12.01.010 Applicability - required improvements and plans.
12.01.020 Appeal from determination of Building Department, Planning Department or Planning Commission.
12.01.030 New installation or repair.
12.01.040 Installation required for occupancy.
12.01.050 Installation by City - costs.
12.01.060 Engineering services.
12.01.070 Specifications.
12.01.080 Additional remedies.
12.01.090 Violation--penalty.

12.01.010 Applicability - Required Improvements And Plans

A. Except as provided herein, the installation of curbs, gutters and sidewalks shall be required as part of the plans for proposed construction and/or development which will change the present use of, or increase the intensity of the use as allowed in the zoning district for, the property on which the construction and/or development is proposed. No building permit, use permit, encroachment permit, or other permit or license for proposed construction or land development which requires the installation of curbs and gutters and/or sidewalks shall be issued unless there is included within the plans submitted to the City, proper and adequate plans for the construction of the required curbs, and gutters required curbs, and gutters and/or sidewalks on all streets abutting the real estate on which the development is proposed.

B. For purposes of this chapter, construction which is determined to increase the intensity of the use of the property on which construction and/or development is proposed includes and is conclusively established by, but is not limited to, the following:

1. The building of any new residence.
2. The building of any additional living area onto an existing residence. The addition of an unenclosed porch, or a garage or shop building associated with a residential use shall not be considered as building additional living area for the purposes of this section.
3. Any new building construction not associated with a residential use, or a land development project requiring a building permit, use permit, encroachment permit or any other permit, license, or permission from the City.
12.01.020 Appeal From Determination Of Building Department, Planning Department Or Planning Commission

A. In the event that the Planning Department or the Planning Commission, pursuant to Section 12.01.010 determines that the proposed construction and/or development will change the present use of, or increase the intensity of the use as allowed in the zoning district for, the property on which the construction and/or development is proposed, and in the event that the applicant disagrees with the said determination, an appeal may be taken to the City Council provided a written request to appeal is filed with, the City Clerk no later than ten (10) calendar days following the determination made by the Building Department, Planning Department or the Planning Commission.

B. On appeal, the Council shall consider the matter “de novo” and may uphold, or reverse the decision of the Planning Department or the Planning Commission in accordance with the facts presented to it on appeal.

12.01.030 New Installation Or Repair

A. If no curbs, gutters, or sidewalks are in place, then new installation of the same shall be required when a building permit, use permit, encroachment permit, or other permit is issued, or permission is granted by the City for the construction of a new residence or a new non-residential building with the development of land. The property owner shall pay all costs of such installation or repair.

B. If curbs and gutters and/or sidewalks, or any of them, are in place but in need of repair, the City shall require the necessary repairs to be made, including the complete replacement of substandard facilities with new facilities if necessary, before issuing any permit as set forth in this chapter, and the repairs shall be included in the plans submitted by the real estate owner, contractor, or developer.

C. If no curb and gutter exists within the block where new curb and gutter improvements are required, the City engineer may require that the property owner execute a deferred improvement agreement for the construction of said improvements, subject to the approval of the City Council. The property owner shall agree to pay all costs of such installation. It shall be the sole discretion of the City whether to enter into a deferred improvement agreement with the property owner or to require immediate installation of the improvements.

12.01.032 Responsibility and Repairs

A. Owners of property abutting curbs, gutters, and sidewalks, or possessors of curbs, gutters and sidewalks, shall have the duty of maintaining and repairing the same and shall be subject to all of the liabilities and procedures prescribed by Chapter 22, Division 7, Part 3, commencing at Section 5600, of the Streets and Highways Code of the State of California. The City shall have all rights therein provided, including the right to lien and collection. (Ord. 504 § 1, 2007)
B. For the purpose of this section, maintenance and repair of curbs, gutters, and sidewalks shall include, but not be limited to, maintenance and repair of surfaces including grinding, removal and replacement of sidewalks, repair and maintenance of curb and gutters, removal and filling or replacement of parking strips and curbs, so that the curbs, gutters, and sidewalks will remain in a condition that is not dangerous to property or to persons using the curbs, gutters, and sidewalks in a reasonable manner and will be in a condition which will no interfere with the public convenience in the use of said curbs, gutters, and sidewalks.

12.01.034 Liability for Failure to Maintain Sidewalks

The property owner required by Section 12.01.032 to maintain and repair curbs, gutters, and sidewalks shall owe a duty to members of the public to keep and maintain the curbs, gutters, and sidewalks in a safe and non-dangerous condition. If, as a result of the failure of any property owner to maintain curbs, gutters and sidewalks in a non-dangerous condition as required by Section 12.01.032, any person suffers injury or damage to person or property, the property owner shall be liable to such persons for the resulting damages or injury. (Ord. 504 § 2, 2007)

12.01.035 City Authorized Repairs

The City Council of the City of Live Oak may authorize the repair of curbs, gutters and sidewalks on a case-by-case basis through a resolution to expend city funds, if available, in cooperation and/or cost share with a property owner required by Section 12.01.032 of the Municipal Code or in absence of cooperation with a property owner as required by Section 12.01.032 of the Municipal Code.

The City Council of the City of Live Oak may declare the expenditure of City funds, if available, for curb, gutter and sidewalk maintenance and repairs as a project of benefit to all residents of the City. Such action shall not affect the maintenance and liability provisions of Section 12.01.032 and 12.01.034 imposed upon adjacent property owners. The expenditure of funds for maintenance and repairs of curb, gutter and sidewalk shall be recommended by the City Manager as part of the annual budget process and approved by the City Council with the adoption of the annual budget.

The City Council of the City of Live Oak authorizes the Public Works Director to establish a policy for the collection of an “in-lieu” fee as an alternative to entering into a deferred improvement agreement for the construction of curbs, gutters and sidewalks. This “in-lieu” fee policy will be presented to the City Council for approval and shall be updated by the Public Works Director as deemed necessary. The Finance Director is authorized to account for the curb, gutter and sidewalk “in-lieu” fees in a separate fund within the City’s financial system. (Ord. 504 § 3, 2007)

12.01.040 Installation Required For Occupancy
The construction of curbs and gutters and/or sidewalks shall be deemed to be an integral part of the overall construction when such construction is required as a condition of the permit, as set forth in this chapter, and the premises shall not be passed upon for occupancy by the building inspector until the required curbs and gutters and/or sidewalks are properly and completely installed.

12.01.050 Installation By City - Costs

A. If the property owner does not provide for the required curbs and gutters and/or sidewalks, as set forth in this chapter, the City may install the required curbs and gutters and/or sidewalks at its sole expense, after which the City may charge the land owner; and place a lien against the land for all costs incurred.

B. In this regard, the City shall hold a public hearing on the matter, giving ten days notice to the land owner of its intention to commence construction of the curbs and gutters and/or sidewalks, at which hearing the land owner may appear and object and/or agree to forthwith comply with this chapter.

C. If the landowner has not complied within, thirty days of the public hearing, then the City will proceed to install the curbs and gutters and/or sidewalks; and upon completion thereof will hold another public hearing, giving ten days’ notice to the land owner, to assess the costs thereof.

D. At the meeting, the costs shall be assessed and if the land owner does not make payment within thirty days, a resolution establishing the costs shall be recorded by the City in the office of the recorder of the county and filed with the tax collector of the county, and shall then become a lien upon the land involved.

12.01.060 Engineering Services

The City will make no additional charge for the engineering services in regard to the establishment of design alignment and grade parameters for the curbs and gutters and/or sidewalks.

12.01.070 Specifications

The City will furnish the engineering elevation criteria for the curbs and gutters and/or sidewalks to the land owner or his duly authorized contractor or agent; and the curbs and gutters and/or sidewalks shall be installed to the design grades approved, by the City Engineer in accordance with the City Improvement Standards.

12.01.080 Additional Remedies

The City reserves to itself any other remedies available at law and shall not be limited by the lien provided for in this chapter.

12.01.090 Violation - Penalty
Failure to comply with the requests set forth in this chapter shall be deemed a misdemeanor and shall be punishable as such.

Chapter 12.04 - TREES

Sections:

12.04.010 Title
The ordinance codified in this chapter shall be referred to and cited as the street tree ordinance of the city. (Ord. 88 § 1, 1957)

12.04.020 Enforcement Authority
The city superintendent of streets or his duly authorized representative shall be charged with the enforcement of this chapter. (Ord. 88 § 2, 1957)

12.04.030 Permit To Plant Or Remove
No trees or shrubs shall be planted in or removed from any public utility strip or other place in the city without a permit from the superintendent of streets. (Ord. 88 § 3, 1957)

12.04.040 Street Tree Plan
All trees and shrubs planted in any public utility strip or other public place in the city shall conform as to species and location, to the street tree plan which is hereby made a part of this chapter. (Ord. 88 § 4, 1957)

12.04.050 Approved Trees
Trees suggested as excellent and in first place for planting in the city are the following: purple leaf plum, southern magnolia, sweet gum, maidenhair tree (ginkgo), lavalle Hawthorne, European white-bark birch, camphor tree and goldenrain tree. Good and in second place for planting in the city limits are the following: Japanese privet, red horse chestnut, tulip tree,
Chinese pistachio, California live oak, schwedler maple, fruitless mulberry, Paul’s double flowering English Hawthorne and sawleaf zelkova. Others which should be selected with thorough knowledge of special conditions are the following: Japanese maple, silk tree, bottle tree, crepe myrtle, purple leaf plum, pin oak, cork oak, European hackberry, and the olive tree. (Ord. 88 § 5, 1957)

12.04.060 Prohibited Trees

A. It is unlawful to plant in any public utility strip the following trees: acacia, black walnut, eucalyptus, elm (American or other large species), palm (most species), poplar, tree of heaven and Conifers (most species) and any tree not specifically listed in Section 12.04.050.

B. It is unlawful to plant willow, cottonwood, or poplar trees anywhere in the city unless the city superintendent of streets approves the site as one where the tree, or its roots, will not interfere with any public utility. (Ord. 88 § 6, 1957)

12.04.070 Removal Of Trees Or Other Vegetation—Authority

The city superintendent of streets or his duly authorized representative may cause to be trimmed, pruned or removed any trees, shrubs, plants, or vegetation in any utility strip or other public place, or may require any property owner to trim, prune or remove any trees, shrubs, plants, vegetation in a parking strip abutting upon the owner’s property, and failure to comply therewith, after thirty days’ notice by the superintendent of streets, shall be a violation of this title. (Ord. 88 § 7, 1957)

12.04.080 Dangerous Trees A Nuisance—Removal Authority—Cost

Any tree or shrub growing in a parking strip or any public place, or in private property, which is endangering or which in any way may endanger the security or usefulness of any public street, sewer, or sidewalk is declared to be a public nuisance; and the city may remove or trim such tree, or may require the property owner to remove or trim any such tree on private property, or on a parking strip abutting upon the owner’s property. Failure of the property owner to remove or trim such tree after thirty days’ notice by the city clerk shall be a violation of this title, and the city superintendent of streets may then remove or trim the tree and assess the costs against the property. (Ord. 88 § 8, 1957)

12.04.090 Appeals

Appeals from orders made under this title may be made by filing written notice thereof with the city clerk within ten days after such order is received, stating in substance that appeal is being made from such order to the city council at the next regular succeeding meeting, at which meeting, the appellant and the city superintendent of streets may present evidence. Action taken by the city council after such hearing shall be conclusive. (Ord. 88 § 9, 1957)

12.04.100 Abuse Or Mutilation Prohibited

It is a violation of this chapter to abuse, destroy, or mutilate any tree, shrub, or plant in a public parking strip or any other public place, or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill, or other thing to or on any tree growing in a public place, or to cause or permit any wire charged with electricity to be fastened to any such tree, or to allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with their roots or leaves. (Ord, 88 § 10, 1957)
Chapter 12.08 - UTILITY INSTALLATIONS

Sections:

12.08.010 Permit required.
12.08.020 Plat or map requirements.

12.08.010 Permit Required
When the P. G. & E. or the Pacific Telephone and Telegraph Company or any other agency, corporation or individual wishes to place an installation either under, upon, or above the city streets they first must obtain a permit from the city clerk. (Ord. 51 § 1, 1951)

12.08.020 Plat Or Map Requirements
Before obtaining the permit, the agency doing the work under, above, or upon the city streets shall first be required to file a map or plat with the city clerk, outlining the proposed construction, and upon completion of the construction the person or agency constructing installations under, above, or upon the city streets shall there upon file a map or plat of the installations as installed in the event that the actual installation is at a variance with the proposed plat. (Ord. 51 § 2, 1951)

Chapter 12.12 - UNDERGROUND UTILITY SERVICES*

Sections:

12.12.010 Definitions.
12.12.030 Council’s authority to designate districts—Resolution.
12.12.050 Emergency services excepted.
12.12.060 Exceptions.
12.12.070 Notice to property owners and utility companies.
12.12.080 Responsibility of utility companies.
12.12.100 Responsibility of city.
12.12.110 Extension of time.

*For statutory provisions on the conversion of utility facilities to underground locations, see Str. and Hwys. Code § 5896.1 and Gov. Code § 38793.

12.12.010 Definitions
Whenever in this chapter the words or phrases defined in this section are used; they shall have the respective meanings assigned to them in the following definitions:

A. “Commission” means the Public Utilities Commission of the state.

B. “Person” means and includes individuals, firms, corporations, partnerships, and their agents and employees.

C. “Poles, overhead wires and associated overhead structures” means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cut outs, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a district, and used or useful in supplying electric, communication or similar or associated service.

D. “Underground utility district” or “district” means that area in the city within which poles, overhead wires, and associated overhead structures are prohibited, as such area is described in a resolution adopted pursuant to the provisions of Section 12.12.030.

E. “Utility” includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. (Ord. 151 § 1, 1969)

12.12.020 Public Hearing By Council

The council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city, and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The city clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned, by mail, of the time and place of such hearings at least ten days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. (Ord. 151 § 2, 1969)

12.12.030 Council’s Authority To Designate Districts-Resolution

If, after any public hearing as provided for in Section 12.12.020, the council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and 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. 151 § 3, 1969)

12.12.040 Prohibited Acts

Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein, as provided in Section 12.12.030, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such resolution, except as
said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 12.12.090 and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this chapter. (Ord. 151 § 4, 1969)

12.12.050  Emergency Services Excepted
Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten days, without authority of the council in order to provide emergency service. The council may grant special permission, on such terms as the council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Ord. 151 § 5, 1969)

12.12.060  Exceptions
This chapter and any resolution adopted pursuant to Section 12.12.030 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:
A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city engineer;
B. Poles or electroliers used exclusively for street lighting;
C. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;
E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;
E Antennas, associated equipment, and supporting structures used by a utility for furnishing communication services;
G. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;
H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Ord. 151 § 6, 1969)

12.12.070  Notice To Property Owners And Utility Companies
A. Within ten days after the effective date of a resolution adopted pursuant to Section 12.12.030, the city clerk shall notify all affected utilities and all persons owning real property within the district created by the resolution of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such
service from the lines of the supplying utility or utilities at a new location, subject to applicable
rules, regulations and tariffs of the respective utility or utilities on file with the commission.

B. Notification by the city clerk shall be made by mailing a copy of the resolution adopted
pursuant to Section 12.12.030, together with a copy of the ordinance codified in this chapter, to
affected property owners as such are shown on the last equalized assessment roll and to the
affected utilities. (Ord. 151 § 7, 1969)

12.12.080  Responsibility Of Utility Companies

If underground construction is necessary to provide utility service within a district created by any
resolution adopted pursuant to Section 12.12.030, the supplying utility shall furnish that portion
of the conduits, conductors and associated equipment required to be furnished by it under its
applicable rules, regulations and tariffs on file with the commission. (Ord. 151 § 8, 1969)

12.12.090  Responsibility Of Property Owners

A. Every person owning, operating, leasing, occupying or renting a building or structure within a
district shall perform construction and provide that portion of the service connection on his
property between the facilities referred to in Section 12.12.080 and the termination facility on or
within the building or structure being served, all in accordance with applicable rules, regulations
and tariffs of the respective utility or utilities on file with the commission.

B. Pursuant to Section 38793 of the Government Code, if any property owner, after due notice,
refuses to comply within a reasonable time to effect the removal of his existing overhead utility
lines and prepare his property to accept underground utility lines, the city may cause such work
to be done and assess the cost thereof against the property and such assessment shall become a
lien against the property. The assessment may be collected at the same time and in the same
manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same
penalties and the same procedure and sale in case of delinquency as provided for such taxes. All
laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be
applicable to such assessment, (Ord. 280 § 1, 1983: Ord. 151 § 9, 1969)

12.12.100  Responsibility of city

The city shall remove at its own expense all city-owned equipment from all poles required to be
removed under this chapter in ample time to enable the owner or user of such poles to remove
the same within the time specified in the resolution enacted pursuant to Section 12.12.030. (Ord.
151 § 10, 1969)

12.12.110  Extension Of Time

In the event that any act required by this chapter or by a resolution adopted pursuant to Section
12.12.030 cannot be performed within the time provided on account of shortage of materials,
war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other
circumstances beyond the control of the actor, then the time within which such act will be
accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 151 §
11, 1969)

Chapter 12.16 - ENCROACHMENTS

Sections:
12.16.010  Permit—Required

No person shall place, construct, deposit, occupy, excavate earth or other material or remove any temporary or fixed object of any kind which is located in city property, city rights-of-way, or city easements, or otherwise interfere with the convenient use of the same unless and until an encroachment permit therefore has been obtained pursuant to this chapter. (Ord. 211 § 1, 1977)

12.16.020  Permit—Application—Contents—Approval Authority

A. Application for a permit to encroach on city-owned or city-controlled property shall be made by and in the name of the owner or of a person lawfully entitled to make application for the permit.

B. The application shall set forth the name and address of the applicant, the nature, and description of the proposed encroachment, the location and description of the city-owned or city-controlled property proposed to be encroached upon, the nature of the applicant’s interest in and the location and legal description of the property in connection with which the permit is sought to be obtained, the reasons for the application, such other information, including plats, plans and specifications, as may be required by the director of public works. No right, title or interest in any property owned by the city shall vest or accrue by reason of the issuance of such permit or exercise of the privileges given thereby.

C. The application shall be filed with the director of public works. The director of public works is empowered, in the exercise of his direction, to deny or withhold approval of a permit applied for if, in his sound judgment, exercise of the proposed permit would cause public property to be or become in a dangerous or defective condition or unreasonably endanger or interfere with public health, safety, or convenience. The director of public works may approve the application either as submitted, or subject to such terms and conditions as he shall consider necessary for executing the work covered under this encroachment permit. (Ord. 211 § 2, 1977)

12.16.025  Permit—Fee

Every applicant for a permit to encroach on city-owned or controlled property shall pay a fee in an amount which may from time to time be set by the city council by resolution. (Ord. 234, 1978)

12.16.030  Restrictions On Permits

If approved, each permit shall be construed as authorizing merely the temporary privilege to encroach to the extent permitted and subject to the conditions therein stated. No permit shall be
The city may cancel a permit at any time and thereby terminate encroachment privileges. All such encroachment permits shall be subject to the general provisions attached to the permit, marked Exhibit A, which can be found in the city clerk’s office, and is incorporated in this chapter and by this reference as though set forth at length. (Ord. 211 § 3 1977)

12.16.040 Unauthorized Encroachments—Failure To Remove—City Action

Failure, neglect or refusal to remove an unauthorized encroachment within ten days after notice by the city shall constitute an infraction punishable by a fine as set forth in California Government Code. Section 36900 and, as a cumulative remedy, the city may remove, or cause to be removed, such encroachment and collect the entire cost and expense thereof from the person responsible therefore, or by appropriate action in court may compel removal or abatement of the encroachment and such reasonable attorney fees as may be fixed by the court. (Ord. 211 §4, 1977)

12.16.050 Appeal Procedure

An applicant may appeal a decision or determination of the director of public works to the city council as provided in this section. An appeal must be made in writing not later than ten days from the date of the refusal of the director of public works to issue an encroachment permit, or to the special conditions which are inserted in the encroachment permit which is issued by the city, and shall be filed with the city clerk. The city clerk shall set a date for hearing at a regular or special meeting of the city council not more than thirty days from the date of the filing of the appeal. The hearing before the city council shall be informal and technical rules of evidence shall not apply. At the conclusion of such hearing the city council shall affirm, modify and affirm, or revise the determination or decision of the director of public works. The decision of the city council shall be final and binding on all parties and shall be adopted by resolution, (Ord. 211 § 6, 1977)

12.16.060 Dedication to city

All encroachments in the nature of public improvements, including but not limited to sidewalks, curbs, driveways, gutters, and drains, upon satisfactory completion in accordance with the encroachment permit and in accordance with plans and specifications approved by the director of public works, shall be deemed to be dedicated to the city. (Ord. 211 § 5, 1977)

Chapter 12.20 - PARK AND RECREATIONAL FACILITIES

Sections:

12.20.010 Applicability.
12.20.020 Hours of operation.
12.20.030 Damaging park vegetation or property prohibited.
12.20.040 Unauthorized cutting or removal of park vegetation prohibited.
12.20.050 Permission for fires required.
12.20.060 Use of roadways and drives required.
12.20.070 Obstructing passage of vehicles or persons prohibited.
12.20.080 Swimming in authorized facilities only.
12.20.090 Improper behavior or language prohibited.
12.20.100 Unauthorized distribution of handbills or notices prohibited.
12.20.110 Using park for unauthorized purposes prohibited.
12.20.120 Betting at games played in park prohibited.
12.20.130 Games and contests restricted to authorized areas.
12.20.140 Golfing restricted to authorized areas.
12.20.150 Flying model airplanes restricted to authorized areas.
12.20.160 Harming animals in parks prohibited.
12.20.170 Interfering with water or sewer construction prohibited.
12.20.180 Unauthorized firearms prohibited.
12.20.190 Use of receptacles for garbage disposal.
12.20.200 Interfering with maintenance equipment prohibited.
12.20.210 Permission required for certain events.
12.20.230 Males over eight years prohibited in women’s restrooms.
12.20.240 Vendors restricted in park area.
12.20.250 Use of certain facilities prohibited without permit.
12.20.260 Disrupting organized activity programs prohibited.

12.20.010 Applicability
The provisions of this chapter shall apply in or near all parks and/or recreation facilities of the city. (Ord. 220 (part), 1978)

12.20.020 Hours Of Operation
No person shall be allowed to enter, loiter or remain in or on any city park and/or recreation or open space facility at any time between the hours of eleven p.m. and six a.m., without prior written approval or authorization of the director of public works. (Ord. 220 § 1, 1978)

12.20.030 Damaging Park Vegetation Or Property Prohibited
No person shall cut, break, injure, deface or disturb any tree, shrub, plant, rock, monument, fence, bench, table, structure, apparatus, equipment or property; or remove any flower, bush, plant, shrub or tree; or mark or write upon any building, monument, fence, bench or other structure or carry any flowers, shrubs or branches into or through any park. (Ord. 220 § 2, 1978)

12.20.040 Unauthorized Cutting Or Removal Of Park Vegetation Prohibited
No person shall cut or remove any wood, turf, grass, soil, rock, sand or gravel from any park without written permission from the director of public works. (Ord. 220 § 3, 1978)
12.20.050  Permission For Fires Required
No person shall start a fire for any purpose within any park, except at places provided for such purpose, unless prior special written permission has been obtained from the director of public works. (Ord. 220 § 4, 1978)

12.20.060  Use Of Roadways And Drives Required
No person shall ride or drive any horse or other animal, or propel any vehicle, or auto mobile in any park other than on the roadways or drives provided for such purpose. This shall not apply to dogs when led by a cord or leash not more than eight feet long. (Ord. 220 § 5, 1978)

12.20.070  Obstructing Passage Of Vehicles Or Persons Prohibited
No person shall stand or sit in or upon any street, sidewalk, path, walkway, entranceway, or in any way hinder or obstruct the passage of vehicles or persons passing along the same, or in any manner annoy or hinder persons desiring to enter or exit any part or recreation area or facility. (Ord. 220 § 17, 1978)

12.20.080  Swimming In Authorized Facilities Only
No person shall swim, bathe, wade in or pollute the water of any fountain, pond, lake or stream, except in wading or swimming facilities provided for these purposes. (Ord. 220 § 6, 1978)

12.20.090  Improper Behavior Or Language Prohibited
No person shall indulge in any riotous, boisterous, threatening, indecent or immoral or abusive behavior, or use profane language while in or on any park and recreation area or facility. (Ord. 220 § 7, 1978)

12.20.100  Unauthorized Distribution Of Handbills Or Notices Prohibited
No person shall distribute any handbills or circulars, or post, place or erect any bills or notices advertising any program or event without prior written permission of the director of public works. (Ord. 220 § 8, 1978)

12.20.110  Using Park For Unauthorized Purposes Prohibited
No person or group of persons shall use any park and/or recreation facility for purposes other than that for which they are intended, except with written permission of the director of public works. (Ord. 220 § 20, 1978)

12.20.120  Betting At Games Played In Park Prohibited
No person shall bet at or against any game which is played or conducted at any park and recreation area or facility. (Ord. 220 § 9, 1978)

12.20.130  Games And Contests Restricted To Authorized Areas
No person shall play or engage in any game or contest, excepting in such places as set aside for that purpose. (Ord. 220 § 10, 1978)

12.20.140  Golfing Restricted To Authorized Areas
No person shall drive, putt, or in any other fashion play or practice golf or use golf balls or clubs in any park or recreation facility, except in areas set aside for those specific activities. (Ord. 220 § 18, 1978)
12.20.150  Flying Model Airplanes Restricted To Authorized Areas
No person shall fly model airplanes or other such model craft of any description in any park, except in those areas set aside for such activities. (Ord. 220 § 19, 1978)

12.20.160  Harming Animals In Parks Prohibited
No person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw rocks or missiles at any animal, reptile, fish, bird, or any wild animal in any city park, except duly qualified law enforcement officials. (Ord. 220 § 11, 1978)

12.20.170  Interfering With Water Or Sewer Construction Prohibited
No person shall open, expose or interfere with any water or gas pipe, hydrant, stopcock, sewer basin or other construction in any city park or recreation facility. (Ord. 220 § 12, 1978)

12.20.180  Unauthorized Firearms Prohibited
No person shall take into any park any fire arm, air gun, slingshot, firecrackers, or other articles of like character, except duly qualified law enforcement officials. (Ord. 220 § 13, 1978)

12.20.190  Use Of Receptacles For Garbage Disposal
No person shall dump, deposit, or leave any bottles, broken glass, paper, boxes, cans, rubbish, waste or garbage, or other trash in any park, except those items which are incidental to use of the facility. These items must be deposited in the receptacles provided. (Ord. 220 § 14, 1978)

12.20.200  Interfering With Maintenance Equipment Prohibited
No person shall hang behind or on, or interfere in any way with any park maintenance equipment in any park. (Ord. 220 § 15, 1978)

12.20.210  Permission Required For Certain Events
No group of persons numbering more than twenty individuals in any group shall hold or conduct any picnic, celebration, parade, service or exercise in any park without prior written permission of the director of public works. (Ord. 220 § 16, 1978)

12.20.220  Responsibility Of Parents For Acts Of Children
Parents or guardians of minor children shall be held accountable for the acts of their children. Damage or vandalism to parks and/or recreation property or equipment by children shall be the responsibility of the parent having custody or control of the minor. (Ord. 220 § 21, 1978)

12.20.230  Males Over Eight Years Prohibited In Women’s Restrooms
No male person over the age of eight years shall enter or use any toilet or restroom facility for women in any park or recreation area or facility. (Ord. 220 § 22, 1978)

12.20.240  Vendors Restricted In Park Area
No vendor shall sell, expose for sale, or offer to sell in or along any Street or sidewalk adjoining or approaching any park and/or recreation facility within two hundred feet of such facility, any goods, wares or merchandise of any kind whatsoever without the prior written permission of the city council. (Ord. 220 § 23, 1978)
12.20.250 Use Of Certain Facilities Prohibited Without Permit

No person shall use, occupy or otherwise remain in a building, structure or facility parking area or other area for which a permit is required without first having obtained the permit from the director of public works. In addition, persons using a facility which is subject to reservation by permit shall vacate the facility when holders of permits present themselves. (Ord. 220 § 24, 1978)

12.20.260 Disrupting Organized Activity Programs Prohibited

No person shall in any manner interfere with or disrupt any organized group or activity program conducted in or by any city park or recreation facility authorized or conducted by the city. (Ord. 220 § 25, 1978)
TITLE 13 - PUBLIC SERVICES*

Chapters:

13.04 Public Water Service
13.08 Application for Water and Sewer Service
13.12 Well Standards Ordinance Adopted in Accordance with Water Code Section 13801
13.16 Fire Protection Service
13.20 Interfering with Water Service
13.24 Sewer Service
13.28 Water and Sewer Rates
13.32 Sewer Use Regulations
13.34 Industrial Wastewater Regulations
13.36 Drainage Improvement Facilities

*For statutory provisions on city sewers, see Gov. Code § 38900 and Health and Saf. Code § 5415.
Chapter 13.04 - PUBLIC WATER SERVICE

Sections:

13.04.010 Title.
13.04.020 Water system furnished by city.
13.04.030 Definitions.
13.04.040 Water department—Created—Appointment.
13.04.050 Water superintendent—Inspection duty.
13.04.060 Water superintendent—Repair duty.
13.04.070 Water superintendent—Supervision duty.
13.04.090 Performance of duties.
13.04.100 Compensation.
13.04.110 Number of services per premises.
13.04.120 Separate service for each connection.
13.04.130 Wasting water prohibited.
13.04.140 Unrestricted irrigation prohibited.
13.04.150 Responsibility for equipment on customer premises.
13.04.160 Damage to water system facilities.
13.04.170 Control valve on customer property.
13.04.180 Cross connection control required.
13.04.181 Approved standards for cross connection control devices.
13.04.182 Approval of public works director required.
13.04.183 Annual inspection of cross connection control devices required.
13.04.184 Right of entry for inspections.
13.04.190 Interruption in service.
13.04.200 Right of ingress and egress
13.04.220 Meter—Installation.
13.04.230 Meter—Location and ownership.
13.04.240 Meter—Change in location.
13.04.250 Meter—Reading.
13.04.270 Meter—Refund of excess charges.
13.04.010  Title
The ordinance codified in this title shall be known and may be cited as the city water ordinance.
(Ord. 35 § 1, 1950)

13.04.020  Water System Furnished By City
The city will furnish a system, plant, works and undertaking used for and useful in obtaining, conserving and disposing of water for public and private uses, including all parts of the enterprise, all appurtenances to it, and land easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment. (Ord. 35 § 2, 1950)

13.04.030 Definitions
For the purpose of this chapter, the words set out in this section shall have the meanings ascribed to them as follows:

A. “Cross connection” means any physical connection between the piping system from the city service and that of any other water supply that is not, or cannot, be approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the city distribution mains.

B. “Distribution mains” means waterlines in streets, alleys, and easements used for public and private fire protection and for general distribution of water.

C. “Owner” means the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the county recorder’s office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over the same for himself, or as executor, administrator, guardian or trustee of the owner.

D. “Person” means an individual or a company, association, copartnership or public or private corporation.

E. “Premises” means a lot or parcel of real property under one ownership, except where there are well defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by the several tenants, in which case each portion shall be termed separate premises, apartment houses and office buildings may be classified as single premises.

F. “Private fire protection service” means water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire protection and the water available therefore.

G. “Public fire protection service” means the service and facilities of the entire water supply, storage and distribution system of the city, including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.

H. “Regular water service” means water service and facilities rendered for normal domestic, commercial and industrial purposes on a permanent basis, and the water available therefore.

I. “Service or service connection” means the pipeline and appurtenant facilities such as the curb stop, meter and meter box all used to extend water service from a distribution main to premises. Where services are divided at the curb or property line to serve several customers, each such branch service shall be termed a separate service.

J. “Temporary water service” means water service and facilities rendered for construction work and other uses of limited duration, and the water available therefore.
K. “Water department” means the city council, performing functions related to the city water service, together with the water superintendent and billing clerk and other duly authorized representatives. (Ord. 35 § § 25, 26, 27, 28, 29, 30 31, 32, 33, 34, 35, 36, 37, 1950)

13.04.040 Water Department—Created—Appointment

A water department is created comprised of the following: A water superintendent and a billing clerk. They shall be appointed to serve at the pleasure of the council. (Ord. 35 § 75, 1950)

13.04.050 Water Superintendent—Inspection Duty

The water superintendent shall regularly inspect all physical facilities related to the city water system, to see that they are in good repair and proper working order, and to note violations of any water regulations. (Ord. 35 § 76, 1950)

13.04.060 Water Superintendent—Repair Duty

The water superintendent shall promptly report any violation or disrepair to the council. If the work required is in the nature of an emergency, he shall take whatever steps are necessary to maintain service to consumers pending action by the council. (Ord. 35 § 77, 1950)

13.04.070 Water Superintendent—Supervision Duty

The water superintendent shall supervise all repair or construction work authorized by the council, and perform any other duties prescribed elsewhere in this title or which shall be hereafter prescribed by the council. (Ord. 35 § 78, 1950)

13.04.080 Billing Clerk—Billing And Bookkeeping Duties

The billing clerk shall compute, prepare and mail bills as in this title prescribed, make and deposit collections, maintain proper books of account, collect, account for, and refund deposits, do whatever else is necessary to set up and maintain an efficient and economical bookkeeping system, and perform any other duties now or hereafter prescribed by the council. (Ord. 35 § 79, 1950)

13.04.090 Performance Of Duties

The duties of the water superintendent and billing clerk as designated in Sections 13.04.040 through 13.04.070, may be performed by existing city personnel or by an additional employee or employees. (Ord. 35 § 80, 1950)

13.04.100 Compensation

The water superintendent and billing clerk shall receive such compensation as is prescribed by the council. (Ord. 35 § 81, 1950)

13.04.110 Number Of Services Per Premises

The applicant may apply for as many services as may be reasonably required for his premises, provided that the pipeline system from each service is independent of the others and that they are not interconnected. The cost of all services over and above the initial service shall be borne by the applicant. (Ord. 35 § 150, 1950)

13.04.120 Separate service for each connection

Not more than one premises shall be serviced from each service connection. (Ord. 35 § 151, 1950)
13.04.130  **Wasting Water Prohibited**

No consumer shall knowingly permit leaks or waste of water. (Ord. 35 § 152, 1950)

13.04.140  **Unrestricted Irrigation Prohibited**

No consumer shall have the right to use an open hose, or any other connection without a nozzle or mechanical sprinkling attachment, unless his service is metered. (Ord. 35 § 153, 1950)

13.04.150  **Responsibility For Equipment On Customer Premises**

All facilities installed by the city on private property for the purpose of rendering water service shall remain the property of the city and may be maintained, repaired or replaced by the water department without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of facilities. No payment shall be made for placing or maintaining the facilities on private property. (Ord. 35 § 154, 1950)

13.04.160  **Damage To Water System Facilities**

The customer shall be liable for any damage to city-owned customer water service facilities when such damage is from causes originating on the premises. (Ord. 35 § 155, 1950)

13.04.170  **Control Valve On Customer Property**

The customer shall provide a valve on his side of the service installation to control the flow of water to the piping on his premises. The customer shall not use the service curb stop to turn water on and off for his convenience. (Ord. 35 § 156, 1950)

13.04.180  **Cross Connection Control Required**

It shall be the responsibility of the public works department of the city to protect the public potable water distribution system from contamination or pollution due to the backflow or back siphonage of contaminants or pollutants through the water service connection. (Ord. 306 § 1, 1987: Ord. 35 § 157, 1950; Ord. 508, 2008)

13.04.180.01  **Cross Connection Control Required Existing Connection**

If, in the judgment of the director of public works or a designated agent an approved backflow prevention device is required at the city’s water service connection to an existing customer’s premises for the safety of the city water system, the director or designated agent shall install or contract to install such an approved device at each service connection to their premises. (Ord. 306 § 1, 1987: Ord. 35 § 157, 1950; Ord. 508, 2008)

13.04.180.02  **Cross Connection Control Required New Connection**

If, in the judgment of the director of public works or a designated agent an approved backflow prevention device is required at the city’s water service connection to any new or proposed customer’s premises for the safety of the city water system, the director or designated agent shall give notice in writing to the customer to install such an approved device at each service connection to their premises. The new or proposed customer shall install such device at their expense. The newly installed device shall be tested by a Certified Backflow Prevention Assembly Tester. A certification from a Certified Backflow Prevention Assembly Tester shall be submitted for approval by the director of public works or a designated agent prior to obtaining a Certificate of Occupancy by the City of Live Oak Chief Building Official or designated agent.
Failure, refusal, or inability on the part of the new or proposed customer to install such device shall constitute grounds for discontinuing water service to the premises until such device has been properly installed, tested and certified. (Ord. 306 § 1, 1987; Ord. 35 § 157, 1950; Ord. 508, 2008)

13.04.181 Approved Standards For Cross Connection Control Devices

A. Any backflow prevention device required by this code shall be a model and size approved by the public works director. The term “approved backflow prevention device” means a device that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) entitled “AWWA C 506-78 Standards for Reduced Pressure and Double-Check Valve Backflow Prevention Devices,” and have met completely the laboratory and field performance specifications of the Foundation for Cross Connection and Hydraulic Research of the University of Southern California or other recognized institution.

B. Specifications of backflow prevention devices 69-2 or the most current issue. The AWWA and FCCC and HR standards and specifications have been adopted by the city by resolution. The public works department shall maintain a current list of approved devices. (Ord. 306 § 2 (part), 1987)

13.04.182 Approval Of Public Works Director or a Designated Agent Required

Prior to the installation of any such devices the customer shall submit to the public works director or a designated agent a statement containing the make and model of the device, location and method of installation of such device for approval. Failure to do so may result in the installation of a nonapproved device. (Ord. 306 § 2 (part), 1987, Ord. 508, 2008)

13.04.183 Annual Inspection Of Cross Connection Control Devices Required

It shall be the duty of the director of public works or a designated agent at any premises where such devices have been installed to have certified inspections and operational tests made at least once each year. If, in the opinion of the director or a designated agent, a hazard is great enough the director of public works or designated agent may require a certified inspection at more frequent intervals. These inspections and tests shall be done at the City’s expense by incorporation in the water service charge identified in the latest on file copy of the Master Schedule of Fees under Public Works, Water Rates. The inspection and tests shall be performed by the device manufacturer’s representative, by the city’s utility personnel or a certified tester approved by the city. It shall be the duty of the public works department to ensure that these timely tests are made. These devices shall be repaired, overhauled or replaced whenever the devices are found to be defective at the City’s expense by incorporation in the water service charge identified in the latest on file copy of the Master Schedule of Fees under Public Works, Water Rates. The records of such tests, repairs or replacements shall be kept by the city. (Ord. 306 § 2 (part), 1987; Ord. 508, 2008)

13.04.184 Right Of Entry For Inspections

An authorized employee of the city shall have reasonable access to any premises supplied with water for the purpose of making inspections of a cross connection control, inspections of the water system and water meters upon such premises. Any person who, as owner or occupant of any premises, refuses admittance to or hinders or prevents inspection by an authorized employee of the city may have all water shut off after service of twenty-four hours’ notice of the intention of the city to do so. (Ord. 306 § 2 (part), 1987)
13.04.190   Interruptions In Service
The city shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the water department. Temporary shutdowns may be made by the water department to make improvements and repairs. Whenever possible and as time permits, all customers affected will be notified prior to making such shutdowns. (Ord. 35 § 158, 1950)

13.04.200   Right Of Ingress And Egress
Representatives from the water department shall have the right of ingress and egress to the customer premises at reasonable hours for any purposes reasonably connected with the furnishing of water service. (Ord. 35 § 159, 1950)

13.04.210   Meter—Installation And Materials
A. The water department reserves the right to install meters on any service where and when it deems such installation is necessary.

B. The owner of all houses, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public water distribution system, is required at the owner’s expense to connect to the public water distribution system therein, and to connect such facilities in accordance with the provisions of this chapter within ninety days after date of official notice to do so, provided that said public water distribution system is within two hundred feet of the property line.

C. All water service for buildings and structures constructed after the date of the ordinance codified in this chapter shall be metered. All meter and other installation materials shall conform to the city standards. (Ord. 346 (part), 1991)

13.04.220   Meter—Installation
A. Building Permit Installation. As a condition to granting any building permit for construction of any new residential and/or commercial structure, the applicant shall be required to install water meter(s). The costs to purchase and install the water meter(s) shall be borne by the building permit applicant.

B. Customer Request Installation. A non-metered customer may request a meter installation at any time, provided that he pays the city’s actual costs for acquisition and installation of the meter. The consumer may not revert back to a flat rate after requesting and obtaining a meter. (Ord. 346 (part), 1991)

13.04.230   Meter—Location And Ownership
Meters shall be installed at the curb, property line or in sidewalk basement. The city will own all meters installed. (Ord. 346 (part), 1991)

13.04.240   Meter—Change In Location
Meters moved for the convenience of the customer will be relocated at the customer’s expense. Meters removed to protect the city’s property will be moved at the city’s expense. If the lateral distance which the customer desires to have the meter moved exceeds eight feet, he will be required to pay for new service at the desired location. (Ord. 346 (part), 1991)
13.04.250  Meter—Reading
Meters will be read as nearly as possible on the same day of each month. Billing periods containing less than twenty-five days and more than thirty-five days for bills rendered monthly, or less than fifty-four days and more than sixty-six days for bills rendered bimonthly, will be prorated. (Ord. 346 (part). 1991)

13.04.260  Meter—Testing—Deposit
All meters will be tested prior to installation and no meter will be installed which registers more than two percent fast. If a customer desires to have the meter servicing his premises’ tested, he shall first deposit the cost of testing; should the meter register more than two percent fast, the deposit will be refunded; but should the meter register less than two percent fast, the deposit will be retained by the water department. (Ord. 346 (part), 1991)

13.04.270  Meter—Refund Of Excess Charges
If a meter tested at the request of a customer, pursuant to Section 13.04.260, is more than two percent fast, the excess charges for the time service was rendered to the customer requesting the test, or a period of six months, whichever is less, shall be refunded to the customer, (Ord. 346 (part), 1991)

13.04.280  Meter—Nonregistering
A. If a meter is not registering, the charges for service shall be based on the estimating consumption. Such estimates shall be made from previous consumption for a comparable period or by such other method as is determined by the water department in its discretion shall be final.

B. The ordinance codified in this chapter shall take effect and be enforced thirty days from and after the date of its passage and after its passage shall be published and posted as provided for by law. (Ord. 346 (part), 1991)

13.04.290  Credit—Establishment And Maintenance
Each applicant for water service shall establish and maintain credit to the satisfaction of the water department by a cash guarantee deposit all as provided for in Section 13.04.300 before such service will be rendered. (Ord. 413 § I (part), 1995: Ord. 35 § 200, 1950)

13.04.300  Guarantee Deposit - Amount [Water]
The amount of the guarantee deposit required of each applicant for service shall be at least the amount of the monthly charge (rounded up to the nearest dollar). No interest will be paid on such guarantee deposits. (Ord. 469 § 1 (part), 2003: Ord. 413 § 1 (part), 1995: Ord. 35 § 201, 1950)

13.04.310  Guarantee Deposit—Deductions
Any amount due for water service that remains unpaid for twenty days after presentation of a bill therefore, during the depositor’s first year of service, may be deducted from the guarantee deposit, and service shall be subject to discontinuance until the deposit is again restored to the original amount. Any such unpaid amount accruing subsequent to the depositor’s first year of service may also be deducted from any guarantee deposit remaining in the water department’s possession. (Ord. 413 § 1 (part), 1995: Ord, 35 § 202, 1950)

13.04.320  Guarantee Deposit—Return
A guarantee deposit with the water department made by a consumer (who owns the premises for which, the deposit was made) and whose account has not been in arrears at any time during one year from the date of the initial deposit shall be returnable after that date. If the service should be discontinued in less than one year regardless of who owns the premises for which, the deposit was made, the deposit will be returned provided that all outstanding bills against the consumer for water service have been paid. Any deposit uncalled for within five years from the date when made will become the property of and be retained by the water department. (Ord. 469 § 2 (part), 2003; Ord. 413 § 1 (part), 1995; Ord. 35 § 203, 1950)

13.04.330  Bills—Bimonthly Period
The regular billing period will be bimonthly at the option of the water department. (Ord. 35 § 225, 1950)

13.04.340  Bills—Opening And Closing
Opening and closing bills for less than the normal billing period shall be prorated both as to minimum charges and quantity blocks. If the total period for which service is rendered is less than one month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the water department for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued. (Ord. 35 § 226, 1950)

13.04.350  Bills—Rendering—Payment
Bills for flat rate water service and for public fire protection shall be rendered at the beginning of each billing period. Bills for metered water service shall be rendered at the end of each billing period. All bills are payable upon presentation. (Ord. 64 § 1, 1952: Ord. 35 § 227, 1950)

13.04.360  Bills—Separate Meters Not Combined
Separate bills will be rendered for each meter installation except where the water department has, for its own convenience, installed two or more meters in place of one meter. Where such installations are made, the meter readings will be combined for billing purposes. (Ord. 35 § 228, 1950)

13.04.370  Public Fire Protection Service Charge
The rates and charges provided in Chapter 13.28 for public fire protection service shall be paid for all premises within a five hundred foot radius of any fire hydrant which are improved within a residence or building. (Ord. 35 § 229, 1950)

13.04.380  Collection Of Charges
Where a premise is subject to the rates and charges for any other water service provided in this title, such rates and charges shall be collected together with and not separately from the rates and charges provided in Chapter 13.28 for public fire protection service. (Ord. 35 § 230, 1950)

13.04.390  User Of Public Fire Protection Service
The owner shall constitute the user of the public fire protection service unless the premises are occupied by a tenant who is taking general water service, in which case, the occupant shall be the user of both services. (Ord. 35 § 231, 1950)

13.04.400  Temporary Service—Deposit
The applicant shall deposit, in advance, the estimated cost of installing and removing the facilities required to furnish temporary service, exclusive of the cost of salvageable material. Upon discontinuance of service, the actual cost shall be determined and an adjustment made as an additional charge, refund or credit. (Ord. 35 § 350, 1950)

13.04.410 Temporary Service—Installation And Operation

All facilities for temporary service to the customer’s connection shall be made by the water department and shall be operated in accordance with its instructions. (Ord. 35 § 351, 1950)

13.04.420 Temporary Service—Rates.

The rates for regular service shall be increased by fifty percent for temporary service. (Ord. 35 § 352, 1950)

13.04.430 Temporary Service—Payment In Advance Or Credit

The applicant for temporary service shall pay the estimated cost of service in advance or shall be otherwise required to establish credit. The minimum charge for water shall be four dollars. (Ord. 35 § 353, 1950)

13.04.440 Service Discontinuance—For Nonpayment

Service other than public fire protection service may be discontinued for nonpayment of bills on or before the twentieth day of the month, following the month for which the bill was sent. At least five days prior to such discontinuance the customer will be sent a final notice informing him that discontinuance will be enforced if payment is not made within the time specified in the notices. The failure of the city to send or any such person to receive the notice shall not affect the city’s power under this title. (Ord. 35 § 250, 1950)

13.04.450 Service Discontinuance—Fire Protection Charges Continued

The rates and charges provided in Chapter 13.28 for public fire protection service shall continue to become due, notwithstanding that the right of shutoff may be exercised as to any other water service provided in this title. (Ord. 35 § 251, 1950)

13.04.460 Service Discontinuance—Reconnection Charge

Pursuant to the applicable provisions of law, including but not limited to Government Code Sections 54343, 54346, 54348 and 54350, a reconnection charge of five dollars plus penalties will be made and collected prior to renewing service following a discontinuance. In the event, however, a service discontinuance has been effected and following service discontinuance, the owner of the premises and/or occupant thereof takes it upon himself to re-effect water service to the premises in violation of Section 13.20.010 and 13.20.020 of the Live Oak Municipal Code, water service may then be effectively discontinued by severing the water service line into the premises at which point, notwithstanding any provision in this chapter to the contrary, in order to effect a restoration of water service to the premises, the owner and/or occupant of the premises shall pay a reconnection charge equal to one-half of the water connection charge as established pursuant to Section 13.08.090 of the Live Oak Municipal Code, together with all unpaid water service charges and penalties as provided for by this chapter, all of which shall be paid prior to a restoration and reconnection of service. (Ord. 305 § 1, 1986: Ord. 35 § 252, 1950)

13.04.470 Service Discontinuance—For Use Of Unsafe Apparatus
Water service may be refused or discontinued to any premises where apparatus devices or appliances are in use which constitute a nonapproved device, endangers or otherwise disturbs the service to other customers, or otherwise is in violation of the provisions of this chapter. (Ord. 306 § 3 (part), 1989: Ord, 35 § 253, 1950)

13.04.480 Service Discontinuance—For Unlawful Cross Connections

Water service may be refused or discontinued to any premises where there exists a cross connection either in violation of state or federal laws or in violation of this chapter. (Ord. 306 § 3 (part), 1987: Ord. 35 § 254, 1950)

13.04.490 Service Discontinuance—For Fraud Or Abuse

Service may be discontinued if necessary to protect the city against fraud or abuse. (Ord. 35 § 255, 1950)

13.04.500 Service Discontinuance—For Noncompliance

Service may be discontinued for non compliance with the water regulations set out in this chapter, or any other ordinance or regulation related to the city water service. (Ord. 306 § 3 (part), 1987: Ord. 35 § 256, 1950)

13.04.510 Service discontinuance— Notification to water department

Customers desiring to discontinue service should so notify the water department two days prior to vacating the premises. Unless discontinuance of service is ordered, the customer shall be liable for charges whether or not any water is used. (Ord. 35 § 257, 1950)

13.04.520 Rates and charges—Penalty for nonpayment

Rates and charges which are not paid on or before the twentieth day of the month following the month for which the charge was made shall be subject to a penalty of ten percent, and there after shall be subject to a further penalty of two percent per month on the first day of each month following. (Ord. 35 § 275, 1950)

13.04.530 Rates and charges—Collection by suit

All unpaid water service rates and charges and penalties provided in this title, may be collected by suit. (Ord. 35 § 276, 1950)

13.04.540 Rates and charges—Costs of collection by suit

The defendant shall pay all costs of suit in any judgment rendered in favor of the city. (Ord. 35 § 278, 1950)

13.04.550 Rates and charges—Owner responsible

The property owner shall be additionally responsible for payment of all unpaid utility bills, charges for public fire protection services and other fees owed to the City during the period the premises receiving the service are occupied by the property owner or by a tenant. The City Council authorizes the Finance Director to annually compile a list of all unpaid accounts due to the City and present to the City Council for approval and placement of liens on the property for any unpaid balance. The Finance Director will forward the approved lien list to the County for placement on the tax rolls each fiscal year. (Ord. 35 § 277, 1950; Ord. 505 §1, 2007)
Chapter 13.08 - APPLICATION FOR WATER AND SEWER SERVICE

Sections:

13.08.010 Required—Service connection charges.
13.08.020 No existing service connection.
13.08.030 Undertaking of applicant.
13.08.040 Payment for previous service.
13.08.050 Installation of services.
13.08.060 Changes in customer’s equipment.
13.08.070 Installation charges—Ownership of pipes and fixtures.
13.08.080 Installation extension charges.
13.08.090 Connection charges.

13.08.010 Required—Service Connection Charges
Each applicant for water service shall be required to sign an application form provided by the city before the city will commence service, and during regular business hours, service will be connected without charge. However, before city water service will be connected on weekends, holidays, and after hours, a service charge of three dollars and fifty cents in advance shall be paid by the applicant (Ord. 175 § 1, 1973)

13.08.020 No Existing Service Connection
Applications for regular water service where no main extension is required shall be made upon a form provided by the city. (Ord. 1975 § 2, 1973)

13.08.030 Undertaking Of Applicant
Each application shall signify the customer’s willingness and intention to comply with this chapter and other laws and regulations relating to the regular water service and to make payment for the water services required. (Ord. 175 § 3, 1973)

13.08.040 Payment For Previous Service
An application shall not be honored unless payment in full has been made for water services previously rendered to the applicant by the city. (Ord. 175 § 4, 1973)

13.08.050 Installation Of Services
Regular water service shall be installed at the location desired by the applicant. The size of such service shall be finally determined by the city. Service installations may be made only to property abutting on public streets or abutting on such distribution mains as may be constructed in alleys or easements, at the convenience of the city. Services installed in new subdivisions prior to the construction of streets or in advance of street improvements shall be accepted by the applicant in the installed location. (Ord. 175 § 5, 1973)

13.08.060 Changes In Customer’s Equipment
Customers making any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the city written notice of the nature of the change and, if necessary, amend their applications. (Ord. 175 § 6, 1973)

13.08.070  Installation Charges—Ownership Of Pipes And Fixtures

A. Water installation charges shall be determined from time to time by resolution of the city council.

B. All installations of pipe and appurtenant fixtures shall remain the property of the city, and no part thereof shall be refunded to any utility customer at any time. (Ord. 253 § 1(a), 1980: Ord. 190, 1975: Ord. 175 § 7, 1973)

13.08.080  Installation Extension Charges

Where adequate water and/or sewer mains are existing and are contiguous to the property not previously served, main extension charges shall be charged within the corporate limits of the city, payable in advance, before the installation of new services and/or meters as determined from time to time by resolution of the city council. (Ord. 253 § 1(b), 1980: Ord. 182, 1974: Ord. 175 § 8, 1973)

13.08.090  Connection Charges

Water connection charges shall be determined from time to time by resolution of the city council. (Ord. 253 § 1(c), 1980: Ord. 175 § 9, 1973)

Chapter 13.12 - WELL STANDARDS ORDINANCE ADOPTED IN ACCORDANCE WITH WATER CODE SECTION 13801

Sections:

13.12.010  Purpose and intent.
13.12.030  Permit application—Requirements.
13.12.050  Permit application—Filing fees.
13.12.060  Permit conditions.
13.12.090  Permit—Suspension and revocation.
13.12.100  Well standards.
13.12.120  Special groundwater protection.
13.12.130  Inspections.
13.12.010  Purpose And Intent

Intent of Chapter. It is the purpose of this chapter to protect the health, safety and general welfare of the people of the city of Live Oak by ensuring that its groundwaters will not be polluted or contaminated. To this end, minimum requirements are contained in this chapter for construction, reconstruction, repair and destruction of water wells, cathodic protection wells and monitoring wells. (Ord. 338 (part), 1990)

13.12.020  Definitions And Interpretation

A. As Defined in Other Documents. Except as otherwise required in the context of this chapter, the terms used in this chapter shall have the same meaning as in Chapter 10 of Division 7 of the California Water Code and the Department of Water Resources Bulletin 74-81 and subsequent supplements or revisions.

B. “Board” means the governing board of the local jurisdiction having well standards authority: the city council.

C. “Enforcement agency” means that agency(ies) designated by the board to administer and enforce this chapter, i.e., the city engineer.

D. “Person” means any person, firm, corporation or governmental agency, to the extent authorized by law.

E. Well or Water Well. The California Water Code, Section 13710, defines “well or water well” to mean “any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the under ground.” The State Water Resources Control Board does not intend that potholes, drainage trenches or canals, wastewater ponds, shallow root zone piezometers, stock ponds or similar excavations be included within the definition of wells.

F. Tense or Gender. Words used in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural, and the plural the singular.

G. Section headings, when contained in this chapter, shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section. (Ord. 338 (part), 1990)

13.12.030  Permit Application—Requirements
A. When Required. No person shall dig, bore, drill, deepen, modify, repair or destroy a water well, cathodic protection well, observation well, monitoring well or any other excavation that may intersect groundwater without first applying for and receiving a permit as provided in this chapter unless exempted by law. It is unlawful for any person to use any water for domestic consumption from any well not owned or operated by the city unless a permit therefore has first been received from the office of the city engineer. Before a permit may be issued for the use of the well, it shall be altered and reconstructed to conform to the specifications for a new well. The city engineer or water engineer shall prepare or approve the plans and specifications pursuant to which the well is to be reconstructed and to report to the city council whether such well conforms to the requirements of a new well. All such work shall be done under the supervision and inspection of the city engineer or water engineer to his satisfaction.

B. Penalty for Failure to Obtain Permit. Any person who shall commence any work for which a permit is required by this chapter without having obtained a permit shall be required, if subsequently granted a permit for this work, to pay double the standard permit fee.

C. Emergency Work. The above provisions shall not apply to emergency work required on short notice to maintain drinking water or agriculture supply systems. In such cases, the person responsible for the emergency work shall:

1. Urgency. Satisfy the enforcement agency that such work was urgently necessary;

2. Conformance with Standards. Demonstrate that all work performed was in conformance with the technical standards as designated in Article 3. (Ord. 338 (part), 1990)

13.12.040 Permit Application—Procedure

Applications for permits shall be made to the enforcement agency on forms approved by the agency and shall contain all such information the enforcement agency requires to accomplish the purposes of this chapter. The application shall be accompanied by the required filing fee. If the enforcement agency finds the application contains all necessary information, it shall issue to the applicant a comprehensive permit containing such conditions as are necessary to fulfill the purposes of this chapter. (Ord. 338 (part), 1990)

13.12.050 Permit Application—Filing Fees

Filing fees may be set by the board from time to time by resolution. (Ord. 338 (part), 1990)

13.12.060 Permit Conditions

A. Limitations. When the enforcement agency issues a permit pursuant to this chapter, it may condition the permit in any manner necessary to carry out, the purposes of this chapter. Conditions may include, but are not limited to such quantity and quality testing methods as the enforcement agency finds necessary.

B. Performance Bond. The enforcement agency may require a performance bond as a condition to the permit.

C. Persons Permitted to Work on Wells. All construction, reconstruction or destruction work on wells shall be performed by a person who possesses an active C-57 contractor’s license in accordance with the provisions of the California Business and Professions Code, Section 7000, et seq., and Water Code Section 13750.5.
D. Proper Disposal of Drilling Fluids. The permit shall contain a clause requiring the safe and appropriate handling and disposal of drilling fluids and other drilling materials used in connection with the permitted work.

E. Abandoned Wells. As a condition of a construction or reconstruction permit, any abandoned wells on the property shall be destroyed in accordance with standards provided in this chapter.

F. Posting of Permit. It shall be the responsibility of the permittee to maintain a copy of this permit on the drilling site during all stages of construction or destruction. (Ord. 338 (part), 1990)

13.12.070 Permit—Denial

The enforcement agency shall deny an application for a permit if, in its judgment, issuance of a permit is not in the public interest. (Ord. 338 (part), 1990)

13.12.080 Permit—Expiration

The permittee shall complete the work authorized by the permit within the time and before the date set out in the permit. If there have been exceptional circumstances, the enforcement agency may grant the applicant an extension. Upon the expiration of the permit, no further work shall be done unless and until the applicant has received an extension or a new permit. (Ord. 338 (part), 1990)

13.12.090 Permit—Suspension And Revocation

A. Circumstances for such Action. The enforcement agency may suspend or revoke any permit issued pursuant to this chapter, whenever it finds that the permittee has violated any of the provisions of this chapter, or has misrepresented any material fact in his application, or any supporting documents, for such a permit. Prior to ordering any such suspension or revocation, the enforcement agency shall give the permittee an opportunity for a hearing thereon, after reasonable notice. The hearing shall be before the enforcement agency head or his designated representative. An appeal may be made as set forth in Section 13.12.150.

B. Consequences. No person whose permit has been suspended or revoked shall continue to perform the work for which the permit was granted until, in the case of suspension. such permit has been reinstated by the enforcement agency.

C. Ordered Additional Work. Upon suspending or revoking any permit, the enforcement agency may order the permittee to perform any work reasonably necessary to protect the underground waters from pollution or contamination, if any work already done by the permittee has left a well in such condition as to constitute a hazard to the quality of the underground waters. No permittee or person who has held any permit issued pursuant to this chapter shall fail to comply with any such order. (Ord. 338 (part), 1990)

13.12.100 Well Standards

Except as otherwise specified, the standards for the construction, repair, reconstruction or destruction of wells shall be as set forth in:

B. All Subsequent Supplements and Revisions. All subsequent Bulletin 74-81 supplements or revisions issued by the Department of Water Resources, once the revised standards have been reviewed at appropriate public hearing. (Ord. 338 (part), 1990)


The enforcement agency shall have the power under the following specified conditions to grant a variance from any provision of the standards referenced above and to prescribe alternative requirements in their place.

A. Special Circumstances. There must be in a specific case, a special circumstance where practical difficulties or unnecessary hardship would result from the strict interpretation and enforcement of any standard.

B. Intent of Chapter Not Compromised. The granting of such a variance is consistent with the purposes of this chapter. (Ord. 338 (part), 1990)

13.12.120 Special Groundwater Protection

The enforcement agency may designate areas where groundwater quality problems are known to exist and where a well will penetrate more than one aquifer. The enforcement agency may require in these designated areas special well seals to prevent mixing of water from several aquifers. Where an applicant proposes well construction, reconstruction or destruction work in such an area, the enforcement agency may require the applicant to provide a report prepared by a Registered Geologist or Registered Civil Engineer (California Business and Professions Code Sections 7850 and 6762 respectively) that identifies all strata containing poor-quality water and recommends the location and specifications of the seal or seals needed to prevent the entrance of poor-quality water or its migration into other aquifers. (Ord. 338 (part), 1990)

13.12.130 Inspections

The enforcement agency shall make an inspection of the annular seal construction work. It may make an initial inspection of each proposed drilling site, an inspection at the completion of the work, and inspections at such other times as it deems appropriate.

A. Initial Inspection. Upon receipt of an application, the enforcement agency may make an inspection of the drilling site prior to the issuance of a well permit. The purpose of this inspection is to determine whether there are any site conditions such that the enforcement agency shall do the following:

1. Relocation of Drilling Site. Require relocation of the drilling site should the location shown on the permit application be too close to potential sources of pollution;

2. Additional Conditions. Set additional conditions if needed to remediate any previously unknown groundwater quality protection problems.

B. Inspection of Well Seal. The enforcement agency shall inspect the annular space grout depth prior to the sealing.

1. Required Notice. The enforcement shall be notified by the well driller a minimum of twenty-four hours prior to sealing the annular space. Drillers who anticipate completing a well in less than one day shall notify the enforcement agency twenty-four hours prior to commencement of drilling and provide the anticipated time to commence the sealing of the annular space.
2. Should Enforcement Agency Fail to Be Present. If the enforcement agency wishes to allow a seal to be tremied or placed without inspection, the driller shall seal the well in accordance with the standards of this chapter and any permit conditions. No seal shall be tremied or placed until permission to proceed is given.

C. Final Inspection. If requested by the enforcement agency, the driller shall notify the enforcement agency within seven days of the completion of their work at each drilling site. The enforcement agency may make a final inspection after completion of the work to determine whether the well was completed in accordance with this chapter.

D. Waiver of Inspections. The enforcement agency may waive inspections should any of the following conditions exist:

1. Well Inspected by Other Agencies. Inspections may be waived where the work will be inspected by the staff of the California Regional Water Quality Control Board or the California Department of Health Services if these designated agencies will inspect and report to the enforcement agency on all drilling features required by the Standards.

2. Monitoring Wells under Specified Conditions. Inspections may be waived for monitoring wells that will penetrate only aquifers containing degraded waters or will penetrate only formations that normally contain no water.

3. Drilling Sites Known to Have No Threats to Groundwater Quality. Initial inspections may be waived when the drilling site is well known to the enforcement agency staff, and it is known that no significant threats to groundwater quality exist in the area. (Ord. 338 (part), 1990)

13.12.140 Completion Reports

The driller shall provide the enforcement agency a completion report within thirty days of the completion of any well construction, reconstruction or destruction job.

A. Submittal of State “Report of Completion.” A copy of the “Report of Completion” (Water Well Driller’s Report, Department of Water Resources Form 188), required by California Water Code Section 13751, shall be submitted by the permittee to the enforcement agency within thirty days of construction, alteration or destruction of any well. This report shall document that the work was completed in accordance with the standards and all additional permit conditions. This section shall not be deemed to release any person from the requirement to file the report with the state Department of Water Resources.

B. Confidentiality of Report. In accordance with California Water Code Section 13752, reports shall not be made available for inspection by the public but shall be made available for inspection by governmental agencies for use in making studies. Reports shall be made available to any person who obtains written authorization from the owner of the well.

C. Other Agency’s Requirements. Nothing in this chapter shall be deemed to excuse any person from compliance with the provisions of California Water Code Sections 13750 through 13755 relating to notices and reports of completion or any other federal, state or local reporting regulations. (Ord. 338 (part), 1990)

13.12.150 Appeals

A. Right of Hearing. Any person whose application for a permit has been denied, or granted conditionally, or whose permit has been suspended or revoked, or whose variance request has
been denied, may appeal to the board, in writing, within ten days after any such denial, conditional granting, suspension or revocation. Such appeal shall specify the grounds upon which it is taken, and shall be accompanied by a filing fee as set forth herein. The clerk of the board shall set such appeal for hearing at the earliest practicable time, and shall notify the appellant and the enforcement agency, in writing, of the time so set at least five days prior to the hearing.

B. Action by the Board. After such hearing, the board may reverse, wholly or partly, or may modify the order or determination appealed from, (Ord. 338 (part), 1990)

13.12.160 Right Of Entry And Inspection

Representatives of the enforcement agency shall have the right to enter upon any premises at all reasonable times to make inspections and tests for the purpose of such enforcement and administration. If any such premises are occupied, he shall first present proper credentials and demand entry. If the same is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of same and demand entry. If such entry is refused, he shall have recourse to such remedies as are provided by law to secure entry. (Ord. 338 (part), 1990)

13.12.170 Abatement Of Abandoned Wells

All persons owning an abandoned well as defined in the well standards shall destroy it before December 31, 1991, except those excluded by California Health and Safety Code Section 24440. (Ord. 338 (part), 1990)

13.12.180 Criminal And Civil Enforcement

A. Violation a Misdemeanor. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof is punishable by such penalties as the board shall from time to time set by ordinance.

B. Civil Enforcement—Notice of Violation.

1. Notice of Violation Recordation.
   a. Whenever the enforcement agency determines that a well (i) has not been completed in accordance with a well permit or the plans and specifications relating thereto, (ii) has been constructed without the required permit, or (iii) an abandoned well has not been destroyed in accordance with the standards, the enforcement agency may record a notice of violation with the office of the county recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible for the violation shall be notified of the recordation, if their address is available.
   b. If the property owner(s) or authorized agent disagree with the determination, he may submit evidence to the enforcement agency indicating that there is no violation and then shall have a right to appeal an adverse decision of the enforcement agency to the board in accordance with the provisions of paragraph 2 of this subsection.

2. Appeal—Action by the Board.
   a. Date of Hearing. Upon receipt of the notice of appeal, the board shall, within fifteen days following the filing of the appeal, set a date for public hearing thereon.
b. Evidence. The evidence before the board shall consist of the records in the enforcement agency’s files and any other relevant evidence which, in the judgment of the board, should be considered to effectuate and implement the policies of this chapter.

c. Decision by Board. The board may reverse or affirm, wholly or in part, or modify the decision or the notice of violation and may make such order as should be made. Such action shall be final.

3. Removal of Violation Notice. The enforcement agency shall submit a removal of notice of violation to the county recorder when:

a. It is determined by the enforcement agency or the board, after review, that no violation of this chapter exists; or

b. All required and corrective work has been completed and approved by the enforcement agency.

C. Civil Enforcement—Violations of this chapter may also be redressed in the manner hereinafter set forth by civil action. In addition to being subject to prosecution, any person who violates any of the provisions of this chapter may be made the subject of a civil action. Appropriate civil action includes, but is not limited to, injunctive relief and cost recovery.

D. Remedies Cumulative. The remedies available to the board to enforce this chapter are in addition to any other remedies available under ordinance or statute, and do not replace or supplant any other remedy but are cumulative thereto. (Ord. 338 (part), 1990)

13.12.190 Reports To The Regional Board

Pursuant to California Water Code Section 13225(c), the enforcement agency shall submit a report, not less than annually, to the California Regional Water Quality Control Board(s) having jurisdiction in their area. This report shall contain the following data, unless the regional board determines a lesser amount of information is necessary:

A. Wells Constructed or Destroyed. The number of wells constructed or destroyed;

B. Abatement Actions. Descriptions of all well destructions undertaken by the enforcement agency using its regulatory authority under nuisance abatement powers;

C. Variances Granted. A description of each specific case where variances were granted and the circumstances that made a variance necessary;

D. Inspection Waivers Granted. A description of each specific case where an inspection was waived and the circumstances that made the waiver necessary. (Ord. 338 (part), 1990)

13.12.200 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this chapter is for any reason held to be invalid, or unconstitutional by a decision of a court of competent jurisdiction, it shall not affect the remaining portions of this chapter, including any other section, subsection, sentence, clause or phrase therein. (Ord. 338 (part), 1990)

Chapter 13.16 - FIRE PROTECTION SERVICE

Sections:

13.16.010 Hydrants—Authorized use.
13.16.010  Hydrants—Authorized Use
Fire hydrants are for use by the city or by organized fire protection agencies pursuant to contract with the city. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the water department prior to use and shall operate the hydrant in accordance with instructions issued by the water department. Unauthorized use of hydrants will be prosecuted according to law. (Ord. 35 § 300, 1950)

13.16.020  Hydrants—Relocation
Fire hydrants will be moved at the request of property owners, where such requests are found to be reasonable by the water superintendent. All costs shall be borne by the party requesting such relocation. (Ord. 35 § 301, 1950)

13.16.030  Private Service—Payment Of Costs
The applicant for private fire protection service shall pay the total actual cost of installation of the service from the distribution main to the customer’s premises, including the cost of a detector check meter or other suitable and equivalent device, valve and meter box, said installation to become the property of the city. (Ord. 35 § 325, 1950)

13.16.040  Private Service—No Connections To Other Systems
There shall be no connections between a private fire protection system and any other water distribution system on the premises. (Ord. 35 § 326, 1950)

13.16.050  Private Service—Use Restricted
There shall be no water used through the private fire protection service except to extinguish accidental fires and for testing the firefighting equipment. (Ord. 35 § 327, 1950)

13.16.060  Private Service—Meter Rates
Any consumption recorded on the meter for private fire protection service will be charged for at double the regular service rates; except, that no charge will be made for water used to extinguish accidental fires where such fires have been reported to the fire department. (Ord. 35 § 328, 1950)

13.16.070  Private Service—Monthly Rates
The monthly rates for private fire protection shall be as indicated in the rate schedule provided in Chapter 13.28. (Ord. 35 § 329, 1950)

Chapter 13.20 - INTERFERING WITH WATER SERVICE
Sections:

13.20.010 Unauthorized turning on or off prohibited.
13.20.020 Unauthorized connections prohibited.

13.20.010 Unauthorized Turning On Or Off Prohibited

It is unlawful for any person, firm or corporation, excepting authorized personnel of the city, to turn any municipal water service on or off in the city or to interfere with the municipal water service of the city. (Ord. 86 § 1, 1957)

13.20.020 Unauthorized Connections Prohibited

It is unlawful for any person, firm or corporation, excepting authorized city personnel, to make any connection with or to the water pipes or mains of the city. (Ord. 86 § 2, 1957)

Chapter 13.24 - SEWER SERVICE

Sections:

13.24.010 Person defined
13.24.030 Discharging surface runoff or drainage prohibited.
13.24.040 Sewer pipes—Customer’s maintenance responsibility.
13.24.050 Sewer pipes—Customer’s failure to maintain—Action by city.
13.24.060 Charges—Collection when water user—Disconnection upon nonpayment.
13.24.080 Sewer bills—Due date—Delinquency date—Disconnection.
13.24.090 Relief from unjust rates.
13.24.100 Accounting and collection by water department.
13.24.110 Payments for water and sewer service inseparable.
13.24.120 Legal action by city.
13.24.130 User’s contractual obligation.

13.24.010 Person Defined

“Person” as used in this chapter means and includes human beings and private and public corporations, districts, and the United States of America, the state of California, and all political subdivisions, governmental agencies and mandatories thereof. (Ord. 60 § 13, 1952)

13.24.020 Conditions Requiring Connection
It is declared that the further maintenance and use of cesspools or other local means of sewage disposal constitutes a public nuisance. All buildings inhabited or used by human beings, and in which any sewage is produced that will be within two hundred feet from connection with the sewer system shall connect with the sewer system within thirty days from the time when such a connection can be made. (Ord. 60 § 2, 1952)

13.24.030  Discharging Surface Runoff Or Drainage Prohibited

No person shall intentionally discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, swimming pool drainage or subsurface drainage into any sanitary sewer. (Ord. 155, 1969: Ord. 60 § 2.5, 1952)

13.24.040  Sewer Pipes—Customer’s Maintenance Responsibility

Sewer customers shall maintain and clean any and all sewer pipes leading to the city’s main sewer lines at the sole cost and expense of the sewer customer. (Ord. 192 § 1, 1975)

13.24.050  Sewer Pipes—Customer’s Failure To Maintain—Action By City

If a sewer customer fails to maintain or clean such lines for a period of ten days after written notice to so do, the city shall perform such work and charge the same to the customer adding an amount equal to the cost thereof to the customer’s bill. (Ord. 192 § 2. 1975)

13.24.060  Charges—Collection When Water User—Disconnection Upon Nonpayment

When a premises is a user of the city water system, sewer service charges shall be collected with and not separately from the charges for water services rendered by the city, and all charges shall be billed upon the same bill and collected as one item. If all or any part of the bill is not paid, the city may discontinue any and all services for which the bill was rendered. (Ord. 60 § 4, 1952)

13.24.070  Charges—Collection When Not Water User—Disconnection Upon Nonpayment—Reconnection

A. Where the user of the city sewer system is not a user of the city water system, he shall be billed separately for the sewer service charges of the premises. Where such user becomes delinquent in payment of the sewer service charge, he shall be disconnected from the city sewer system, and the superintendent of the water department or other person in charge of the sewer system shall estimate the cost of disconnection of such user from the city sewer system, and the cost of reconnecting the user to the city sewer system, and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the city sewer system.

B. In the event such arrearages are paid and the user is reconnected to the city sewer system, the superintendent of the water department or other person in charge of the sewer system shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

C. During the period of such disconnection, the inhabitation of such premises by human beings constitutes a public nuisance. (Ord. 60 § 5, 1952)

13.24.080  Sewer Bills—Due Date—Delinquency Date—Disconnection
A. All bills for service charges shall be come delinquent on the fifteenth day of the second month following the month for which the billing is made. All bills represent a period of sewer services that has been previously provided.

B. If not paid at the time herein provided for, sewer services shall be disconnected. Once a disconnection has been made, reconnection may be had at such time as: (1) the bill has been paid; (2) a disconnection charge has been paid in the sum of $5.00 during regular work hours, ($7.75 outside regular work hours); and (3) a reconnection charge has been paid in the sum of $5.00 during regular work hours, ($7.75 outside regular work hours). Once a disconnection has been made for nonpayment, all bills for sewer service charges thereafter shall become delinquent on the fifteenth day of the first month following the month for which the bill is made. (Ord. 331 § 3, 1989: Ord. 320 § 3, 1988: Ord. 60 § 6, 1952)

13.24.090 Relief From Unjust Rates
The owner or occupant of any premises who, by reason of special circumstances, finds that the sewer rates, as set out in Section 13.28.030, are unjust or inequitable as applied to his premises, may make written application to the council, stating the circumstances and requesting a different basis of charges for sewer services to his premises. If such application is approved, the city council may by resolution fix and establish fair and equitable rates for such premises to be effective as of the date of the application, and continuing during the period of such special circumstances. The council may, on its own motion, find that by reason of special circumstances the foregoing rates are unjust and inequitable as applied to particular premises, and may by resolution fix and establish fair and equitable charges for such premises during the period of special circumstances, or any part thereof, (Ord. 60 § 7, 1952)

13.24.100 Accounting And Collection By Water Department
The employees of the water department shall keep the books of account, issue statements and collect the sewer service charges, but all receipts therefore shall be credited to the sewer revenue fund. (Ord. 60 § 8, 1952)

13.24.110 Payments For Water And Sewer Service Inseparable
No payment of water charges shall be accepted without payment of the sewer service charges. The water department shall discontinue water service to any premises for which the sewer service charge is in arrears. (Ord. 60 § 9, 1952)

13.24.120 Legal Action By City
In addition to the right to discontinue any service, the city shall have the right to collect the sewer service charges from the occupant of any premises, or from the owner of the premises at its discretion by a suitable action at law. (Ord. 60 § 10, 1952)

13.24.130 User’s Contractual Obligation
All users of the sewer system shall be deemed to have contracted with the city for the services of the city sewer system and to have agreed to comply with all of the regulations of the city in regard thereto. (Ord. 60 § II, 1952)
13.28.010  Single Monthly Rate for Water and Fire Protection Services

Where a premises is connected to the water system the user shall pay a single monthly rate for the water which shall be the total of the charges for regular water service and for public fire protection service, computed as provided in Section 13.28.020. (Ord. 55 § I. 1951: Ord. 35 § 401. 1950)

13.28.020  Water Service—Schedule of Rates

A. Pursuant to Division 5, Part 3, Chapter 6, Article IV, commencing with Section 5471 of the Health & Safety Code, the following rates for water services charges shall be decreased from the rates currently in effect:

<table>
<thead>
<tr>
<th>Minimum Charge</th>
<th>Minimum Use</th>
<th>Rate/Units per</th>
<th>Pipe Size</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hundred Cubic Feet (HCF)</td>
<td>Additional HCF</td>
<td></td>
</tr>
<tr>
<td>$23.97</td>
<td>20</td>
<td>$1.41/HCF</td>
<td>3/4&quot; or less</td>
</tr>
<tr>
<td>$25.38</td>
<td>21</td>
<td>$1.41/HCF</td>
<td>1”</td>
</tr>
<tr>
<td>$30.78</td>
<td>22</td>
<td>$1.41/HCF</td>
<td>1 ½”</td>
</tr>
<tr>
<td>$30.78</td>
<td>22</td>
<td>$1.41/HCF</td>
<td>1 ¾”</td>
</tr>
<tr>
<td>$51.41</td>
<td>36</td>
<td>$1.41/HCF</td>
<td>2”</td>
</tr>
<tr>
<td>$127.35</td>
<td>90</td>
<td>$1.41/HCF</td>
<td>3”</td>
</tr>
<tr>
<td>$218.69</td>
<td>155</td>
<td>$1.41/HCF</td>
<td>4”</td>
</tr>
<tr>
<td>$465.07</td>
<td>330</td>
<td>$1.41/HCF</td>
<td>6”</td>
</tr>
</tbody>
</table>
B. Water Connection/hook-up Charges: The connection charge shall be collected as follows:

1. At the time the owner connects to the City water;
2. Upon altering or expanding existing facilities, which changes water usage or increases the need for additional facilities;
3. Charges for water connection to the City water facilities shall be as follows:
   a. 
      
      | Size of Service Line | Charge   |
      |----------------------|----------|
      | ¾”                   | $3,938   |
      | 1”                   | $7,010   |
      | 1 ¼”                 | $11,814  |
      | 1 ½”                 | $15,752  |
      | 2”                   | $27,566  |

   b. For service lines greater than two inches, the City Engineer will determine the proportional flow increase multiplier to be used in calculating the connection charge. Charges for water connection to the City water facilities shall be as follows: Larger service line connection fees will be calculated based on the service line proportional flow increase over the ¾ inch service line times the charge for a ¾” service connection. By way of example, if a two inch service line provides approximately seven (7) times the flow of a 3/4 inch line, the connection charge will be 7 times $3,938 = $27,566.

C. Water Capacity and Connection Fees: The capacity and connection fee shall be collected as follows:

1. For new construction, fees will be collected prior to the issuance of a building permit;
2. Prior to altering or expanding existing facilities, which increases water usage or creates the need for additional facilities;
3. All other, prior to connection to City water system;
4. Charges for capacity and connection to the City water facilities shall be based on the water meter size per unit as follows:

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1”</td>
<td>$7,435</td>
</tr>
<tr>
<td>1”</td>
<td>$11,426</td>
</tr>
<tr>
<td>1 ½”</td>
<td>$21,505</td>
</tr>
<tr>
<td>2”</td>
<td>$33,559</td>
</tr>
<tr>
<td>3”</td>
<td>$72,900</td>
</tr>
<tr>
<td>4”</td>
<td>$130,527</td>
</tr>
<tr>
<td>6”</td>
<td>$284,685</td>
</tr>
</tbody>
</table>
a. For service lines greater than six inches, the City Engineer will determine the proportional flow increase multiplier to be used in calculating the fees.

5. The water capacity and connection fees will be adjusted upward annually by the U.S. Department of Labor’s Bureau of Labor Statistics Consumer Price Index All Urban Consumers, San Francisco All Items (or successor agency).

6. The City Council may from time to time adjust capacity and connection fees by resolution.


13.28.030 Sewer Service—Schedule Of Rates

Pursuant to Paragraph A, Division 5, Part 3, Chapter 5, Article VII, commencing with Section 5040 of the Health & Safety Code, the following rates for sewer service charges shall be increased from the rates currently in effect, such increased rates to be effective on and after October 2, 2009, and thereafter to be increased as specified in Subsection B, C, and D below, as follows:

A. Rates:

<table>
<thead>
<tr>
<th>Category</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, single family</td>
<td>$49.95 per month, per unit</td>
</tr>
<tr>
<td>Residential, multi family</td>
<td>$37.91 per month, per unit</td>
</tr>
<tr>
<td>Cabins, mobile homes &amp; motels</td>
<td>$29.04 per month, per unit</td>
</tr>
<tr>
<td>Nursing &amp; rest homes</td>
<td>$16.11 per bed per month</td>
</tr>
<tr>
<td>Churches and Lodges</td>
<td>$54.08 per month</td>
</tr>
<tr>
<td>High schools</td>
<td>$54.08 per student per year</td>
</tr>
<tr>
<td>Elementary Schools &amp; Center for Education</td>
<td>$18.54 per student per year</td>
</tr>
<tr>
<td>Business, retail</td>
<td>$43.18 per month</td>
</tr>
<tr>
<td>Restaurant/Bar</td>
<td>$300.87 per unit/or user;</td>
</tr>
<tr>
<td>Laundries</td>
<td>$247.20 per month</td>
</tr>
<tr>
<td>Services Stations</td>
<td>$450.04 per month</td>
</tr>
<tr>
<td>Car washes</td>
<td>$154.50 per month</td>
</tr>
<tr>
<td>Warehouses</td>
<td>$92.63 per month</td>
</tr>
<tr>
<td>Detention centers</td>
<td>$16.11 per month per bed</td>
</tr>
<tr>
<td>Medical clinic</td>
<td>$401.82 per month</td>
</tr>
<tr>
<td>Daycare centers &amp; pre-school facilities</td>
<td>$52.37 per month up to 10 children</td>
</tr>
<tr>
<td>Daycare centers &amp; pre-school facilities</td>
<td>$73.31 per month more than 10 children</td>
</tr>
<tr>
<td>Sunsweet Dryers</td>
<td>$693.15 per month</td>
</tr>
<tr>
<td>Diamond Walnuts</td>
<td>$346.57 per month</td>
</tr>
</tbody>
</table>
B. The rates for sewer service charges as established in Subsection A, above, shall be increased effective July 1, 2010 as follows:

Residential, single family $54.80 per month, per unit
Residential, multi family $41.59 per month, per unit
Cabins, mobile homes & motels $31.85 per month, per unit
Nursing & rest homes $17.68 per bed per month
Churches and Lodges $59.29 per month
High schools $59.29 per student per year
Elementary Schools & Center for Education $20.33 per student per year
Business, retail $47.37 per month
Restaurant/Bar $331.40 per unit/or user;
Laundries $271.05 per month
Services Stations $494.92 per month
Car washes $169.41 per month
Warehouses $101.57 per month
Detention centers $17.68 per month per bed
Medical clinic $441.89 per month
Daycare centers & pre-school facilities $57.45 per month up to 10 children
Daycare centers & pre-school facilities $80.43 per month more than 10 children
Sunsweet Dryers $762.26 per month
Diamond Walnuts $381.13 per month

C. The rates for sewer service charges as established in Subsection B, above, shall be increased effective July 1, 2011 as follows:

Residential, single family $59.65 per month, per unit
Residential, multi family $45.27 per month, per unit
Cabins, mobile homes & motels $34.67 per month, per unit
Nursing & rest homes $19.24 per bed per month
Churches and Lodges $64.51 per month
High schools $64.51 per student per year
Elementary Schools & Center for Education $22.12 per student per year
Business, retail $51.57 per month
<table>
<thead>
<tr>
<th>Service Type</th>
<th>Rate Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurant/Bar</td>
<td>$361.93 per unit/or user;</td>
</tr>
<tr>
<td>Laundries</td>
<td>$294.90 per month</td>
</tr>
<tr>
<td>Services Stations</td>
<td>$539.79 per month</td>
</tr>
<tr>
<td>Car washes</td>
<td>$184.32 per month</td>
</tr>
<tr>
<td>Warehouses</td>
<td>$110.51 per month</td>
</tr>
<tr>
<td>Detention centers</td>
<td>$19.24 per month per bed</td>
</tr>
<tr>
<td>Medical clinic</td>
<td>$481.96 per month</td>
</tr>
<tr>
<td>Daycare centers &amp; pre-school facilities</td>
<td>$62.53 per month up to 10 children</td>
</tr>
<tr>
<td>Sunsweet Dryers</td>
<td>$831.37 per month</td>
</tr>
<tr>
<td>Diamond Walnuts</td>
<td>$415.69 per month</td>
</tr>
</tbody>
</table>

D. The rates for sewer service charges as established in Subsection C above, shall be increased effective July 1, 2012 as follows:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Rate Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, single family</td>
<td>$68.80 per month, per unit</td>
</tr>
<tr>
<td>Residential, multi family</td>
<td>$52.22 per month, per unit</td>
</tr>
<tr>
<td>Cabins, mobile homes &amp; motels</td>
<td>$39.99 per month, per unit</td>
</tr>
<tr>
<td>Nursing &amp; rest homes</td>
<td>$22.19 per bed per month</td>
</tr>
<tr>
<td>Churches and Lodges</td>
<td>$74.47 per month</td>
</tr>
<tr>
<td>High schools</td>
<td>$74.47 per student per year</td>
</tr>
<tr>
<td>Elementary Schools &amp; Center for Education</td>
<td>$25.53 per student per year</td>
</tr>
<tr>
<td>Business, retail</td>
<td>$59.48 per month</td>
</tr>
<tr>
<td>Restaurant/Bar</td>
<td>$415.03 per unit/or user;</td>
</tr>
<tr>
<td>Laundries</td>
<td>$340.42 per month</td>
</tr>
<tr>
<td>Services Stations</td>
<td>$620.43 per month</td>
</tr>
<tr>
<td>Car washes</td>
<td>$212.76 per month</td>
</tr>
<tr>
<td>Warehouses</td>
<td>$127.56 per month</td>
</tr>
<tr>
<td>Detention centers</td>
<td>$22.19 per month per bed</td>
</tr>
<tr>
<td>Medical clinic</td>
<td>$553.96 per month</td>
</tr>
<tr>
<td>Daycare centers &amp; pre-school facilities</td>
<td>$72.13 per month up to 10 children</td>
</tr>
<tr>
<td>Daycare centers &amp; pre-school facilities</td>
<td>$100.98 per month more than 10 children</td>
</tr>
<tr>
<td>Sunsweet Dryers</td>
<td>$955.58 per month</td>
</tr>
<tr>
<td>Diamond Walnuts</td>
<td>$477.79 per month</td>
</tr>
</tbody>
</table>
E. Other Industrial/Users Rates to be determined pursuant to Section 13.32.475 of the City of Live Oak Municipal Code.


F. The rates for sewer service charges established in Subsection E above shall be increased annually by the Consumer Price Index (CPI) plus 1 percent (1%) annually, effective July 1, of each respective year.

By way of example, the sewer service charges for a single-family residential unit on July 1, 2005 shall be $45.16 per month. On July 1, 2006, assuming a 3% CPI plus 1%, the sewer service charges for a single-family residential unit shall increase to $46.96 per month ($45.16 increased by 4%).

H. Sewer Capacity and Connection Fees: The capacity and connection fees shall be collected as follows:

1. For new construction, fees will be collected prior to the issuance of a building permit;
2. Prior to altering or expanding existing facilities which increases wastewater flows or creates the need for additional facilities;
3. All others, prior to connection to City wastewater system;
4. Charges for capacity and connection to the City wastewater facilities shall be based on the water meter size per unit as follows:

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1”</td>
<td>$8,815</td>
</tr>
<tr>
<td>1”</td>
<td>$13,718</td>
</tr>
<tr>
<td>1 ½”</td>
<td>$25,977</td>
</tr>
<tr>
<td>2”</td>
<td>$40,688</td>
</tr>
<tr>
<td>3”</td>
<td>$87,272</td>
</tr>
<tr>
<td>4”</td>
<td>$155,921</td>
</tr>
<tr>
<td>6”</td>
<td>$344,708</td>
</tr>
</tbody>
</table>

Industrial Users: An analysis of flows for bio-oxygen demand and suspended solids will be completed at no expense to City to determine if additional fees are necessary based on the wastewater flows generated by the users.

5. The capacity and connection fees will be adjusted upward annually by the U.S. Department of Labor’s Bureau of Labor Statistics Consumer Price Index – All Urban Consumers, San Francisco All Items (or successor agency).

6. The City Council may from time to time adjust capacity and connection fees by resolution.
I. Detention Center Sewer Rate Application Procedures: The detention center per bed per month Sewer rate calculations will be based on multiplying the average daily inmate head count specified by the dollar amount listed in the appropriate section above. The average daily inmate head count will be calculated by totaling the daily inmate population for the month and dividing that number by the number of days in that month. The detention center will provide this figure to the City by the 20th of the following month. Should the City not receive this number by the 25th of the month, the default value of 220 will be deemed to be the inmate head count for the previous month and the sewer rate calculation will be based on this number.


13.28.031 Credit—Establishment And Maintenance
Each applicant for sewer service shall establish and maintain credit to the satisfaction of the sewer department by making a cash guarantee deposit before such service shall be rendered as provided for in Section 13.28.032. (Ord. 412 § 1 (part), 1995)

13.28.032 Guarantee Deposit—Amount [Sewer]
The amount of the guarantee deposit required of each applicant for service shall be equal to at least the amount of the monthly charge (rounded up to the nearest dollar). No interest will be paid on such guarantee deposits. (Ord. 469 § 2 (part), 2003: Ord. 412 § 1 (part), 1995)

13.28.033 Guarantee Deposit—Deductions
Any amount due for sewer service that remains unpaid for twenty days after presentation of a bill therefore, during the depositor’s first year of service, may be deducted from the guarantee deposit and such service shall be subject to discontinuance until the deposit is again restored to the original amount. Any such unpaid amount accruing subsequent to the depositor’s first year of service may also be deducted from any guarantee deposit remaining in the sewer department’s possession. (Ord. 412 § I (part). 1995)

13.28.034 Guarantee Deposit—Return
A guarantee deposit with the sewer department made by a consumer (who owns the premises for which the deposit was made) and whose account has not been in arrears at any time during the first year of the date of the initial deposit is returnable after that date. In the event sewer service is discontinued in less than one year regardless who owns the premises for which the deposit was made, that deposit will be returned provided that all outstanding bills against the consumer for sewer service have been paid. Any such deposit uncalled for within five years from the date when made will become the property of and be retained by the sewer department. (Ord. 469 § 4 (part), 2003; Ord. 412 § I (part), 1995)

13.28.040 Discount For Advance Payment
Any person paying water and sewer charges at least six months in advance, but less than twelve months in advance, shall be entitled to a discount equal to three percent of such amount paid, and any person paying water and sewer charges at least twelve months in advance shall be entitled to a discount equal to six percent of such amount paid. (Ord. 201, 1977)

13.28.050  Waiver Of Sewer Service Charge For Single-Family Residences Which Have Never Been Occupied

Any person responsible for paying sewer service charges imposed by this chapter for a single-family residence which has never been occupied, may submit to the city an application for waiver of the monthly sewer service charge. The sewer service charge will be waived beginning the first full month after receipt of the application and upon verification by the city that the single-family residence is unoccupied. The applicant for waiver of sewer service charges is responsible for notifying the city as soon as the single-family residence is occupied. If the applicant fails to notify the city when the single-family residence is occupied, the applicant shall be responsible for payment of the sewer service charges and any applicable late fees, fines, or penalties established under this code for failure to pay sewer service charges during the time the single-family residence was occupied and no sewer service charges were collected. (Ord. 392 § 2, 1993)
# Chapter 13.32 - SEWER USE REGULATIONS

Sections:

## ARTICLE I. GENERAL PROVISIONS

- **13.32.005** Rules and regulations.
- **13.32.010** Purpose.
- **13.32.015** Short title.
- **13.32.020** Definitions.
- **13.32.025** Uniform Plumbing Code adopted.
- **13.32.030** Administrative authority.
- **13.32.035** Powers and authorities of inspectors.
- **13.32.040** Unlawful to deposit.
- **13.32.045** Unlawful discharge.
- **13.32.050** No privies, etc.
- **13.32.055** Protection from damage.
- **13.32.060** Connect to public facilities.
- **13.32.065** Relief on own motion.
- **13.32.070** Reconsideration and appeal procedures.

## ARTICLE II. PRIVATE WASTEWATER DISPOSAL

- **13.32.075** Required when.
- **13.32.080** Permit—Required.
- **13.32.085** Permit—Inspection.
- **13.32.090** Health department
- **13.32.095** Must connect to public sewers,
- **13.32.100** Owner’s responsibility.
- **13.32.105** Additional health department requirements.

## ARTICLE III. BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

- **13.32.110** Permit required.
- **13.32.115** Construction requirements.
- **13.32.120** Connections to public sewer.
13.32.125 Owner to pay costs.
13.32.130 Minimum size of building and lateral sewers.
13.32.135 Building drain location.
13.32.140 Surface runoff.
13.32.145 Connecting the building sewer to the public sewer
13.32.150 Separate laterals and building sewers
13.32.155 Sewer too low
13.32.157 Repair and replacement of building drains and building sewers
13.32.160 Old building sewers
13.32.165 Backflow prevention devices – maintenance
13.32.170 Maintenance of sewers
13.32.175 Protection of the public
13.32.180 Building sewer materials
13.32.185 Sewer service lateral cleanouts

**ARTICLE IV. PUBLIC SEWER CONSTRUCTION**

13.32.190 Permit-Required
13.32.195 Permit – Plans, profiles and specifications required.
13.32.200 Separate sewers required
13.32.205 Sewers too low
13.32.210 Connections to public sewers
13.32.215 Easements or rights-of-way
13.32.220 Grade stakes
13.32.225 Protection of excavation
13.32.230 Design and construction standards
13.32.235 Completion of sewer required.
13.32.240 Permits required.
13.32.245 Subdivisions
13.32.250 Easements or rights-of-way
13.32.255 Persons authorized to perform work
13.32.260 Compliance with other regulations
13.32.265 As-built drawings
13.32.270 Design calculations
13.32.275 Sewers and pipelines
13.32.280 Pumping stations
13.32.285 Unit design factors
13.32.290 Public sewers
13.32.295 Steep slopes
13.32.300 Manholes
13.32.305 Flusher branches
13.32.310 Cleanouts and sewer services
13.32.315 Force mains
13.32.320 Pumping stations
13.32.325 Standard details
13.32.330 Marking lateral sewer lines
13.32.335 Materials
13.32.340 Installation of sewers
13.32.345 Testing of sewer lines
13.32.350 Manholes
13.32.355 Sewer construction inspections
13.32.360 Guarantee

ARTICLE V. USE OF THE PUBLIC SEWERS

13.32.365 Unlawful discharges
13.32.367 Inflow prohibited
13.32.370 Types of wastes prohibited.
13.32.375 Limited discharges
13.32.380 Other requirements
13.32.385 Grease, oil and sand interceptors
13.32.390 Pretreatment
13.32.395 Measuring devices
13.32.400 Information required
13.32.405 Standard methods
13.32.410 Special agreement

ARTICLE VI. INDUSTRIAL WASTEWATER

13.32.415 Industrial user defined
13.32.420 Existing industrial wastewater dischargers
ARTICLE VII. PERMITS, FEES AND SERVICE CHARGES

13.32.485  Permit required
13.32.490  Work not requiring a permit
13.32.495  Application for an encroachment permit and payment of charges
13.32.500  Compliance with the encroachment permit
13.32.505  Fees – Annexation charges
13.32.510  Fees and charges
13.32.511  Adjustments in rates for sewer service
13.32.515  Outside sewers
13.32.520  Special outside agreements
13.32.525  Liability

ARTICLE VIII. ENFORCEMENT

13.32.530  Violation
13.32.535  Public nuisance—Declaration
13.32.540  Disconnection
13.32.545  Public nuisance—Abatement
13.32.550  Repair and replacement of defective sewer laterals by city
13.32.555  Means of enforcement only
13.32.560  Penalty for violation and civil liability
13.32.565  Validity
ARTICLE I. GENERAL PROVISIONS

13.32.005 Rules And Regulations
The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the city are adopted, and all work in respect thereto shall be performed as required in this chapter and not otherwise. (Ord. 249 § 201, 1979)

13.32.010 Purpose
This chapter is intended to provide rules and regulations for the use, reconstruction, replacement, repair and construction of sanitary sewer facilities installed, altered and repaired within the city. (Ord. 293 § 1 (part), 1985: Ord. 249 § 202, 1979)

13.32.015 Short Title
This chapter shall be known as the “Sewer Use Ordinance” of the city. (Ord. 249 § 203, 1979)

13.32.020 Definitions
Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

1. For the purpose of this chapter, additional terms shall have the meaning indicated in Chapter 1 of the Uniform Plumbing Code as adopted in this chapter.

2. “Applicant” means the person making application for a permit for a sewer or plumbing installation and shall be the owner of premises to be served by the sewer for which a permit is requested or his authorized agent.

3. “Biochemical oxygen demand” (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.

4. “Building” means any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

5. “Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning two feet outside the building wall,

6. “Building official” means the chief building inspector and his representatives, acting for the city.

7. “Building sewer” means that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal.
8. “City” means the city of Live Oak.
9. “City council” means the city council of the city.
10. “City engineer” means the civil engineer appointed by the city and acting for the city council.
12. “Combined sewer” means a sewer intended to receive both wastewater and storm or surface water.
13. “Contractor” means an individual, firm, corporation, partnership or association duly licensed by the state of California to perform the type of work to be done under the permit.
14. “County” means the county of Sutter.
15. “Director” means the director of public works who is the person appointed by the city and acting for the city council.
16. “Drainage System.” A drainage system includes all the piping within public or private premises, which conveys sewage or other liquid wastes to a legal point of disposal, but does not include the mains of a public sewer system or a public sewer system or a public sewage treatment or disposal plant.
17. “Easement” means an acquired legal right for the specific use of land owned by others.
18. “Fixture units” means fixture unit load values for drainage piping and shall be computed from the Uniform Plumbing Code adopted in this chapter.
19. “Floatable oil” means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
20. “Garbage” means solid wastes from the preparation, cooking, and the dispensing of food, and from the handling, storage and sale of produce.
21. “Industrial user” includes any nongovernmental, nonresidential user which discharges more than the equivalent of twenty-five thousand gallons per day of wastewater and which is identified in the Standard Industrial Classification Manual, 1972, under Division A, B, D, E and I, and any nongovernmental user discharging toxic wastes, no matter what the volume.
22. “Industrial wastes” means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
23. “Lateral sewer” means the portion of a building sewer lying within a public street or easement connecting a building sewer to the main sewer, or public sewers.
24. “Main sewer” means a public sewer designed to accommodate more than one lateral sewer.
25. “May” is permissive.
26. “Natural outlet” means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
27. “Outside sewer” means a sanitary sewer beyond the limits of the city not subject to the control or jurisdiction of the city.
28. “Permit” means any written authorization required pursuant to this or any other regulation of the city for the installation of any sewage facilities.

29. “Person” means any human being, or beings. individual, individuals, firm, company, partnership, association and private or public or municipal corporations, the United States of America, the state of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

30. “pH” means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of $10^{-7}$.

31. “Plumbing system” means and includes all potable water supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipe and all building drains, including their respective joints and connections, devices, receptacles and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, fuel gas piping, water heaters and vents for same.

32. “Private sewer” means a sewer serving an independent sewage disposal system not connected with a public sewer and which accommodates one or more buildings or industries.

33. “Properly shredded garbage” means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

34. “Public sewer” means a sewer controlled by the city and lying within a public street or easement, and includes lateral sewers.

35. “Sanitary sewer” means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

36. “Sewage” is the spent water of a community. The preferred term is “wastewater.”

37. “Sewage facilities” means all facilities for collecting, transporting, pumping, treating and disposing of sewage.

38. “Sewer” means a pipe or conduit that carries wastewater.

39. “Shall” is mandatory.

40. “Side sewer” means the sewer line beginning at the foundation wall of any building and terminating at the main sewer and including the building sewer and lateral sewer together.

41. “Slug” means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works as determined by the director.

42. “Storm drain,” sometimes termed “storm sewer,” means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
43. “Street” means any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way.

44. “Suspended solids” means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as non-filterable residue.

45. “Unpolluted water” means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

46. “Wastewater” means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

47. “Wastewater facilities” means the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

48. “Wastewater treatment works” means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant.”

49. “Watercourse” means a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 249 Art. 1, 1979)

13.32.025 Uniform Plumbing Code Adopted

All that certain issue of the Uniform Plumbing Code, entitled “International Association of Plumbing and Mechanical Officials, Uniform Plumbing Code,” copies of which are on file in the office of the building official of the city for use and examination by the public, is adopted as the Uniform Plumbing Code of the city, to which reference is made in this chapter and which is adopted by reference in this chapter. Said code shall be referred to in this chapter as the “Code.”

In case of conflict between the International Association of Plumbing and Mechanical Officials Uniform Plumbing Code and this chapter, this chapter shall take precedence over and be used in lieu of such conflicting portions. (Ord. 293 § 1 (part). 1985: Ord. 249 § 204, 1979)

13.32.030 Administrative Authority

Whenever the term “administrative authority” is used in the Code it shall be construed to mean only those persons duly authorized by the City Council to administer the Code as follows:

A. Administration of the Code and enforcement of the regulations thereof insofar as the Code affects city facilities, including public sewers, shall be under the jurisdiction of the Director and his authorized assistants.

B. Plumbing systems and building sewers in the city shall be inspected by the building official.

C. The provisions of the ordinance codified in this chapter and subsequent amendments thereto may be enforced by the director and his authorized representatives. (Ord. 293 § 1 (part), 1985: Ord. 249 § 205, 1979)

13.32.035 Powers And Authorities Of Inspectors
The officers, inspectors, and any duly authorized employees of the city shall, upon exhibiting the proper credentials and identification, be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinance rules and regulations of the city. (Ord. 249 § 206, 1979)

13.32.040  Unlawful To Deposit

It shall be unlawful for any person to place, deposit or permit to be deposited any human or animal excrement, garbage, sewage or other waste in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city. The determination of unsanitary shall be made by the city, county and/or state authorities having jurisdiction. (Ord. 293 § 1 (part), 1985: Ord. 249 § 207, 1979)

13.32.045  Unlawful Discharge

It is unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided for by law of the state. (Ord. 249 § 208, 1979)

13.32.050  No Privies, Etc

Except as provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater on public or private property within the city or in any area under jurisdiction of the city. (Ord. 249 § 209, 1979)

13.32.055  Protection From Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the city’s sewage works. Any person violating this provision shall be subject to the penalties provided by law. (Ord. 249 § 210, 1979)

13.32.060  Connect To Public Facilities

The owner of all houses, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is required at the owner’s expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within ninety days after date of official notice to do so, provided that said public sewer is within two hundred feet of the property line. (Ord. 249 § 211, 1979)

13.32.065  Relief On Own Motion

The city council may, on its own motion, find that by reason of special circumstances any provision of this regulation and chapter should be suspended or modified as applied to a particular premises and they may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof. (Ord. 249 § 213, 1979)

13.32.070  Reconsideration And Appeal Procedures
Any permit applicant, permit holder, authorized industrial wastewater discharger or other discharger adversely affected by any decision, action or determination made by or on behalf of the city in interpreting or implementing the provisions of this chapter or any permit issued hereto may file with the city a written request for reconsideration. Said request shall be made within ten days of said decision, action or determination. Such request shall be acted upon by the director within forty-five days from the date of filing.

If the ruling by the director is unsatisfactory to the person requesting reconsideration, the person may make a written appeal to the city council within ten days after notice of the action taken by the director. The written appeal shall be acted upon within forty-five days from the date of filing.

The written appeal shall state all the pertinent aspects of the matter, and shall be accompanied by a fee of two hundred dollars which shall be refunded if the appeal is sustained. Within forty-five days after the written appeal is received, the city council shall hold a hearing on this matter. At this hearing the discharger may appear in person or through counsel to examine witnesses and present evidence in his own behalf. Notice of the hearing shall be presented in accordance with Section 13.32.565 at least fifteen days prior to the date of hearing. Within forty-five days after the hearing is closed the council shall make a final ruling on the appeal. (Ord. 249 § 214, 1979)

**ARTICLE II. PRIVATE WASTEWATER DISPOSAL**

13.32.075 Required When

Where a public sanitary sewer is not available under the provisions of Sections 13.32.075 through 13.32.105, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of Sections 13.32.075 through 13.32.105. (Ord. 249 § 301, 1979)

13.32.080 Permit—Required

Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the building official. The application for such permit shall be made by the applicant and shall supplement the application with specifications, and other information deemed necessary by the building official, and shall pay any fees in connection with said application. (Ord. 249 § 302, 1979)

13.32.085 Permit—Inspection

A permit for a private, wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the building official. The building official shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the building official when the work is ready for final inspection, and before any underground portions are covered. (Ord. 249 § 303, 1979)

13.32.090 Health Department Requirements

The type, design, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the building official and the county health department (Ord 249 § 304, 1979)

13.32.095 Must Connect To Public Sewers

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Sections 13.32.075 through 13.32.105, a direct connection shall be made to the public sewer if said private wastewater disposal system is within two hundred
feet, within sixty days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material as determined by the director and the county health department. (Ord. 249 § 305, 1979)

13.32.100 Owner’s Responsibility

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city. Sludge removal from private disposal systems shall be performed by licensed operators and disposed of where permitted by the county health department. (Ord. 249 § 306, 1979)

13.32.105 Additional Health Department Requirements

No statement contained in Sections 13.32.075 through 13.32.105 shall be construed to interfere with any additional requirements that may be imposed by the county health department. (Ord. 249 § 307, 1979)

ARTICLE III BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

13.32.110 Permit Required

In accordance with Sections 13.32.485 through 13.32.525 of this chapter, no person shall construct, repair or alter a public sewer, including lateral sewers, without first obtaining a written encroachment permit from the city and paying all fees and connection charges as required in this chapter. Permits for constructing plumbing systems shall be obtained from the building official of the city. (Ord. 249 § 401, 1979)

13.32.115 Construction Requirements

Construction of public sewers, and lateral sewers shall be in accordance with the applicable requirements of Sections 13.32.415 through 13.32.480 of this chapter. Construction of building sewers shall be in accordance with the applicable provisions of the Code. (Ord. 249 § 402, 1979)

13.32.120 Connections To Public Sewer

Building sewers shall not be connected to any public sewer unless such building sewers meet the requirements of this chapter. (Ord. 249 § 403. 1979)

13.32.125 Owner To Pay Costs

The owner shall pay costs and expenses incidental to the installation and/or repair and/or replacement of the building sewer to the lateral or main sewer. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation and/or repair and/or replacement of the building sewers or lateral sewers. (Ord. 299 § 1(a), 1986: Ord. 249 § 404, 1979)

13.32.130 Minimum Size Of Building And Lateral Sewers

Pipe for building sewers shall have an internal diameter equal to or greater than that of the building drain to which it connects. The minimum diameter of building sewers shall be three inches and lateral sewers shall be four inches. When more than one building sewer is allowed to
be connected to a single side sewer, the side sewer from the point of intersection of one or more building sewers to the public sewer shall be not less than six inches in diameter. (Ord. 249 § 405, 1979)

13.32.135 Building Drain Location

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 249 § 406, 1979)

13.32.140 Surface Runoff

Surface runoffs, such as the connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater seepage to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, shall not be made. (Ord. 249 § 407, 1979)

13.32.145 Connecting The Building Sewer To The Public Sewer

The connection of the building sewer to the public sewer shall be made at the termination of the sewer lateral, if such lateral is available. If an existing sewer lateral is unavailable, and a public sewer main is available, a lateral sewer will be constructed by the city to connect to the public sewer main providing that all fees and connection charges are paid as required by this chapter, All such connections shall be made gastight and watertight and shall be tested, if required by the building official, for leakage. The applicant for the building sewer permit shall notify the building official when the building sewer is ready for connection to the public sewer. The connection and testing shall be done by the applicant and it shall be inspected and approved by the building official or his authorized representative. (Ord. 299 § 1(b), 1986: Ord. 249 § 408, 1979)

13.32.150 Separate Laterals And Building Sewers

A separate and independent lateral and building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. (Ord. 249 § 409, 1979)

13.32.155 Sewer Too Low

In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the director, and discharged to the public sewer at the expense of the owner. (Ord. 249 § 410, 1979)

13.32.157 Repair And Replacement Of Building Drains And Building Sewers

Existing building drains and building sewers which have become deteriorated or sewers which have become distorted in cross-section and which no longer retain their original cross-sectional shape shall be replaced at the expense of the owner. If the director or building official inspectors
any building drain or building sewer and determines that it is collapsed and distorted in cross-
section or deterioration has occurred, he may direct that all or a portion of the building drain and
building sewer be removed and replaced with approved materials. If a building sewer, upon
inspection, is determined to be made of bituminous fiber pipe, notwithstanding the absence of
any deterioration or distortion, said bituminous fiber pipe shall be replaced with approved
materials in its entirety, except as otherwise permitted by the director.

Portions of existing building drains and building sewers which are deteriorated or collapsed
permit excessive infiltration and inflow into the public sewer system which results in sewage
spills into streets and public areas and excessive costs for operating and maintaining the city
sewage system. Spills of sewage are a violation of the waste discharge requirements of the state
of California, are a violation of the Health and Safety Code of the state and are a threat to public
health and safety.

Upon written notification to a property owner that a building sewer or building drain is
deteriorated or distorted, the owner shall replace such deteriorated and distorted building drains
and building sewers in accordance with the provisions of this chapter and the Uniform Plumbing
Code as adopted by the city. Property owners shall replace such drains and sewers within a
period of ninety days after receipt of official notification by the city that building drains and
building sewers are deteriorated or distorted and require replacement. (Ord. 298 § 1, 1986: Ord.
288 § 1, 1984: Ord. 249 § 411, 1979)

13.32.160  Old Building Sewers

Existing building sewers may be used in connection with new buildings only when they are
found, on examination and possible testing, to meet all requirements of the city and are approved
by the building official and director. (Ord. 249 § 412, 1979)

13.32.165  Backflow Prevention Devices— Maintenance

Where a sewer serves plumbing fixtures that are located less than one foot above the rim
elevation of the upstream manhole or rod hole in the reach of the main sewer into which the side
sewer connects, it shall be protected from backflow of sewage by installing a backflow
prevention device of an approved type and in the manner prescribed by the director. Any such
backflow device shall be installed by the applicant for sewer service at the sole cost and expense
of the applicant. The maintenance of the backflow device shall be the sole obligation of the
permittee or his successor in interest. The city shall be under no obligation to ascertain that the
backflow device continues in operating condition. (Ord. 249 § 413, 1979)

13.32.170  Maintenance Of Sewers

Building sewers and building drains shall be maintained by the owner of the property served.
Damaged, deteriorated or collapsed building drains and building sewers shall be repaired or
replaced so as to eliminate inflow of surface water, groundwater infiltration and leakage of
wastewater.

Building sewers which have been installed without cleanouts and risers shall not be cleaned by
breaking a hole in the building sewer or building drain. Such building sewers which are cleaned
shall have a permanent cleanout consisting of a wye fitting, riser and plug installed at the end of
the building sewer or in the building drain for the purpose of cleaning. Cleanouts shall be
watertight and shall be marked for a convenient location and shall be approved by the building
official. Any costs involved in conforming to the provisions of this section shall be borne by the owner. (Ord. 293 § 2 (part), 1985: Ord. 249 § 414, 1979)

13.32.175 Protection Of The Public

All excavations for building sewers and building drains shall be maintained by the owner of the property being served thereby to the satisfaction of the director or building official. All state laws regarding excavation safety and public safety shall be complied with. (Ord. 293 § 2 (part), 1985: Ord. 249 § 414, 1979)

13.32.180 Building Sewer Materials

All building sewers constructed in the city shall be as specified in the Code, except that building sewer materials shall be limited to the following:

A. Clay pipe and fittings, ASTM, C-700 extra strength with compression joints conforming to ASTM C425;
B. Cast iron pipe and fittings, ASTM, A and ASTM, A74;
C. Acrylonitrite Butadiene Styrene (ABS);
D. Polyvinyl chloride (PVC) pipe and fittings. (Ord. 249 § 416, 1979)

13.32.185 Sewer Service Lateral Cleanouts

A. Sewer service laterals shall terminate at property lines with an approved cleanout consisting of a wye, fitting, riser, cap, concrete service box complete with a lid marked “C.O.” Service box lids shall be sufficient to support motor vehicle traffic unless where otherwise permitted. The cleanout and cap shall be placed and constructed to specifically prevent infiltration and the entry of surface waters from surrounding land. The location of sewer service cleanouts shall be permanently marked with a letter “S” marked on new or existing sidewalks nearest the cleanout at a directed location whenever possible. In the case of new subdivision construction, cleanouts shall be shown on improvement plans and shall be referenced to property lines with specific dimensions.

B. Whenever a building sewer line within the city is required to be repaired and/or replaced, a cleanout as specified in this section shall be installed at the property line (street easement line). The cleanout as so installed, shall be installed in accordance with city of Live Oak standard specifications and the pipe material utilized to make up the cleanout shall be the same type material as the existing sewer lateral, which is located in the street right-of-way. It shall be the property owner’s sole obligation to furnish all labor and materials necessary and incidental to the cleanout installation. (Ord. 299 § 1(c), 1986: Ord. 249 § 417, 1979)

ARTICLE IV. PUBLIC SEWER CONSTRUCTION

13.32.190 Permits—Required When

In accordance with Sections 13.32.485 through 13.32.525 of this chapter, no person shall construct, extend or connect to any public sewer without first obtaining a written encroachment permit. The provisions of this section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by
the city. Permits for constructing sewers in connection with approved plans for new subdivisions shall not be required. (Ord. 249 § 501, 1979)

13.32.195  Permit—Plans, Profiles And Specifications Required

The application for a permit for public sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the city, prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground, except that such plans, profiles and specifications for minor construction such as lateral sewer connections, at the discretion of the director, may not be required. The application, together with the plans, profiles, specifications, and design calculations, when required, shall be examined by the city engineer, who shall approve them as filed or require them to be modified as deemed necessary for proper installation. When the city engineer is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, except as otherwise provided in this chapter, the director shall issue an encroachment permit predicated upon the payment of all connection charges, fees and furnishing bonds, if required by the city. The permit shall prescribe such terms and conditions as the director finds necessary in the public interest. (Ord. 249 § 502, 1979)

13.32.200  Separate Sewers Required

No two adjacent buildings fronting on the same street shall be permitted to join in the use of the same side sewer. Every building or industrial facility shall be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve such property. However, one or more buildings located on property belonging to the same owner may be served with the same side sewer during the period of such ownership. Upon the subsequent subdivision and sale of a portion of such lot, the portion not directly connected to such public sewer shall be separately connected to a public sewer, and it is unlawful for the owner thereof to continue to use or maintain such indirect connection. (Ord. 249 § 503, 1979)

13.32.205  Sewers Too Low

If any building sewer is too low to permit gravity flow to the public sewer, the sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the director, and discharged to the public sewer at the expense of the owner. (Ord. 249 § 504, 1979)

13.32.210  Connections To Public Sewers

The connection of new public sewers to existing public sewers shall be made as shown on approved construction plans and as approved by the director. The connection of new lateral sewers to existing public sewers shall be made by the city as set forth in Section 13.32.145. (Ord. 249 § 505, 1979)

13.32.215  Easements Or Rights-Of-Way

In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the city an easement or grant of right-of-way sufficient in law to allow the laying and maintenance of such extension or connection and of a width acceptable to the director. (Ord. 249 § 506, 1979)

13.32.220  Grade Stakes
Grade and line stakes shall be set by a licensed surveyor or registered civil engineer prior to the start of work on any public sewer construction. The contractor shall be responsible for accurately transferring grades to grade bars and sewer invert. (Ord. 249 § 507, 1979)

13.32.225 Protection Of Excavation

The applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. He shall also likewise protect the public in the use of the side walk against any such conditions in connection with the construction of the sewer. Streets, side walks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the city or any other person having jurisdiction thereover. (Ord. 249 § 508, 1979)

13.32.230 Design And Construction Standards

Minimum standards for the design and construction of sewers within the city shall be in accordance with Sections 13.32.190 through 13.32.360, the applicable portions of the subdivision ordinance of the city and the “Standard Details of the City of Live Oak,” heretofore or hereafter adopted by the city, copies of which are on file within the city. The city may permit modification or may require higher standards where unusual conditions are encountered. (Ord. 249 § 509, 1979)

13.32.235 Completion Of Sewer Required

Before the acceptance of any public sewer line by the city and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the city and to the satisfaction of the city engineer. If the work of constructing public sewage facilities is not completed within the time limit specified in the permit, the city may extend said time limit or may complete the work and take appropriate steps to enforce the provisions of the improvement security furnished by the permittee pursuant to this chapter. (Ord, 249 § 510, 1979)

13.32.240 Permits Required

No person shall construct, extend, or connect to any public sewer without first obtaining a written permit from the city and paying all the fees and connection charges and furnishing the bonds as required therein. The provisions of this section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the city. (Ord. 249 § 511, 1979)

13.32.245 Subdivisions

The requirements of this chapter shall be fully complied with before any final subdivision map shall be approved by the city. The final subdivision map shall provide for the dedication for public use of streets, easements, or rights-of-way in which public sewer lines are to be constructed. (Ord. 249 § 513, 1979)

13.32.250 Easements Or Rights-Of-Way

In the event an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the city a proper easement or grant
of right-of-way having a minimum width sufficient to allow the laying and maintenance of such extension or connection. (Ord. 249 § 514, 1979)

13.32.255 Persons Authorized To Perform Work

Only properly licensed contractors shall be authorized to perform the work of public sewer construction under contract within the city. All terms and conditions of the permit issued by the city to the applicant shall be binding on the contractor. The requirements of this section shall apply to side sewers installed concurrently with public sewer construction. (Ord. 249 § 515, 1979)

13.32.260 Compliance With Other Regulations

Any person constructing a sewer within a street shall comply with all state, county, or city laws, ordinances, rules, and regulations pertaining to the cutting of pavement, the opening, barricading, lighting, and protecting of trenches and the backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the city. (Ord. 249 § 516, 1979)

13.32.265 As-Built Drawings

As a condition of final acceptance by the city, copies of as-built drawings showing the actual locations of all mains, structures, wyes, laterals, and other changes to the construction drawings shall be filed with the city. As-built drawings shall be drawn to scale, shall be on a permanent reproducible medium and shall be of a standard city sheet size. (Ord. 249 § 517, 1979)

13.32.270 Design Calculations

Design calculations submitted for city review shall be in a neat, acceptable form and shall indicate the date and the signature of the supervising engineer and his state registration number. Design calculations will be required for all subdivision sewers with a total ultimate tributary area of fifty acres or more or where, in the judgment of the director, they are necessary. (Ord. 249 § 518, 1979)

13.32.275 Sewers And Pipelines

Design calculations when required for sewers and pipelines shall be presented in tabular form and shall include the following information for each section of sewer: the terminal manhole designation, ground elevations at the terminal man holes, incremental and cumulative tributary areas, incremental and cumulative tributary population, incremental average and maximum domestic sewage flow, incremental infiltration allowance, cumulative design flow, invert elevations or terminal manholes, length of sewer run, and sewer size, slope, capacity, and velocity. (Ord. 249 § 519, 1979)

13.32.280 Pumping Stations

Design calculations for pumping stations shall include soils data, structural design calculations, hydraulic calculations, including the basis for average and peak flows, calculations for wet well volumes, curves indicating force main characteristics, and individual and combined pump head capacity curves. (Ord. 249 § 520, 1979)

13.32.285 Unit Design Factors
The average dry weather per capita domestic flow is taken as one hundred gallons per day. The following average daily flows shall be used if, in the opinion of the director, population cannot be estimated:

<table>
<thead>
<tr>
<th>ZONE</th>
<th>CFS/ACRE</th>
<th>GALLON/ACRE/DAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>.002</td>
<td>1300</td>
</tr>
<tr>
<td>R-2</td>
<td>.006</td>
<td>3900</td>
</tr>
<tr>
<td>R-3 and R-4</td>
<td>.009</td>
<td>5800</td>
</tr>
<tr>
<td>Commercial</td>
<td>.004</td>
<td>2600</td>
</tr>
</tbody>
</table>

(Ord. 249 §521, 1979)

13.32.290 Public Sewers

A. Minimum Size. The minimum diameter for sewer mains shall be eight inches, except as approved by the city engineer.

B. Gradient. Sanitary sewer main grader should be designed to provide a minimum velocity of two feet per second when flowing full. The following table indicates the slopes which will provide that velocity, and these shall be used as the standard for design. Recognizing that occasionally it is difficult to maintain these grades, we have also listed the minimum acceptable slope. These shall be used only when topographic features preclude the use of standard slopes.

<table>
<thead>
<tr>
<th>Diameter (in inches)</th>
<th>Standard</th>
<th>Minimum Acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>0.5</td>
<td>0.35</td>
</tr>
<tr>
<td>8</td>
<td>0.35</td>
<td>0.25</td>
</tr>
<tr>
<td>10</td>
<td>0.25</td>
<td>0.15</td>
</tr>
<tr>
<td>12</td>
<td>0.2</td>
<td>0.12</td>
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<tr>
<td>15</td>
<td>0.15</td>
<td>0.08</td>
</tr>
<tr>
<td>18</td>
<td>0.12</td>
<td>0.06</td>
</tr>
</tbody>
</table>

Sewer lateral gradients shall be in accordance with the Code.

Wherever a change in the size of the pipe, or an angle of twenty degrees or greater in alignment occurs, the flowline of the pipe flowing into the manhole shall be a minimum of 0.17 feet above the flowline of the pipe flowing from the manhole, or an amount necessary to match the inside crowns of the pipe, whichever is greater, if in the opinion of the city engineer sufficient total gradient is available for construction.
C. Location and Alignment. All sanitary sewers designed for the collection and transportation of domestic sewage and/or industrial wastes shall be constructed and installed within rights-of-way dedicated for public streets or roads, unless such construction or installation is determined to be impractical by the city engineer.

Whenever it is essential that curved alignment be used, a radius of not less than four hundred feet shall be required, but shall be greater whenever possible. The location and installation requirements for any sanitary sewer to be installed in an existing street or road shall be obtained from the director prior to submission of the plans.

D. Minimum Depth of Sewers. The minimum depth of cover for any public sewer shall be three feet. If it is impossible to obtain the specified minimum depth, the sewer shall be encased in concrete, or other acceptable protective measures shall be taken. For sewer services, the minimum depth of cover shall be three feet at the property line. Where the minimum depths of cover set forth in this subsection are impossible to obtain, concrete encased pipe or other suitable protection shall be required. (Ord. 249 § 522, 1979)

13.32.295 Steep Slopes

For main or lateral sewers installed on steep slopes, special design features may be required. Depending upon conditions of the specific installation, such items as underdrains, check dams, special anchorage, or special pipe material may be required. Based upon the data supplied, the director will assess each case and recommend certain special requirements. (Ord. 249 § 523, 1979)

13.32.300 Manholes

Manholes shall conform to the “Standard Details of the City of Live Oak.” Manholes shall be watertight structures. Normal maximum spacing for manholes shall be four hundred feet or less. Where the location of two manholes are determined by intersecting lines, the distances between intervening manholes shall be approximately equal. Sewers on curve alignment with a radius of less than four hundred feet shall have manholes spaced at a maximum of three hundred feet, or adjusted to fit the individual case.

A drop connection shall be constructed whenever any sewer enters a manhole more than two feet above the flowline of the manhole. (Ord. 249 § 524, 1979)

13.32.305 Flusher Branches

Flusher branches may be used in lieu of a manhole only when specifically permitted by the director. In general, sewer stub lines of relatively short lengths which may be extended in future construction operations and lines extended into cul-de-sacs and dead-end streets may be terminated with a flusher branch. Flusher branches risers shall be constructed on firm, undisturbed soil and not in backfilled material. (Ord. 249 § 525, 1979)

13.32.310 Cleanouts And Sewer Services

Each sewer service shall have a cleanout installed as set forth in the current Uniform Plumbing Code. (Ord. 249 § 527, 1979)

13.32.315 Force Mains

Force mains shall be designed using a Williams and Hazen coefficient or roughness “C” of one hundred. (Ord. 249 § 528, 1979)
13.32.320  Pumping Stations

Pumping station designs vary according to the location and nature of flows. Each specific design shall be in general accordance with similar designs of existing pumping stations. The design parameters shall be thoroughly reviewed with the director prior to commencing with the detailed design. The director shall be the sole judge as to all design features for pumping stations. (Ord. 249 § 529, 1979)

13.32.325  Standard Details

The construction of sanitary sewers and related facilities shall be in accordance with the latest edition of the “Standard Details of the City of Live Oak.”

A. Ratio of Peak to Average Flow. The ratio of peak to average dry weather sewage flow is a function of the tributary area, and the following tabulated values shall be used:

<table>
<thead>
<tr>
<th>Tributary Area</th>
<th>Ratio of Peak to Average Sewage Flow</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 100 acres</td>
<td>3.0</td>
</tr>
<tr>
<td>100 – 300</td>
<td>2.5</td>
</tr>
</tbody>
</table>

B. Industrial Sewage Flow, Sewage flow for industrial areas shall be determined by the proposed type of industry. If the type of industry is unknown, design values shall be five one-thousandths CFS per acre average flow and fifteen one-thousandths per acre peak flow.

C. Infiltration and Stormwater Inflow. An allowance shall be made for infiltration in an amount approved by the director. (Ord. 249 § 530, 1979)

13.32.330  Marking Lateral Sewer Lines

On all new subdivision work, the lateral sewer lines from the main sewer to the property line shall be installed and capped if necessary at the time the sewer is constructed. Each lateral sewer line shall be referenced to the plan stationing, and the terminal end marked with a two inch by two inch by twenty-four inch redwood stake painted white if the subdivision does not have curbs. If the subdivision has curbs and gutters, the location of each sewer lateral shall be indicated on the face of the curb by a capital letter “S” indented into the concrete face of the curb. The letter shall be placed on the curb by using a stamping tool. The position of the letter shall be uniformly placed at each location and the letter shall be approximately two inches in height. The style and depth of the indented portion of the letter shall be approved by the director. (Ord, 249 § 531, 1979)

13.32.335  Materials

All gravity sanitary sewer lines shall be clay pipe and fittings and/or cast iron pipe and fittings. Vitrified clay pipe and fittings shall conform to and meet all the requirements for Clay Sewer Pipe ASTM C700 and shall be bell and spigot pipe with compression type joints conforming to ASTM C425 unless otherwise approved.

Force main pipe shall be cast iron pipe or asbestos cement pipe in full flowing force mains of the size and type approved by the city engineer. (Ord. 249 § 532, 1979)
A. Lines and Grades. All lines and grades will be given by the city engineer and the director shall be informed twenty-four hours in advance of the time and places at which work is to be done in order that lines and grades may be inspected. All stakes and marks once placed shall be fully protected and preserved. Flow line elevations shall be established at all changes in grade and at a minimum of fifty-foot intervals.

B. Excavation. Trenches shall be excavated to three inches below flow line or one inch below outside diameter of bell, whichever is greater. Under cutting to be filled with clean sand or pea gravel unless trench material is granular or sandy. Director is to be the sole judge of the suitability of the material. When the trench is in an existing paved area, the pavement is to be cut accurately with proper tools and equipment of required width for trench. Whenever the bottom of the trench is soft, yielding or unsuitable as a foundation for pipe, sufficient crushed rock or clean gravel is to be tamped into the soft material.

Whenever water is encountered all trenches shall be kept dry until the placing of the bedding materials has been completed, inspected and approved.

Whenever the bottom of the trench is in rocky material, the trench shall be excavated to six inches below flow line and backfilled to grade with crushed and graded rock of three-fourths inch maximum size, or approved granular material.

C. Bracing and Shoring. As required by the Trench Construction Safety Orders of the California State Division of Industrial Safety, sufficient bracing and shoring shall be installed in trenches to insure the safety of workmen, and to protect and facilitate the work.

D. Pipe Laying. Sewer pipe shall be laid to the line and grade established by the city engineer by measuring down to the flowline of each joint as it is laid from an overhead string line supported by the batter boards at each point which has been set by the city engineer. The string line shall be set and maintained by the contractor by measuring from three consecutive points shown on the same rate of grade or slope, in order to detect any variation from a straight grade, and in case any such discrepancy exists, it must be reported to the city engineer. If such discrepancy is not reported to the city engineer, the contractor shall be responsible for any error in the finished work.

Pipe shall be laid continuously upgrade with the bell of the pipe upstream. Each length of pipe shall be laid on a firm bed and shall have a true bearing for the entire length between bell holes. No wedging or blocking up of the pipe will be permitted. Pipe found to be damaged must be replaced by new sections. Repair clamps will not be allowed.

Both bell and spigot shall be clean before the joint is made and care shall be taken that nothing but the joint making material enters the joints. When for any reason, pipe laying is discontinued for an hour or more, the open end of all lines shall be closed with a close-fitting stopper.

E. Trench Backfill. Material compaction and placement of trench backfill shall conform to Section 19 of the Standard Specifications of the Department of Transportation of the state of California except as otherwise permitted by the director.

F. Bedding. Selected backfill material, approved by the director and meeting the minimum standards listed below, shall be deposited and compacted in the trench uniformly on both sides of the pipe for the full width of the trench and to a depth of six inches over the top of the pipe.
G. Backfill Material. Trench backfill material and construction shall conform to the requirements of Structure Backfill Material as set forth in Section 19 of the California Standard Specifications unless otherwise approved by the director. (Ord. 249 § 533, 1979)

13.32.345 Testing Of Sewer Lines

After sewer lines have been backfilled to a depth where additional backfilling will not disturb the position of the pipe and before placing permanent surfacing, all or any sections that the director may select shall be hydrostatically tested, except as specified in this chapter. In no case shall the required minimum compacted backfill be less than three feet above the top of the pipe before subjecting the line to the test. Service laterals shall be considered part of main for purposes of leakage testing. Any individually detectable leaks shall be repaired regardless of the results of testing. The permittee shall furnish all labor, tools, material and equipment for testing.

A. Exfiltration Test. A section of sewer line shall be prepared for testing by plugging the upstream side of a downstream manhole and all openings in the upstream manhole except the downstream opening. Where grades are slight, two or more sections between manholes may be tested at one time. Where grades are steep, and excessive test heads would be developed by testing from one manhole to another, test tees the full size of the main shall be installed at intermediate points so that the maximum head on any section under test will not exceed twelve feet. A section of sewer line prepared as herein described shall be tested by filling the water to an elevation of five feet above the top of the pipe at the upstream end of the test section or five feet above the existing groundwater elevation, which ever is greater.

Water shall be introduced into the test section a minimum of four hours in advance of the test period to allow for saturation. The pipe line being tested shall then be refilled to the original water level.

At the beginning of the test, the elevation of the water in the upper manhole shall be carefully measured from a point on the manhole rim. After a period of four hours or less, with the approval of the director, the water elevation shall be measured from the same point of the manhole rim and the loss of water during this test period calculated. If this calculation shows a decrease, enough water shall be measured into the upper manhole to restore the water to the level existing at the beginning of the test and the amount added be taken as the total leakage.

Should an initial test show excessive leakage in a section of line, it is permissible to test the individual manholes separately. This test shall be made by plugging all the openings in the manhole and filling with water to the same elevation as existed during the test. The leakage from the manhole may be deducted from the total leakage of the test section in arriving at the test leakage.

After testing is completed, the manholes shall be waterproofed by grouting and/or other approved waterproofing methods otherwise satisfactory to the director. The allowable leakage in the test section shall, under no circumstances, exceed one hundred gallons per mile per day per inch of diameter of pipe tested at the specified five-foot test head. If it is necessary or desirable to increase the test head above five feet, the allowable leakage will be increased to the rate of eighty gallons for each foot of increase in head. Test sections showing leakage in excess of that allowed shall be repaired or reconstructed as necessary to reduce the leakage to the within specified limits and the line shall be again tested in accordance with the above procedure.

B. Infiltration Test. Should the presence of groundwater, in the opinion of the director, cause the exfiltration test to be nonconclusive, the contractor shall conduct an infiltration test by plugging
to a watertight condition a section of any line. A suitable measuring device shall be employed at the lower end of a section to measure the amount of water flowing through the device during a specified period of time. This leakage shall not exceed one hundred gallons per mile per day per inch of diameter of pipe tested.

All service lines to individual services shall be considered as part of the lines to be tested. Trapped air shall be released from lines being tested. Test sections showing leakage in excess of that allowed by these specifications shall be repaired or reconstructed as necessary to reduce the leakage to allowable limits as specified in this chapter.

The use of repair clamps shall not be allowed on new construction.

C. Air Testing. Should the permittee so elect he may request the director to permit air testing. The director may then approve or disapprove air testing. (Ord. 249 § 534, 1979)

13.32.350 Manholes

Manholes shall conform to the “Standard Details of the City of Live Oak.” Manholes shall be watertight structures and shall not be subject to infiltration at maximum heads. (Ord. 249 § 535, 1979)

13.32.355 Sewer Construction Inspections

A. All Work to be Inspected. All sewer construction work shall be inspected by an inspector acting for the city to insure compliance with all the requirements of the city. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the city’s public sewer until the work covered by the permit has been completed, inspected, and approved by the inspector. If the test proves satisfactory and the sewer has been cleaned of all debris accumulated from construction operations, the director shall issue a certificate of satisfactory completion.

B. Time Limits on Permits. If work under a permit is not commenced within six months after the date of the issuance of the permit, or if, after partial completion, the work is discontinued for a period of one year, the permit shall thereupon become void, and no further work shall be done until a new permit shall have been secured. A new fee shall be paid upon the issuance of such new permit.

C. Notification. It shall be the duty of the person doing the work authorized by the permit to notify the public works department that such work is ready for inspection. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the city before giving such notification.

D. Condemned Work. When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the laws, rules, and regulations of the city.

E. All Costs Paid by Owners. All costs and expenses incident to the installation and connection of any sewer or other work for which an encroachment permit has been issued shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the work.
F. Street Excavation Permits. A separate encroachment permit shall be secured from the city by owners or contractors intending to excavate in a public street for the purpose of installing public sewers.

G. Liability. The city and its officers, agents, and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by such applicant. The applicant shall be answerable for, and shall save the city and its officers, agents, and employees harmless from, any liability imposed by law upon the city or its officers, agents, or employees, including all costs, expenses, fees, and interest incurred in defending the same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein. (Ord. 249 § 536, 1979)

13.32.360 Guarantee

All work shall be unconditionally guaranteed by the permittee against defects for one year from the date of completion.

If within the guarantee period, repairs are required in connection with the work which, in the opinion of the director, is necessary as the result of the use of materials, equipment, or workmanship which are inferior, defective, or otherwise not in accordance with the terms of the permit, the permittee shall, promptly upon receipt of notice from the city, and without expense to the city, place in satisfactory condition in every particular, all work correcting all defects therein; make good all damage to structures, the site, plantings, or work disturbed in fulfilling the guarantee. Defects to be corrected by the permittee shall include, but are not limited to, broken or damaged pipe, infiltration or exfiltration, offset pipe joints, variations from the planned line and grade which in the opinion of the city affect the serviceability or maintenance of the system. Subsidence of surfaced and unsurfaced sewer line trench backfill shall be considered as a defect in workmanship. Correction of any such defects will be made by the permittee at no cost to the city. (Ord. 249 § 537, 1979)

ARTICLE V. USE OF THE PUBLIC SEWERS

13.32.365 Unlawful Discharges

No person shall discharge or cause to be discharged any, rainwater leaders, rainwater, stormwater, groundwater, seepage, street drainage, subsurface drainage, water from swimming pools, yard drainage, including evaporative air cooler discharge water, cooling water or unpolluted industrial process water into any sewerage facility of the city. (Ord. 249 Art. 6(part), 1979)

13.32.367 Inflow Prohibited

No person shall discharge or cause to be discharged any rainwater, leaders, stormwater, groundwater, seepage, street drainage, subsurface drainage, water from swimming pools, yard drainage, including evaporative air cooler discharge water, cooling water or unpolluted industrial process water, into any sewage facility of the city. (Ord. 293 § 3, 1985)

13.32.370 Types Of Waste Prohibited

Except as provided in this chapter, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
B. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the receiving waters of the wastewater treatment plant;
C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works or wastes with a pH high enough to cause alkaline incrustations in sewers and appurtenances;
D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;
E. Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations;
F. Any waste with an excessively high concentration of cyanide;
G. Any unreasonably large amounts, in the opinion of the director, of undissolved or dissolved solids;
H. Any wastes containing over 0.1 milligram/liter of dissolved sulfides;
I. Any substance promoting or causing the promotion of toxic gases;
J. Any wastes requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes;
K. Any excessive amounts of chlorinated hydrocarbon or organic phosphorus type compounds;
L. Any excessive amounts of deionized water, steam condensate or distilled water;
M. Any waste containing substances that may precipitate, solidify or become viscous at temperatures between fifty degrees Fahrenheit and one hundred degrees Fahrenheit.
N. Any blow-down or bleed water from cooling towers or other evaporative coolers exceeding one-third of the makeup water;
O. Any single pass cooling water:
P. Any excessive quantities of radioactive material wastes:
Q. Discharge from salt (sodium chloride) regenerated water softeners:
R. Swimming pool contents. (Ord. 249 § 601, 1979)

13.32.375 Limited Discharges

The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving
stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The
director may set limitations lower than the limitations established in the regulations below if in
his opinion such more severe limitations are necessary to meet the above objectives. In forming
his opinion as to the acceptability, the director will give consideration to such factors as the
quantity of subject waste in relation to flows and velocities in the sewers, materials of
construction of the sewers, the wastewater treatment process employed, capacity of the
wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant,
and other pertinent factors. The limitations or restrictions on materials or characteristics of waste
or wastewaters discharged to the sanitary sewer which shall not be violated without approval of
the director are as follows:

A. Wastewater having a temperature higher than one hundred twenty degrees Fahrenheit;
B. Wastewater containing more than twenty-five milligrams per liter of petroleum oil, non-
biodegradable cutting oils, or product of mineral oil origin;
C. Wastewater from industrial plants containing floatable oils, fat, or grease;
D. Any garbage that has not been properly shredded (see Section 13.32.020). Garbage grinders
may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals,
catering establishments, or similar places where garbage originates from the preparation of food
in kitchens for the purpose of consumption on the premises or when served by caterers;
E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or
toxic substances to such degree that any such material received in the composite wastewater at
the wastewater treatment works exceeds the limits established by the director for such materials;
F. Any waters or wastes containing odor-producing substances exceeding limits which may be
established by the director;
G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits
established by the director in compliance with applicable state or federal regulations;
H. Quantities of flow, concentrations, or both which constitute a “slug” as defined in Section
13.32.020;
I. Waters or wastes containing substances which are not amenable to treatment or reduction by
the wastewater treatment processes employed, or are amenable to treatment only to such degree
that the wastewater treatment plant effluent cannot meet the requirements of other agencies
having jurisdiction over discharge to the receiving waters;
J. Any water or wastes which, by interaction with other water or wastes in the public sewer
system, release obnoxious gases, form suspended solids which interfere with the collection
system, or create a condition deleterious to structures and treatment processes. (Ord. 249 § 602,
1979)

13.32.380 Other Requirements
If any waters or wastes are discharged or are proposed to be discharged to the public sewers,
which waters contain the substances or possess the characteristics enumerated in Sections
13.32.365 through 13.32.410, and which in the judgment of the director, may have a deleterious
effect upon the wastewater facilities, processes, equipment, or receiving waters, or which other
wise create a hazard to life or constitute a public nuisance, the director may:
A. Reject the wastes;
B. Require pretreatment to an acceptable condition for discharge to the public sewers:
C. Require control over the quantities and rates of discharge; and/or
D. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Sections 13.32.365 through 13.32.410.

When considering the above alternatives, the director shall give consideration to the economic impact of each alternative on the discharger. If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the director. (Ord. 249 § 603, 1979)

13.32.385  Grease, Oil And Sand Interceptors

Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Sections 13.32.365 through 13.32.410, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the director. Any removal and hauling of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms. (Ord. 249 § 604, 1979)

13.32.390  Pretreatment

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. 249 § 605, 1979)

13.32.395  Measuring Devices

When required by the director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the director. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. (Ord. 249 § 606, 1979)

13.32.400  Information Required

The director may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include but are not limited to the following:
A. Wastewaters discharge peak rate and volume over a specified time period;
B. Chemical analysis of wastewaters;
C. Information on raw materials processes, and products affecting wastewater volume and quality;
D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
E. A plot plan of sewers of the user’s property showing sewer and pretreatment facility location;
F. Details of wastewater pretreatment facilities;
G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer. (Ord. 249 § 607, 1979)

13.32.405 Standard Methods

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the director. (Ord. 249 § 608, 1979)

13.32.410 Special Agreement

No statement contained in Sections 13.32.365 through 13.32.410 shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment. (Ord. 249 § 609, 1979)

ARTICLE VI INDUSTRIAL WASTE WATER

13.32.415 Industrial User Defined

“Industrial user” means any nongovernmental user of publicly-owned treatment works. An industrial user shall be defined as any user who discharges more than twenty-five thousand gallons per day of wastewater, or its equivalent into the public sewage system and this includes all discharges of toxic wastewater at any volume. For purposes of determining an equivalent discharge of industrial wastewater, standard BOD shall be taken not to exceed two hundred parts per million and suspended solids shall not exceed two hundred parts per million. In determining the amount of an industrial users discharge for the purposes of industrial cost recovery, the amount of sewage which is domestic waste from sanitary conveniences may be excluded. (Ord. 249 § 701, 1979)

13.32.420 Existing Industrial Wastewater Dischargers

All persons discharging industrial wastewater directly or indirectly to the city’s sewage systems prior to the effective date of this chapter and who have obtained a permit or approval of industrial wastewater discharge from the city, shall be granted a temporary permit to discharge industrial wastewaters. This temporary permit shall expire in six months after notification by the director of public works that a new permit is to be obtained, or after notification by the effective date of this chapter, whichever shall occur first. Prior to the expiration of the temporary permit, the industrial wastewater discharger shall apply for and obtain a permit for industrial wastewater discharge. (Ord. 249 § 702, 1979)
**13.32.425 Discharge Permit—Required**

No person shall discharge, or cause to be discharged, any industrial wastewaters directly or indirectly to sewage facilities owned by the city without first obtaining a city permit for industrial wastewater discharge. The permit for industrial wastewater discharge may require the pretreatment of industrial wastewaters before discharge, the restriction of peak flow discharges, the discharge of certain wastewaters only to specified sewers of the city, the relocation of the point of discharge, the prohibition of the discharge of certain wastewater components, the restriction of discharge to certain hours of the day, the payment of additional charges to defray the increased costs of the city created by the wastewater discharge and such other conditions as may be required to effectuate the purposes of this chapter.

No city permit for industrial wastewater discharge shall be transferable without the prior written consent of the director.

No person shall discharge industrial wastewaters in excess of the quantity or quality limitations set by the permit for industrial wastewater discharge. Any person desiring to discharge wastewaters or use facilities which are not in conformance with the industrial wastewater permit should apply to the city for an amended permit. All pretreatment systems and devices shall be approved by the city engineer. (Ord, 249 § 703, 1979)

**13.32.430 Discharge Permit—Application—Restrictions**

A. Procedure. Applicants for permits for industrial wastewater discharges shall complete a city application form and submit the application form and appurtenant plans and data to the city for review and approval. The city may require additional information on the characteristics of the wastewater discharges beyond that required on the application form.

Upon the receipt of all required information, the application shall be processed and, upon approval, be signed by representatives of the city and one copy returned to the applicant. When properly signed, the application form shall constitute a valid permit for industrial wastewater discharge.

The application shall be approved if the applicant has complied with all the applicable requirements of this chapter and furnished to the city all of the requested information, if the director determines that there is adequate capacity in the city facilities to convey, treat, and dispose of such wastewaters.

B. Change of Industrial Wastewater Permit Restrictions. The city may change the restrictions or conditions of a permit for industrial wastewater discharge from time to time as circumstances may require. The city shall allow an industrial discharger a reasonable period of time to comply with any changes in the industrial wastewater permit required by the city. (Ord. 249 § 704, 1979)

**13.32.435 Discharge Permit—Suspension**

The director may suspend a permit for industrial wastewater discharge for a period not to exceed forty-five days when such suspension is necessary in order to stop a discharge which presents an imminent hazard to the public health, safety or welfare, to the local environment or to the city’s sewage system.

Any discharger notified of a suspension of his industrial wastewater permit shall immediately cease and desist the discharge of all industrial wastewater to the sewage system. In the event of
failure of the discharger to comply voluntarily with the suspension order, the director shall take such steps as necessary to insure compliance.

Appeals from suspension may be made under Section 13.32.070. The permit shall be reinstated upon proof of satisfactory compliance with all discharge requirements of the city. (Ord. 249 § 705, 1979)

13.32.440 Discharge Permit—Revocation

The city council may revoke a permit for industrial wastewater discharge upon finding that the discharger has violated any provision of this chapter. No revocation shall be ordered until a hearing has been held by the city council under Sections 13.32.530 through 13.32.570 of this chapter.

Any discharger whose industrial wastewater permit has been revoked shall immediately stop all discharge of any liquid-carried wastes covered by the permit to any public sewer that is tributary to the sewer or sewage system of the city. The director may block from such public sewer, or may permanently disconnect the industrial connection sewer of any discharger whose permit has been revoked, if such action is necessary to insure compliance.

Before any further discharge of industrial wastewater may be made by the discharger, he must apply for a new permit for industrial wastewater discharge, pay all charges that would be required upon initial application together with any delinquent fees, and penalties and such other sums as the discharger may owe to the city. Costs incurred by the city in revoking the permit and disconnecting the industrial connection sewer shall be paid by the discharger before the issuance of a new permit for industrial wastewater discharge. (Ord. 249 § 706, 1979)

13.32.445 Availability Of City’s Facilities

If sewage capacity is not available, the city may require the industrial wastewater discharger to restrict his discharge until sufficient capacity can be made available. When requested, the city will advise persons desiring to locate new facilities as to the areas where industrial wastewater of their proposed quantity or quality can be received by available sewage facilities. The city may refuse service to persons locating facilities in areas where their proposed quantities or qualities of industrial wastewater is unacceptable in the available treatment facility. (Ord. 249 § 707, 1979)

13.32.450 Control Manhole And Separation Of Domestic And Industrial Wastewaters

All domestic or sanitary wastewaters from restrooms, showers, drinking fountains, etc., shall be kept separated from all industrial wastewaters until the industrial wastewaters have passed through any required pretreatment system or device.

A control manhole of a design approved by the director shall be furnished and installed by the industrial wastewater dischargers to facilitate inspection, sampling and flow measurement by personnel of the city. This control manhole shall be located so as to provide access at all times to personnel of the city. (Ord. 249 § 708, 1979)

13.32.455 Damage Caused By Wastewater Discharge

Any industrial wastewater discharger whose discharges cause damage to the city’s facilities, detrimental effects on the treatment processes or any other damage resulting in costs, shall be liable to the city for all damages occasioned thereby. (Ord. 249 § 709, 1979)

13.32.460 Industrial Wastewater Sampling, Analyses, And Flow Measurements
A. Measurements. Periodic measurements of flow rates, volumes, BOD, and suspended solids for use in determining the annual industrial wastewater treatment capital charge and such measurements of other constituents believed necessary by the director shall be made by all industrial wastewater dischargers, unless specifically relieved of such obligation by the director. The city shall have the option of accepting the metered water consumption as the volume of sewage flow for an industrial discharger or the city may require that an industrial discharger provide, install and maintain in good operating condition an accurate sewage metering device acceptable to the city, at the user’s expense, to permit the determination of the volume of wastewater discharged into the city sewage system. All sampling and analyses of industrial wastewaters shall be performed by a state certified independent laboratory, or by a laboratory of an industrial discharger approved by the director. If performed by a state certified laboratory, an appropriate charge shall be paid by the discharger requesting the tests. Prior to the submittal to the city of the data developed in the laboratory of an industrial discharger, the results shall be verified by a responsible administrative official of the industrial discharger under the penalty of perjury.

B. Analyses. All wastewater analyses shall be conducted in accordance with the appropriate procedure contained in “Standard Methods” prepared and published by the American Public Health Association and others. If no appropriate procedure is contained therein, the standard procedure of the industry or a procedure judged satisfactory by the director shall be used to measure wastewater constituents. Any independent laboratory or discharger performing tests shall furnish any required test data or information on the test methods or equipment used, if requested to do so by the director.

C. Measurement Devices. All dischargers making periodic measurements shall furnish and install at the control manhole or other appropriate location a calibrated flume, weir, flow meter, or similar device approved by the director and suitable to measure the industrial wastewater flow rate and total volume. A flow indicating, recording and totalizing register may be required by the director. In lieu of the wastewater flow measurement, the director may accept records of water usage and adjust the flow volumes by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharger.

D. Inspections of Measurement Devices. The sampling, analysis, and flow measurement procedures, equipment and results shall be subject at any time to inspection by the city. The sampling and flow measurement facilities shall be such as to provide safe access to authorized personnel.

E. Measurement Frequency. Those industrial wastewater discharges required by the director to make periodic measurements of industrial wastewater flows and constituents shall annually make the minimum number of such measurements required. The minimum requirements for such periodic measurements shall be:

1. A minimum of one twenty-four-hour measurement per year. Representative samples of the industrial wastewaters shall be obtained at least once per hour over the twenty-four-hour period, properly refrigerated, composited according to measured flow rates during the twenty-four hours, and analyzed for the specified wastewater constituents;

2. Dischargers required to sample on only a few days per year shall sample during the periods of highest wastewater flow and wastewater constituent discharges;
3. Industrial plants with large fluctuations in quantity or quality of wastewaters may be required to provide continuous sampling and analyses for every working day. When required by the director, dischargers shall install and maintain in proper order automatic flow-proportional sampling equipment and/or automatic analysis and recording equipment;

4. Measurements to verify the quantities of waste flows and waste constituents reported by industrial dischargers will be conducted on a random basis by personnel of the city. (Ord. 249 § 710, 1979)

13.32.465 Discrepancies Between Actual And Reported Industrial Wastewater Discharge Quantities

Should measurements or other investigations reveal that the industrial discharger is discharging a flow rate or a quantity of biochemical oxygen demand or suspended solids significantly in excess of that stated in the industrial wastewater permit or in excess of the quantities reported to the city by the discharger and upon which the industrial wastewater treatment charges are based, the discharger shall apply for an amended industrial wastewater permit and shall be assessed for all delinquent charges, together with the penalty and interest. Before these charges shall be assessed, at least two additional twenty-four-hour samples and flow measurements shall be obtained by the city with all the costs of sampling and analyses to be paid by the discharger. All expense of determining the need for an amended permit shall be paid by the discharger.

An industrial discharger found in violation shall be presumed in the absence of other evidence, to have been discharging at the determined parameter values over the preceding three years or subsequent to the previous city verification of quantity parameters, whichever period is shorter. (Ord. 249 § 711, 1979)

13.32.470 Pretreatment Of Industrial Wastewater

Pretreatment systems or devices may be required by the director to treat wastewaters prior to discharge to the community sewer when it is necessary to restrict or prevent the discharge to the community sewer of wastewaters having strength in violation of the prohibitions, or exceeding the limits established by this chapter, or to distribute wastewater discharges over a period of time.

All pretreatment systems or devices shall be approved by the director, but such approval shall not relieve a discharger of the responsibility for taking all steps necessary to comply with the wastewater limitations established by the city. All required pretreatment equipment shall be installed and operated at the discharger’s expense. (Ord. 249 § 712, 1979)

13.32.475 Industrial Wastewater Charges

A. General. The capital and interest costs to be charged the user shall be determined by his plant capacity required of each industrial user.

Those industries with grant eligible capacity will pay capital and interest costs based on the original design capacity as stated in the revenue plan approved by the state, unless they exercise their option to make periodic deposits based on their estimated maximum need of the ensuing year with adjustment billings or credits, whichever the case may be, within thirty days after the end of the fiscal year. If an industry elects to pay on its actual required capacity, rather than its grant eligible design capacity, the industry shall lose its rights to the design capacity if its actual required capacity is less than the design, and the city may allocate that excess capacity to other
users. If the industry’s actual capacity is greater than the design capacity, the industry will be required to pay connection charges for the difference of its design capacity and its actual required capacity and the required capacity will establish its plant capacity.

B. Industrial User Rates. Industrial users will be charged the rates stated in any revenue programs as adopted by the council, and will include charges for capital recovery, interest costs, operation and maintenance costs, and administration and collection system costs. The charges shall reflect the user’s contribution to the total wastewater loading of the treatment works and will recognize volume, BOD and suspended solids to insure a proportional distribution of costs to each user.

C. Billing Period. During each fiscal year, there will be billing periods as determined by the city clerk. The city clerk may divide the annual cost into equal billings and combine the user’s share of operation and maintenance costs, plus any assessment for additional costs caused by the user discharging wastewater in violation of the provisions of this chapter.

D. Due Date for Payment of Charges and Disconnection Following Delinquency. All fees and charges imposed under the provisions of Section 13.32.415 through and including Section 13.32.480 shall be due and payable upon the receipt of the notice of charges. Underpayment charges shall become delinquent thereafter as provided for in Section 13.24.080 and when delinquent shall be subject to the disconnection penalties provided for in Section 13.24.080.

E. Determination of Charges.

1. Capacity. The actual plant capacity for each industrial user will be determined by the highest daily volume, pounds of BOD, and pounds of suspended solids discharged into the sanitary sewer system measured by averaging the highest three consecutive days during the prior fiscal year. The three determining factors for industrial capacity will not necessarily peak during the same period. New industrial users will estimate their plant capacity requirements and make periodic deposits as determined by the director during their first year of operation with an adjustment billing or credit, whichever the case may be, within thirty days after the end of the fiscal year. If the period of operation during the first fiscal year is not sufficient to determine a plant capacity, the second year operation capacity requirements will be used as if the industry was a new user in that year.

2. Actual Discharges. The operation and maintenance costs will be based on the actual volume, pounds of BOD, and suspended solids. It will be the industrial user’s responsibility to provide composite samples of its discharges for determining the BOD and suspended solid testing. Each sample shall be marked with the beginning and ending meter reading of the volume discharge during the period the composite sample is taken. The volume measured by the meter readings and the test results of the composite samples will be used to calculate the pounds of BOD and suspended solids and will be the basis of the billing operation and maintenance charges. If there are time periods when the meter readings of the composite samples are not consecutive, the city, at its sole discretion, will determine the parts per million of the BOD and suspended solids for that volume that a sample was not received. (Ord. 331 § 4, 1989; Ord. 320 § 4, 1988; Ord. 249 § 703, 1979)

13.32.480 Special Dumping Permit

Special dumping permits shall be required when any person desires to discharge liquid waste from campers, recreation vehicles, transient mobile homes, transient trailer houses and similar
vehicles directly or indirectly into the sewage facilities of the city. Waste discharged into the city system from such sources shall not consist of septic tank or cesspool contents, industrial wastes and any other wastewater of a nature prohibited by this chapter.

All applicants for a special dumping permit shall construct and maintain a special dumping structure approved by the director and the county health department. Dumping structures shall be constructed at locations approved by the director at the sole cost of the permittee.

The city may require payment for the treatment of such wastes and the applicant shall pay all such costs or the city may refuse permission to discharge certain wastes. A special discharge permit shall be valid for one year from the date of issuance. Any person negligently or willfully violating the requirements of the city for such discharges shall be in violation of this chapter and may have his permit revoked by the city council. (Ord. 249 § 714, 1979)

ARTICLE VII PERMITS, FEES AND SERVICE CHARGES

13.32.485 Permit Required

It is unlawful for any person to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing drainage piping work or any fixture in a building or premises without first obtaining a permit to do such work from the building official. A separate permit shall be obtained for each building or structure. No person shall allow any other person to do or cause to be done any work under a permit secured by a permittee except persons in his employ.

No unauthorized person shall uncover, make any connection to, make any opening into, use, alter, or disturb any public sewer, sewer lateral or appurtenance thereto without first obtaining a written encroachment permit as required by the city ordinance. (See city ordinances covering encroachment permits.)

Permits for industrial discharges shall conform to the provisions of Sections 13.32.415 through 13.32.480. (Ord. 249 § 801, 1979)

13.32.490 Work Not Requiring A Permit

No permit shall be required in the case of any repair work as follows: the stopping of leaks in drains, soil, waste or vent pipe; provided, however, that should any trap, drainpipe, soil, waste or vent pipe be or become defective and it becomes necessary to remove and replace the same with new material in any part or parts, the same shall be considered as such new work and a permit shall be procured and inspection made as provided in this chapter. No permit shall be required for the cleaning or stoppages or the repairing of leaks in pipes, valves, or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures. (Ord. 249 § 802, 1979)

13.32.495 Application For An Encroachment Permit And Payment Of Charges

Any person legally entitled to apply for and receive an encroachment permit, shall make such application on forms provided by the city for that purpose. He shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The director may require plans, specifications or drawings and such other information as he may deem necessary.
In the event the applicant for a permit is required to provide plans, specifications or drawings and information as a condition to the issuance of the permit, the applicant shall pay all engineering, legal, administrative and other expenses and charges prior to the issuance of the permit.

If the director determines that the plans, specifications, drawings and other information furnished by the applicant are satisfactory and are in compliance with the ordinances, rules and regulations of the city, he shall issue the encroachment permit applied for upon payment of the charges referred to in this chapter and of the fees as hereinafter fixed. (Ord. 249 § 803, 1979)

13.32.500 Compliance With The Encroachment Permit

After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the city, the director, or other authorized representatives. (Ord. 249 § 804, 1979)

13.32.505 Fees—Annexation Charges

The owner or owners of lands within areas proposed to be annexed to the city shall deposit with the city a sum to be fixed by the city council prior to the commencement of proceedings by the city council on the proposed annexation. The amount to be fixed by the city shall be in a sum estimated to equal the engineering, legal and publication costs and all other charges which may be incurred in connection therewith, and any other annexation fees set by the city council. The City Council may from time to time adjust annexation fees charged by resolution. (Ord. 249 § 805, 1979, Ord. 485 § I, 2005)

13.32.510 Fees And Charges

Pursuant to the authority vested in the city council by the terms of Ordinance 249 as amended by Ordinance 282, Ordinance 292 and Ordinance 320, the city council declares as follows:

In addition to any other fees and charges established by the ordinances, rules and regulations of the city, there shall be collected, prior to connection to the sanitary sewage system of the city, the following:

A, Assessment Sewer Extension Charge. For any parcel, unit or lot, or part of said property, lying within the present boundaries of the city or hereafter annexed to the city, which abuts on or can be served by any existing sewer main or other special assessment proceedings, additional connection charges to be paid prior to the issuance of a permit for sewer connection in any such areas, are established as follows:

Assessment sewer extension charges shall be collected in a sum to be computed by the director, as said property share of the cost of the existing sewage facilities of the city to be used by said property. The sum shall be the equivalent of the cost to similar properties within the city which were fully assessed for said facilities so to be used. Said sum must be paid prior to the issuance of a permit for sewer connection and shall include all costs incident to the installation of such facilities, together with interest charges thereon. Properties subject to such additional connection charge include, but are not limited to:

1. Properties outside of the boundaries of assessment proceedings;
2. Properties within the boundaries of an assessment district but against which no assessment was levied; and

3. Properties within the boundaries of an assessment district but against which a partial assessment only was levied on the theory of partial benefit, as for example, in the case of adjoining lots with substandard frontage in common ownership.

B. Special Agreement Sewer Extension Charge. For any parcel, unit or lot, or part of said property which abuts on or can be served by any existing sewer main or other sanitary sewage facilities of the city constructed pursuant to a special agreement, wherein the city has agreed to reimburse to the party making the original installation a share of the cost of original construction attributable to parcels of property later connecting to said main or facilities, special connection charges in addition to any other charges established by the city, which must be paid prior to the issuance of a permit for sewer connection, are established.

A special agreement sewer extension charge shall be collected in a sum to be computed by the director or as said property’s share of the cost of the sewer mains and other sanitary sewage facilities of the city, constructed pursuant to special agreement, to be used by said property. The sum shall be equivalent to the prorata share of the cost of the installation made pursuant to the special agreement which would have been paid by said property for the facilities so to be used if said property had contributed its equitable share to the original cost of construction. Said sum shall include all costs incident to the installation of such mains and facilities.

C. Sewer Extension Charges. Sewer extension charges are for the purpose of reimbursing the city for its costs to extend sewer mains. Before any person may connect to mains which have been extended by the city, after the initial basic city sewer system was installed by the city, they shall pay an extension charge.

The amount of such extension charges which shall be paid prior to the issuance of a permit for sewer connection shall be the sum of eighteen dollars per front foot whether the property be residentially zoned, commercially or industrially zoned.

Such charges are established as a minimum requirement for the extension of a sewer main. Corner lots shall be charged unless otherwise determined as follows:

Existing subdivision lots having more than one street frontage shall pay extension fees based on a total of the lot frontage plus fifty percent of the side street frontage as measured along the property lines and at curves along property lines extended.

New subdivisions, created primarily by parcel maps and developments shall pay extension charges based on all of the frontage, unless otherwise determined by the city council.

For sewer mains serving property on one side only, the cost shall be twice the front footage cost set forth herein.

Owners, subdividers and developers may extend city sewer mains at their expense in accordance with this chapter and in accordance with a reimbursement agreement approved by the city council.

D. Sewer Connection Charges. The sewer connection charge is for recovering from each connection owner his proportionate cost of the sewage system which has been constructed in the city to convey and process wastewater. The connection charge shall be collected as follows:
1. At the time the owner connects to city sewers;
2. Upon altering or expanding existing facilities which change wastewater flows or increase the
need for additional facilities.

Charges for sewer connection to city wastewater facilities shall be as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Rate</th>
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<tbody>
<tr>
<td>Residential users, single family</td>
<td>$1,300.00</td>
</tr>
<tr>
<td>Multiple-family dwellings, each</td>
<td>865.00</td>
</tr>
<tr>
<td>Mobile home parks</td>
<td>810.00</td>
</tr>
<tr>
<td>Commercial users, lodges, churches, halls</td>
<td>70.00 per fixture unit</td>
</tr>
<tr>
<td>Industrial users</td>
<td>A charge equivalent to a single-family rate paid on analysis of flow BOD and suspended solids</td>
</tr>
</tbody>
</table>

E. Special Connection or Installation Charges. In addition to any other charges established in this
chapter, there are imposed the following special connection charges:

Special connection charges for sewer installation where the city makes connection to the main
line terminating at the property line, sewer lateral installation charge, four-inch lateral and smaller, shall be nine hundred dollars.

Sewer lateral installation charge where larger than four inches shall be the actual cost thereof, as
determined by the director of public works.

F. Sewer Service Charges.

1. Pursuant to Division 5, Part 3, Chapter 5, Article VII, commencing with Section 5040 of the
Health and Safety Code of the state of California, the city council fixes and establishes the
following wastewater service or rate charges, such service or rate charges to be as follows until
amended by appropriate ordinance: the purpose of the sewer service charge being to provide
necessary revenue to operate the sewage system and to finance the improvements to the system,
through the retirement of bonds issued in connection therewith:

Said sewer service charges shall be as established pursuant to Section 13.28.030 of the Live Oak
Municipal Code which is by this reference incorporated herein as though set forth at length
herein.

The industrial user rates shall be as set forth in Section 13.32.475 (Ord.331 §2, 1989; Ord. 320 2,
1988; Ord. 274 § 1, 1983; Ord, 249 § 806, 1979)

13.32.511 Adjustments In Rates For Sewer Service

Monthly rates for sewer service shall be adjusted from time to time by ordinance as necessary to
provide in each year funds beyond all reasonable doubt sufficient, together with other revenues
from operation of the works for the payment of the proper and reasonable expenses of operation,
repair, replacement and maintenance of the works and payment of the principal and interest on
any bonds issued to finance construction or improvement of said works. (Ord. 331 § 6, 1989: Ord. 320 § 6, 1988)

13.32.515 Outside Sewers

Permission shall not be granted to connect any lot or parcel of land outside the city to any public sewer in or under the jurisdiction of the city unless a permit therefore is obtained. The applicant shall first enter into a contract in writing whereby he shall bind himself, his heirs, successors and assigns to abide by all ordinances, rules and regulations in regard to the manner in which such sewer shall be used, the manner of connecting therewith, and the plumbing and drainage in connection therewith and also shall agree to pay all fees required for securing the permit and a monthly fee in the amount set by the city for the privilege of using such sewer. The granting of such permission for an outside sewer in any event shall be optional with the city council. (Ord. 249 § 807, 1979)

13.32.520 Special Outside Agreements

Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the city. (Ord. 249 § 808, 1979)

13.32.525 Liability

The city or any employee charged with the enforcement of this chapter, acting in good faith and without malice for the city in the discharge of his duties, shall not thereby render himself liable personally and he is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the city or employees because of such act or omission performed by him in the enforcement of any provisions of this chapter, shall be defended by the city until final termination of the proceedings. (Ord. 249 § 809, 1979)

ARTICLE VIII, ENFORCEMENT

13.32.530 Violation

Any person found to be violating any provision of this chapter, including the failure to pay any fees or surcharges imposed in this chapter, or any condition or limitation of a permit or plan approval issued pursuant thereto, shall be served by the director or other authorized person with written notice as set forth in this chapter stating the nature of the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the city. Upon being notified by the director of any defect arising in any sewer or of any violation of this chapter, the person or persons having charge of said work shall immediately correct the same. (Ord. 249 § 901, 1979)

13.32.535 Public Nuisance—Declaration

Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulations of the city is declared to be a public nuisance. The city may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation. (Ord. 249 § 902, 1979)

13.32.540 Disconnection
As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the city, the director shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the city. Upon disconnection from and reconnection to the system, any such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The director shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. (Ord. 249 § 903, 1979)

13.32.545 Public Nuisance—Abatement

During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the city shall cause proceedings to be brought for the abatement for the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the city a reasonable attorney’s fee and cost of suit arising in said action. (Ord. 249 § 904, 1979)

13.32.550 Repair And Replacement Of Defective Sewer Materials By City

As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the city, the director shall have the power to act according to California Health and Safety Code, Section 5463. As provided therein, if an owner has clearly refused to repair or replace defective sewer laterals after notice thereof, then the city may repair or replace, utilize the mechanic’s lien procedures or assess the owner’s tax bill, all as provided for in Health and Safety Code, Section 5463. The use of any of the enumerated enforcement procedures shall be discretionary with the director. (Ord. 296 § 2, 1986; Ord 249 § 905, 1979)

13.32.555 Means Of Enforcement Only

The city declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty. (Ord. 296 § l(part), 1986; Ord. 249 § 906, 1979)

13.32.560 Penalty For Violation And Civil Liability

Every person violating any provision of this chapter, including the failure to pay any fees, charges or surcharges imposed in this chapter, or any condition or limitation of a permit or plan approval issued pursuant thereto, is guilty of a misdemeanor, and upon conviction is punishable by a fine not to exceed one hundred dollars, imprisonment not to exceed thirty days, or both. Each day during which any violation continues shall constitute a separate offense punishable as provided above.

Any person, who intentionally or negligently violates any provision of this chapter pertaining to the subject matter of either subsections A or B below of any condition or limitation of a permit of plan approval related thereto shall be civilly liable to the city in a sum not to exceed six thousand dollars for each day in which such violation occurs:

A. The pretreatment of any industrial wastewater which would otherwise be detrimental to the treatment works or its proper and efficient operation and maintenance;

B. The prevention of the entry of such wastewater into the collecting system and treatment works. (Ord. 296 § l(part), 1986; Ord. 249 § 907, 1979)

13.32.565 Validity
If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provisions to other persons or circumstances shall not be affected thereby. (Ord. 296 § l(part), 1986; Ord, 249 § 908, 1979)

13.32.570 Notice

The director shall notify any person found to be in violation of this chapter or of any limitation or requirement of a permit issued hereunder before the director takes any action to implement Section 13.32.560 and the director shall take no such action until the elapse of ten days from the date notice is given. Unless otherwise provided in this chapter, any notice required to be given under this chapter shall be in writing and served on the person of by registered or certified mail. If served by mail, the notice shall be sent to the last address known to the director. Where the address is unknown, service may be made upon the owner of record of the property involved.

Notice shall be deemed to have been given at the time of deposit postage prepaid, in a facility regularly serviced by the United States Postal Service. (Ord. 296 § l(part), 1986; Ord. 249 § 909, 1979)

13.32.575 Time Limits

Any time limit provided in any written notice of in any provision of this chapter may be extended only by written directive of the director. (Ord. 296 § l(part), 1986; Ord, 249 § 910, 1979)
Chapter 13.34 - INDUSTRIAL WASTEWATER REGULATIONS

Sections:

13.34.010 Purpose and Policy.
13.34.020 Administration.
13.34.030 Abbreviations.
13.34.040 Definitions.
13.34.050 General Sewer Use Requirements -- Prohibited Discharges.
13.34.060 National Categorical Pretreatment Standards.
13.34.070 Local Limits.
13.34.080 City’s Right of Revision.
13.34.090 Dilution.
13.34.100 Pretreatment Facilities.
13.34.110 Additional Pretreatment Measures.
13.34.120 Accidental Discharge/Slug Control Plans.
13.34.130 Hauled Wastewater.
13.34.140 Industrial Wastewater Discharge Permit Application.
13.34.150 Industrial Wastewater Discharge Permitting—Existing Connections.
13.34.160 Industrial Wastewater Discharge Permitting—New Connections.
13.34.170 Industrial Wastewater Discharge Permit Application Contents.
13.34.180 Application Signatories and Certification.
13.34.190 Industrial Wastewater Discharge Permit Decisions.
13.34.200 Industrial Wastewater Discharge Permit Duration.
13.34.210 Industrial Wastewater Discharge Permit Contents.
13.34.220 Industrial Wastewater Discharge Permit Appeals.
13.34.230 Industrial Wastewater Discharge Permit Modification.
13.34.240 Industrial Wastewater Discharge Permit Transfer.
13.34.250 Industrial Wastewater Discharge Permit Revocation.
13.34.260 Industrial Wastewater Discharge Permit Reissuance.
13.34.270 Regulation of Waste Received from Other Jurisdictions.
13.34.280 Baseline Monitoring Reports.
13.34.290 Compliance Schedule Progress Reports.
13.34.300 Reports on Compliance with Categorical Pretreatment Standard Deadline.
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.34.310</td>
<td>Periodic Com Reports.</td>
</tr>
<tr>
<td>13.34.320</td>
<td>Reports of Changed Conditions.</td>
</tr>
<tr>
<td>13.34.330</td>
<td>Reports of Potential Problems.</td>
</tr>
<tr>
<td>13.34.340</td>
<td>Reports from Unpermitted Users.</td>
</tr>
<tr>
<td>13.34.350</td>
<td>Notice of Violation/Repeat Sampling and Reporting.</td>
</tr>
<tr>
<td>13.34.360</td>
<td>Discharge of Hazardous Waste Prohibited.</td>
</tr>
<tr>
<td>13.34.370</td>
<td>Analytical Requirements.</td>
</tr>
<tr>
<td>13.34.380</td>
<td>Sample Collection.</td>
</tr>
<tr>
<td>13.34.390</td>
<td>Timing.</td>
</tr>
<tr>
<td>13.34.400</td>
<td>Record Keeping.</td>
</tr>
<tr>
<td>13.34.410</td>
<td>Right of Entry—Inspection and Sampling.</td>
</tr>
<tr>
<td>13.34.420</td>
<td>Search Warrants.</td>
</tr>
<tr>
<td>13.34.430</td>
<td>Confidential Information.</td>
</tr>
<tr>
<td>13.34.440</td>
<td>Publication Of Users In Significant Noncompliance.</td>
</tr>
<tr>
<td>13.34.450</td>
<td>Notification of Violation.</td>
</tr>
<tr>
<td>13.34.460</td>
<td>Consent Orders.</td>
</tr>
<tr>
<td>13.34.470</td>
<td>Show Cause Hearing.</td>
</tr>
<tr>
<td>13.34.480</td>
<td>Compliance Orders.</td>
</tr>
<tr>
<td>13.34.490</td>
<td>Cease and Desist Orders.</td>
</tr>
<tr>
<td>13.34.500</td>
<td>Administrative Fines.</td>
</tr>
<tr>
<td>13.34.510</td>
<td>Emergency Suspensions.</td>
</tr>
<tr>
<td>13.34.520</td>
<td>Termination of Discharge.</td>
</tr>
<tr>
<td>13.34.530</td>
<td>Injunctive Relief.</td>
</tr>
<tr>
<td>13.34.540</td>
<td>Civil Penalties.</td>
</tr>
<tr>
<td>13.34.550</td>
<td>Criminal Prosecution.</td>
</tr>
<tr>
<td>13.34.560</td>
<td>Remedies Nonexclusive.</td>
</tr>
<tr>
<td>13.34.570</td>
<td>Performance Bonds.</td>
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<td>13.34.580</td>
<td>Liability Insurance.</td>
</tr>
<tr>
<td>13.34.590</td>
<td>Water Supply Severance.</td>
</tr>
<tr>
<td>13.34.600</td>
<td>Public Nuisances.</td>
</tr>
<tr>
<td>13.34.610</td>
<td>Contractor Listing.</td>
</tr>
<tr>
<td>13.34.620</td>
<td>Upset.</td>
</tr>
<tr>
<td>13.34.630</td>
<td>Prohibited Discharge Standards.</td>
</tr>
</tbody>
</table>
13.34.010  Purpose And Policy

This chapter sets forth uniform requirements for industrial users of the Publicly Owned Treatment Works for the City of Live Oak and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 ci seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this chapter are:

A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

C. To protect both Publicly Owned Treatment Works personnel who may be affected by industrial wastewater and sludge in the course of their employment and the general public;

D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

F. To enable the City of Live Oak to comply with its Waste Discharge Permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This chapter shall apply to all industrial users of the Publicly Owned Treatment Works. This chapter authorizes the issuance of industrial wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

13.34.020  Administration

Except as otherwise provided herein, the Director of Public Works shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director of Public Works to other City personnel.

13.34.030  Abbreviations

The following abbreviations, when used in this chapter, shall have the designated meanings:

   BOD-Biochemical Oxygen Demand
13.34.040 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

A. Act or “The Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

B. Approval Authority. The California Regional Water Quality Control Board.

C. Authorized Representative of the User.

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Live Oak.
D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20°C centigrade, usually expressed as a concentration (e.g., mg/l).

E. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

F. City. The City of Live Oak or the City Council of the City of Live Oak.

G. Director of Public Works. The person designated by the City of Live Oak to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

H. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

I. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

J. Grab Sample. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes;

K. Industrial Discharge or Industrial Wastewater Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

L. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

M. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City’s Waste Discharge Requirements or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

N. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

O. New Source
(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or industrial wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 13.34.010 (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

P. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Q. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City’s Waste Discharge permit, including an increase in the magnitude or duration of a violation.

R. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

S. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
T. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of industrial wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

U. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in industrial wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

V. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

W. Pretreatment Standards or Standards Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

X. Prohibited. Discharge Standards or Prohibited Discharges Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 13.34.050 of this chapter.

Y. Publicly Owned Treatment Works or POTW. A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. § 1251 et seq) which is owned by the City of Live Oak. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey industrial wastewater to a treatment plant.

Z. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

AA. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

BB. Significant Industrial User.

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City of Live Oak on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the City of Live Oak may at any time, on its own initiative or in response to a
petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

CC. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards of this chapter.


EE. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

FF. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

GG. User or Industrial User. A source of non-domestic wastewater discharge.

HH. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

II. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

13.34.050 General Sewer Use Requirements -- Prohibited Discharges

A. General Prohibitions. No non-domestic user shall introduce or cause to be introduced into the POTW any pollutant or industrial wastewater which causes pass through or interference. These general prohibitions apply to all non-domestic users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or industrial wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140EF (60EC) using the test methods specified in 40 CFR 261.21;

(2) Industrial wastewater having a pH less than 6.0 or more than 8.5, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one and one-half inches (1.5") in any dimension;

(4) Pollutants, including oxygen-demanding pollutants (BOD 300 mg/l, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Industrial wastewater having a temperature greater than 150EF, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case industrial wastewater which causes the temperature at the introduction into the treatment plant to exceed 104EF;
(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by the Director of Public Works in accordance with this chapter;

(9) Noxious or malodorous liquids, gases, solids, or other industrial wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Industrial wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant’s effluent, thereby violating the City’s Waste Discharge permit;

(11) Industrial wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director of Public Works;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Director of Public Works in an industrial wastewater discharge permit;

(15) Industrial wastewater causing, alone or in conjunction with other sources, the treatment plant’s treated wastewater to fail a toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;

(18) Total Suspended Solids concentrations greater than 200 mg/l.

(19) Specific Conductivity greater than 200 micromhos/cm above source water levels.

(20) Industrial wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.

Pollutants, substances, or industrial wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

13.34.060 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in industrial wastewater, the Director of Public Works may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
B. When industrial wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Public Works shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

13.34.070 Local Limits
The following pollutant limits are established to protect against pass through and interference. No person shall discharge industrial wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

<table>
<thead>
<tr>
<th>Substance</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>1.0 mg/l</td>
</tr>
<tr>
<td>Benzene</td>
<td>0.0 mg/l</td>
</tr>
<tr>
<td>Beryllium</td>
<td>0.75 mg/l</td>
</tr>
<tr>
<td>BOD₅</td>
<td>300. mg/l</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.7 mg/l</td>
</tr>
<tr>
<td>Chromium, Total</td>
<td>1.0 mg/l</td>
</tr>
<tr>
<td>Copper</td>
<td>2.7 mg/l</td>
</tr>
<tr>
<td>Cyanides</td>
<td>0.5 mg/l</td>
</tr>
<tr>
<td>Lead</td>
<td>0.4 mg/l</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.01 mg/l</td>
</tr>
<tr>
<td>Nickel</td>
<td>2.6 mg/l</td>
</tr>
<tr>
<td>Phenols, Total</td>
<td>30.0 mg/l</td>
</tr>
<tr>
<td>Oil &amp; Grease</td>
<td>100. mg/l</td>
</tr>
<tr>
<td>Selenium</td>
<td>2.0 mg/l</td>
</tr>
<tr>
<td>Silver</td>
<td>0.7 mg/l</td>
</tr>
<tr>
<td>Suspended Solids</td>
<td>200. mg/l</td>
</tr>
<tr>
<td>Zinc</td>
<td>2.6 mg/l</td>
</tr>
</tbody>
</table>

The above limits apply at the point where the industrial wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Director of Public Works may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

13.34.080 City’s Right of Revision
The City of Live Oak reserves the right to establish, by ordinance or in industrial wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

13.34.090 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director of Public Works may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

13.34.100 Pretreatment Facilities

Users shall provide industrial wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 13.34.050 within the time limitations specified by EPA, the State, or the Director of Public Works, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director of Public Works for review, and shall be acceptable to the Director of Public Works before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City of Live Oak under the provisions of this chapter.

13.34.110 Additional Pretreatment Measures

A. Whenever deemed necessary, the Director of Public Works may require users to restrict their discharge during peak flow periods, designate that certain industrial wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the users compliance with the requirements of this chapter.

B. The Director of Public Works may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An industrial wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director of Public Works, they are necessary for the proper handling of industrial wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director of Public Works and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

13.34.120 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Director of Public Works shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Director of Public
Works may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Director of Public Works may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;
B. Description of stored chemicals;
C. Procedures for immediately notifying the Director of Public Works of any accidental or slug discharge, as required by Section 13.34.330 of this chapter; and
D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

13.34.130 Hauled Wastewater

A. Septic tank waste may be introduced into the POTW only at locations designated by the Director of Public Works, and at such times as are established by the Director of Public Works. Such waste shall not violate Section 13.34.050 of this chapter or any other requirements established by the City of Live Oak. The Director of Public Works may require septic tank waste haulers to obtain industrial wastewater discharge permits.

B. The Director of Public Works shall require haulers of industrial waste to obtain industrial wastewater discharge permits. The Director of Public Works may require generators of hauled industrial waste to obtain industrial wastewater discharge permits. The Director of Public Works also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

C. Industrial waste haulers may discharge loads only at locations designated by the Director of Public Works. No load may be discharged without prior consent of the Director of Public Works. The Director of Public Works may collect samples of each hauled load to ensure compliance with applicable standards. The Director of Public Works may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

13.34.140 Industrial Wastewater Discharge Permit Application

A. Wastewater Analysis

When requested by the Director of Public Works, a user must submit information on the nature and characteristics of its industrial wastewater within ten (10) days of the request. The Director of Public Works is authorized to prepare a form for this purpose and may periodically require users to update this information.

B. Industrial Wastewater Discharge Permit Requirement
1. No significant industrial user shall discharge industrial wastewater into the POTW without first obtaining an industrial wastewater discharge permit from the Director of Public Works, except that a significant industrial user that has filed a timely application pursuant to Section 13.34.150 of this chapter may continue to discharge for the time period specified therein.

2. The Director of Public Works may require other users to obtain industrial wastewater discharge permits as necessary to carry out the purposes of this chapter.

3. Any violation of the terms and conditions of an industrial wastewater discharge permit shall be deemed a violation of this chapter and subjects the industrial wastewater discharge permittee to the sanctions set out in Sections 13.34.450 - 13.34.620 of this chapter. Obtaining an industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

13.34.150  Industrial Wastewater Discharge Permitting—Existing Connections

Any user required to obtain an industrial wastewater discharge permit who was discharging industrial wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Director of Public Works for an industrial wastewater discharge permit in accordance with Section 13.34.210 of this chapter, and shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this chapter except in accordance with an industrial wastewater discharge permit issued by the Director of Public Works.

13.34.160  Industrial Wastewater Discharge Permitting—New Connections

Any user required to obtain an industrial wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this industrial wastewater discharge permit, in accordance with Section 13.34.210 of this chapter, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

13.34.170  Industrial Wastewater Discharge Permit Application Contents

All users required to obtain an industrial wastewater discharge permit must submit a permit application. The Director of Public Works may require all users to submit as part of an application the following information:

A. All information required by Section 13.34.280 (B) of this chapter;

B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

C. Number and type of employees, hours of operation, and proposed or actual hours of operation;

D. Each product produced by type, amount, process or processes, and rate of production;

E. Type and amount of raw materials processed (average and maximum per day);

F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

G. Time and duration of discharges; and
H. Any other information as may be deemed necessary by the Director of Public Works to evaluate the industrial wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

13.34.180  Application Signatories and Certification

All industrial wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

13.34.190  Industrial Wastewater Discharge Permit Decisions

The Director of Public Works will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete industrial wastewater discharge permit application, the Director of Public Works will determine whether or not to issue an industrial wastewater discharge permit. The Director of Public Works may deny any application for an industrial wastewater discharge permit.

13.34.200  Industrial Wastewater Discharge Permit Duration

An industrial wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An industrial wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director of Public Works. Each industrial wastewater discharge permit will indicate a specific date upon which it will expire.

13.34.210  Industrial Wastewater Discharge Permit Contents

An industrial wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director of Public Works to prevent pass through or interference, protect the quality of the groundwater receiving the treatment plant’s effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Industrial wastewater discharge permits must contain:

(1) A statement that indicates industrial wastewater discharge permit duration, which in no event shall exceed five (5) years;

(2) A statement that the industrial wastewater discharge permit is nontransferable without prior notification to the City of Live Oak in accordance with Section 13.34.240 of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing industrial wastewater discharge permit;
(3) Effluent limits based on applicable pretreatment standards;

(4) Self monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

B. Industrial wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

5. The unit charge or schedule of user charges and fees for the management of the industrial wastewater discharged to the POTW;

6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

7. A statement that compliance with the industrial wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the industrial wastewater discharge permit; and

8. Other conditions as deemed appropriate by the Director of Public Works to ensure compliance with this chapter, and State and Federal laws, rules, and regulations.

13.34.220 Industrial Wastewater Discharge Permit Appeals

The Director of Public Works shall provide public notice of the issuance of an industrial wastewater discharge permit. Any person, including the user, may petition the Director of Public Works to reconsider the terms of an industrial wastewater discharge permit within ten (10) days of notice of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing party must indicate the industrial wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the industrial wastewater discharge permit.
C. The effectiveness of the industrial wastewater discharge permit shall not be stayed pending the appeal.

D. If the Director of Public Works fails to act within twenty (20) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an industrial wastewater discharge permit, not to issue an industrial wastewater discharge permit, or not to modify an industrial wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

E. Aggrieved parties seeking judicial review of the final administrative industrial wastewater discharge permit decision must do so by filing a complaint with the Sutter County Superior Court within 90 days of the decision.

13.34.230 Industrial Wastewater Discharge Permit Modification

The Director of Public Works may modify an industrial wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

B. To address significant alterations or additions to the user’s operation, processes, or industrial wastewater volume or character since the time of industrial wastewater discharge permit issuance;

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. Information indicating that the permitted discharge poses a threat to the City’s POTW, City personnel, or the groundwater;

E. Violation of any terms or conditions of the industrial wastewater discharge permit;

F. Misrepresentations or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application or in any required reporting;

G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

H. To correct typographical or other errors in the industrial wastewater discharge permit; or

I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

13.34.240 Industrial Wastewater Discharge Permit Transfer

Industrial wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director of Public Works and the Director of Public Works approves the industrial wastewater discharge permit transfer. The notice to the Director of Public Works must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility’s operations and processes;

B. Identifies the specific date on which the transfer is to occur; and
C. Acknowledges full responsibility for complying with the existing industrial wastewater discharge permit.

Failure to provide advance notice of a transfer renders the industrial wastewater discharge permit void as of the date of facility transfer.

13.34.250 Industrial Wastewater Discharge Permit Revocation

The Director of Public Works may revoke an industrial wastewater discharge permit for good cause, including, but not limited to, any of the following reasons:

A. Failure to notify the Director of Public Works of significant changes to the industrial wastewater prior to the changed discharge;

B. Failure to provide prior notification to the Director of Public Works of changed conditions pursuant to Section 13.34.320 of this chapter;

C. Misrepresentation or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application;

D. Falsifying self-monitoring reports;

E. Tampering with monitoring equipment;

F. Refusing to allow the Director of Public Works timely access to the facility premises and records;

G. Failure to meet effluent limitations;

H. Failure to pay fines;

I. Failure to pay sewer charges;

J. Failure to meet compliance schedules;

K. Failure to complete an industrial wastewater survey or the industrial wastewater discharge permit application;

L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

M. Violation of any pretreatment standard or requirement, or any terms of the industrial wastewater discharge permit or this chapter.

Industrial wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All industrial wastewater discharge permits issued to a particular user are void upon the issuance of a new industrial wastewater discharge permit to that user.

13.34.260 Industrial Wastewater Discharge Permit Reissuance

A user with an expiring industrial wastewater discharge permit shall apply for industrial wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 13.34.170 of this chapter, a minimum of thirty (30) days prior to the expiration of the users existing industrial wastewater discharge permit.

13.34.270 Regulation of Waste Received from Other Jurisdictions
A. If another municipality, or user located within another municipality, contributes industrial wastewater to the POTW, the Director of Public Works shall enter into an intermunicipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by paragraph A, above, the Director of Public Works shall request the following information from the contributing municipality:

(1) A description of the quality and volume of industrial wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the Director of Public Works may deem necessary.

C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits which are at least as stringent as those set out in Section 13.34.070 of this chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City’s ordinance or local limits;

(2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including industrial wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director of Public Works; and which of these activities will be conducted jointly by the contributing municipality and the Director of Public Works;

(4) A requirement for the contributing municipality to provide the Director of Public Works with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality’s industrial wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality’s discharge;

(7) A provision ensuring the Director of Public Works access to the facilities of users located within the contributing municipality’s jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director of Public Works; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

13.34.280 Baseline Monitoring Reports

A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Public Works a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to
commencement of their discharge, new sources, and sources that become categorical users
subsequent to the promulgation of an applicable categorical standard, shall submit to the Director
of Public Works a report which contains the information listed in paragraph B, below. A new
source shall report the method of pretreatment it intends to use to meet applicable categorical
standards. A new source also shall give estimates of its anticipated flow and quantity of
pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) Identifying Information. The name and address of the facility, including the name of the
operator and owner.

(2) Environmental Permits. A list of any environmental control permits held by or for the
facility.

(3) Description of Operations. A brief description of the nature, average rate of production, and
standard industrial classifications of the operation(s) carried out by such user. This description
should include a schematic process diagram which indicates points of discharge to the POTW
from the regulated processes.

(4) Flow Measurement. Information showing the measured average daily and maximum daily
flow, in gallons per day, to the POTW from regulated process streams and other streams, as
necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of Pollutants.

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass,
where required by the standard or by the Director of Public Works, of regulated pollutants in the
discharge from each regulated process. Instantaneous, daily maximum, and long-term average
concentrations, or mass, where required, shall be reported. The sample shall be representative of
daily operations and shall be analyzed in accordance with procedures set out in Section
13.34.370 of this chapter.

(c) Sampling must be performed in accordance with procedures set out in Section 13.34.380 of
this chapter.

(6) Certification. A statement, reviewed by the user’s authorized representative and certified by a
qualified professional, indicating whether pretreatment standards are being met on a consistent
basis, and, if not, whether additional operation and maintenance (O&M) and/or additional
pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the
pretreatment standards, the shortest schedule by which the user will provide such additional
pretreatment and/or O&M. The completion date in this schedule shall not be later than the
compliance date established for the applicable pretreatment standard. A compliance schedule
pursuant to this section must meet the requirements set out in Section 13.34.290 of this chapter.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in
accordance with Section 13.34.180 of this chapter.

13.34.290 Compliance Schedule Progress Reports
The following conditions shall apply to the compliance schedule required by Section 13.34.280 (B)(7) of this chapter:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The user shall submit a progress report to the Director of Public Works no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Director of Public Works.

13.34.300 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of industrial wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Director of Public Works a report containing the information described in Section 13.34.280 (B)(4-6) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user’s long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the users actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 13.34.180 of this chapter.

13.34.310 Periodic Compliance Reports

A. All significant industrial users shall, at a frequency determined by the Director of Public Works but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 13.34.180 of this chapter.

B. All industrial wastewater samples must be representative of the user discharge. Industrial wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director of Public Works, using the procedures prescribed in Section 13.34.380 of this chapter, the results of this monitoring shall be included in the report.
13.34.320   Reports of Changed Conditions

Each user must notify the Director of Public Works of any planned significant changes to the
users operations or system which might alter the nature, quality, or volume of its industrial
wastewater at least ten (10) days before the change.

A. The Director of Public Works may require the user to submit such information as may be
deemed necessary to evaluate the changed condition, including the submission of an industrial
wastewater discharge permit application under Section 13.34.170 of this chapter.

B. The Director of Public Works may issue an industrial wastewater discharge permit under
Section 13.34.190 of this chapter or modify an existing industrial wastewater discharge permit
under Section 13.34.230 of this chapter in response to changed conditions or anticipated changed
conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow
increases of ten percent (10%) or greater, and the discharge of any previously unreported
pollutants.

13.34.330   Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of
a non routine, episodic nature, a non customary batch discharge, or a slug load, that may cause
potential problems for the POTW, the user shall immediately telephone and notify the Director
of Public Works of the incident. This notification shall include the location of the discharge, type
of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five (5) days following such discharge, the user shall, unless waived by the Director of
Public Works, submit a detailed written report describing the cause(s) of the discharge and the
measures to be taken by the user to prevent similar future occurrences. Such notification shall not
relieve the user of any expense, loss, damage, or other liability which may be incurred as a result
of damage to the POTW, natural resources, or any other damage to person or property; nor shall
such notification relieve the user of any fines, penalties, or other liability which may be imposed
pursuant to this chapter.

C. A notice shall be permanently posted on the user’s bulletin board or other prominent place
advising employees whom to call in the event of a discharge described in paragraph A, above.
Employers shall ensure that all employees, who may cause such a discharge to occur, are advised
of the emergency notification procedure.

13.34.340   Reports from Unpermitted Users

All users not required to obtain an industrial wastewater discharge permit shall provide
appropriate reports to the Director of Public Works as the Director of Public Works may require.

13.34.350   Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Director of Public
Works within twenty-four (24) hours of becoming aware of the violation. The user shall also
repeat the sampling and analysis and submit the results of the repeat analysis to the Director of
Public Works within thirty (30) days after becoming aware of the violation. The user is not
required to resample if the Director of Public Works monitors at the user’s facility at least once a
month, or if the Director of Public Works samples between the user’s initial sampling and when the user receives the results of this sampling.

13.34.360 Discharge of Hazardous Waste Prohibited

No hazardous waste shall be discharged to the Live Oak POTW in amounts that cause problems or adverse impacts.

13.34.370 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of an industrial wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

13.34.380 Sample Collection

A. Except as indicated in Section B, below, the user must collect industrial wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director of Public Works may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

13.34.390 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

13.34.400 Record Keeping

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City of Live Oak, or where the user has been specifically notified of a longer retention period by the Director of Public Works.

13.34.410 Right of Entry: Inspection and Sampling

The Director of Public Works shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any industrial wastewater discharge permit or order issued hereunder. Users shall allow the Director of Public Works ready
access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Public Works will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Director of Public Works shall have the right to set up on the user’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user’s operations.

C. The Director of Public Works may require the user to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure industrial wastewater flow and quality shall be calibrated at least annually to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director of Public Works and shall not be replaced. The costs of clearing such access shall be born by the user.

E. Unreasonable delays in allowing the Director of Public Works access to the user’s premises shall be a violation of this chapter.

13.34.420 Search Warrants

If the Director of Public Works has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City of Live Oak designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director of Public Works may seek issuance of a search warrant from a court of appropriate jurisdiction.

13.34.430 Confidential Information

Information and data on a user obtained from reports, surveys, industrial wastewater discharge permit applications, industrial wastewater discharge permits, and monitoring programs, and from the Director of Public Work’s inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director of Public Works, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Industrial wastewater constituents and characteristics and other “effluent
data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

13.34.440 Publication Of Users In Significant Noncompliance

The Director of Public Works shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

A. Chronic violations of industrial wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of industrial wastewater measurements taken during a six- (6-) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of industrial wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other discharge violation that the Director of Public Works believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director of Public Work’s exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s) which the Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

13.34.450 Notification of Violation

When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may serve upon that user a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director of Public Works. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the
Director of Public Works to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

13.34.460  Consent Orders

The Director of Public Works may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 13.34.480 and 13.34.490 of this chapter and shall be judicially enforceable.

13.34.470  Show Cause Hearing

The Director of Public Works may order a user which has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director of Public Works and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

13.34.480  Compliance Orders

When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.34.490  Cease and Desist Orders

When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user’s past violations are likely to recur, the Director of Public Works may issue an order to the user directing it to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements; and
B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.34.500 Administrative Fines

A. When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may fine such user in an amount not to exceed $1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of 25 percent (25%) of the unpaid balance, and interest shall accrue thereafter at a rate of 0.83 percent (0.83%) per month. A lien against the user’s property will be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the Director of Public Works to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Director of Public Works may convene a hearing on the matter. In the event the user’s appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Director of Public Works may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.34.510 Emergency Suspensions

The Director of Public Works may immediately suspend a user’s discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director of Public Works may also immediately suspend a user’s discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user’s failure to immediately comply voluntarily with the suspension order, the Director of Public Works may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, groundwater, or endangerment to any individuals. The Director of Public Works may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director of Public Works that the period of endangerment has passed, unless the termination proceedings in Section 13.34.520 of this chapter are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director of Public
Works prior to the date of any show cause or termination hearing under Sections 13.34.470 or 13.34.520 of this chapter.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

13.34.520  Termination of Discharge

In addition to the provisions in Section 13.34.250 of this chapter, any user who violates the following conditions is subject to discharge termination:

A. Violation of industrial wastewater discharge permit conditions;

B. Failure to accurately report the industrial wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or industrial wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the user’s premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the pretreatment standards in Sections 13.34.050 - 13.34.090 of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 13.34.470 of this chapter why the proposed action should not be taken. Exercise of this option by the Director of Public Works shall not be a bar to, or a prerequisite for, taking any other action against the user.

13.34.530  Injunctive Relief

When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may petition a court of appropriate jurisdiction through the City’s Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the industrial wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The Director of Public Works may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

13.34.540  Civil Penalties

A. A user who has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City of Live Oak for a maximum civil penalty of $1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The Director of Public Works may recover reasonable attorneys’ fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Live Oak.
C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the users violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

13.34.550 Criminal Prosecution

A. A user who willfully or negligently violates any provision of this chapter, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000 per violation, per day, or imprisonment for not more than six (6) months, or both.

B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least $1,000, or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, industrial wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than $1,000 per violation, per day, or imprisonment for not more than six (6) months, or both.

D. In the event of a second conviction, a user shall be punished by a fine of not more than $1,000 per violation, per day, or imprisonment for not more than one (1) year, or both.

13.34.560 Remedies Nonexclusive

The remedies provided for in this chapter are not exclusive. The Director of Public Works may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City’s enforcement response plan. However, the Director of Public Works may take other action against any user when the circumstances warrant. Further, the Director of Public Works is empowered to take more than one enforcement action against any noncompliant user.

13.34.570 Performance Bonds

The Director of Public Works may decline to issue or reissue an industrial wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City of Live Oak, in a sum not to exceed a value determined by the Director of Public Works to be necessary to achieve consistent compliance.

13.34.580 Liability Insurance
The Director of Public Works may decline to issue or reissue an industrial wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

13.34.590 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this chapter, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user’s expense, after it has satisfactorily demonstrated its ability to comply.

13.34.600 Public Nuisances

A violation of any provision of this chapter, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and may be connected or abated as directed by the Director of Public Works. Any person(s) creating a public nuisance shall be subject to the provisions of the Live Oak Municipal Code Chapter 8.10 (Section 8.10.060-8.10.090 inclusive), governing the abatement of nuisances.

13.34.610 Contractor Listing

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City of Live Oak. Existing contracts for the sale of goods or services to the City of Live Oak held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Director of Public Works.

13.34.620 Upset

A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the Director of Public Works within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

(a) A description of the indirect discharge and cause of noncompliance;
(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.34.630 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 13.34.050 (A) of this chapter or the specific prohibitions in Section 13.34.050 (B)(3) through (B)(20) of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user’s prior discharge when the City of Live Oak was regularly in compliance with its Waste Discharge Requirements, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.34.640 Bypass

A. For the purposes of this section,

(1) “Bypass” means the intentional diversion of waste streams from any portion of a user’s treatment facility.

(2) “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

C. (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director of Public Works, at least ten (10) days before the date of the bypass, if possible.
(2) A user shall submit oral notice to the Director of Public Works of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director of Public Works may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. (1) Bypass is prohibited, and the Director of Public Works may take an enforcement action against a user for a bypass, unless

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under paragraph (C) of this section.

(2) The Director of Public Works may approve an anticipated bypass, after considering its adverse effects, if the Director of Public Works determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

13.34.650  Industrial Wastewater Charges and Fees

The City of Live Oak may adopt reasonable fees for reimbursement of costs of setting up and operating the City’s Industrial Wastewater Program which may include:

A. Fees for industrial wastewater discharge permit applications including the cost of processing such applications;

B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user’s discharge, and reviewing monitoring reports submitted by users;

C. Fees for reviewing and responding to accidental discharge procedures and construction;

D. Fees for filing appeals; and

E. Other fees as the City of Live Oak may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the City of Live Oak.

13.34.660  Severability

If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

13.34.670  Effective Date

This chapter shall be in full force and effect immediately following its passage, approval, and publication, as provided by law. (Ord. 461, 2002)
Chapter 13.36 - DRAINAGE IMPROVEMENT FACILITIES

Sections:

13.36.010 Declaration

The City Council of the City finds and declares that new building and improvement projects greatly heighten and increase storm drainage runoff; that there is certain flooding and the potential for flooding in certain areas of the City; and that in the best interests of the citizens of the City and to promote and protect the health and welfare of the residents of the City it is
necessary for persons who carry out such projects within those areas to pay a reasonable fee to control and prevent such flooding. (Ord. 263 § 1, 1981, Ord. 535 §, 2011)

13.36.020 Applicable Areas

The area to which this chapter shall apply is the entire corporate limits of the City.

Storm Drainage Capacity and Connection Fees: The capacity and connection fees shall be collected as follows:

1. For new construction, fees will be collected prior to the issuance of a building permit;
2. Prior to altering or expanding existing facilities which increases storm drainage flows or creates the need for additional facilities;
3. All others, prior to connection to City storm drainage system;
4. Charges for capacity and connection to the City storm drainage facilities shall be as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Storm Drain Capacity and Connection Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family</td>
<td>$3,845</td>
</tr>
<tr>
<td>Duplex (per unit)</td>
<td>$2,745</td>
</tr>
<tr>
<td>Multi Family (per acre)</td>
<td>$24,304</td>
</tr>
<tr>
<td>Non-Residential</td>
<td></td>
</tr>
<tr>
<td>Office (per acre)</td>
<td>$25,239</td>
</tr>
<tr>
<td>Commercial (per acre)</td>
<td>$25,239</td>
</tr>
<tr>
<td>Industrial (per acre)</td>
<td>$25,239</td>
</tr>
<tr>
<td>Warehouse (per acre)</td>
<td>$25,239</td>
</tr>
</tbody>
</table>

The capacity and connection fees will be adjusted upward annually by the U.S. Department of Labor’s Bureau of Labor Statistics Consumer Price Index – All Urban Consumers, San Francisco All Items (or successor agency).


13.36.030 Definitions

For the purposes of this chapter, the following meaning shall apply whenever the following terms are used:

A. “Net area” includes the land surface areas of each parcel including public roads and road right-of-way existing prior to city approval of development which will continue in use after approval of the project. Net area includes public utility easements, drainage easements and other undefined easements.
B. “Oversizing” is defined as drainage improvements dedicated to the public and constructed by a subdivider, or developer, for the benefit of the subdivision or development which contain supplemental size, capacity or number for the benefit of property not within the subdivision or development.

C. “Stormwater collectors” or “collectors” means a system of pipelines used to carry stormwater obtained from several different sources to a common point, being not smaller than fifteen inches in diameter.

D. “Trunk drainage lines and facilities” means the principal main drainage pipelines and facilities to which one or more branch storm-water collecting systems are tributary. (Ord. 263 §3,1981)

13.36.040 Fees Established

There is established the following schedule of fees reflected on Exhibit A set out at the end of this chapter to be collected upon the construction of new buildings and improvements within the above described area of the city. Such fees shall be used to pay for: the development of drainage plans; the cost of oversizing main drainage lines and collectors within subdivisions where internal and external drainage is paid for by developers; the improvement of existing drainage facilities; and the construction of trunk and collector drainage facilities, as defined in this chapter. Fees will be used to finance trunk and collector drainage facilities which serve buildings, improvements (including but not limited to paving) or structures which, as determined by the city, impair perviousness of the surface of the land or speed the concentration of stormwaters. The fees provided for by this chapter shall be set forth by resolution of the city council which may be amended from time to time by an appropriate amending resolution. (Ord. 263 § 4, 1981)

13.36.050 Fees—Residential

For any residential structure, residential subdivisions or parcel maps, whether for single-family or multiple-family use, and any structures or improvements appurtenant thereto, the fee shall be per dwelling unit. Such rate shall not exceed the amount per acre for the net area of the site set forth by resolution. (Ord. 263 § 5, 1981)

13.36.060 Fees—Parks, Auto Wrecking Yards

For parks and auto wrecking yards, the fees shall be per acre, for the net area of the site not covered by impervious surface, plus the amount per acre for the area of the site covered by impervious surfaces, as set forth by resolution. (Ord. 263 § 6, 1981)

13.36.070 Fees—Commercial

For commercial or industrial buildings, commercial or industrial subdivisions, and all other land uses not otherwise provided for in this chapter, or improvements appurtenant thereto, the fee shall be per acre for the net area of the site, as set forth by resolution. When only a portion of a site is being developed, the city may, by written agreement with the property owner, defer that portion of the fees due on the undeveloped portion of the site; provided, however, that the fees due and payable shall not be less than the cost of any new trunk facilities required to be constructed pursuant to the city standards. This subsection shall not operate to increase the total fees due for the entire site. (Ord. 263 § 7, 1981)

13.36.080 Fees—Agricultural use
No fee shall be collected for agricultural uses on parcels of property. The city shall determine whether a parcel or portion of a parcel is used in accordance with this section. (Ord. 263 § 8, 1981)

13.36.090  Fees—Additions

For additions to existing buildings, structures, pavements, or other improvements that were in existence prior to the effective date of the ordinance codified in this chapter, the fee shall be the amount set forth by resolution per square foot for additional impervious surfaces and required set back and planter areas for the addition as determined by the zoning ordinance of the city but shall not exceed the fee computed for the net area of the site pursuant to Sections 13.36.010 through 13.36.080 except that no fee shall be required for additions to existing detached single-family dwellings and/or accessory buildings. (Ord. 263 § 9, 1981)

13.36.100  Fees—Change In Use

Whenever a change in the use of a parcel of land occurs, which would require a drainage fee greater than the fee which was required for the prior use, the fee shall be computed at the rate required in this chapter for the new use, less the amount of any drainage fees which, have been paid for said parcel of land. In the event such fee previously paid exceeds the fee required for the proposed uses, no refund of the difference shall be made. The provisions of this section shall not apply to use of a parcel of land existing on the effective date of the ordinance codified in this chapter. (Ord. 263 § 10, 1981)

13.36.110  Payment Of Fees

Unless otherwise provided in this chapter, the fees required by this chapter will be due and payable at the time a building permit is issued, or improvement plans for the construction of street or subdivision improvements are approved by the city or improvements are constructed which as determined by the city, impair the perviousness of the surface of the land, except, however, when frontage improvements in public right-of-way are placed at the option of the owner and not as a requirement of the city, then the city may defer such fees until improvements impairing the perviousness of the surface are constructed. (Ord. 263 § 11, 1981)

13.36.120  Record Of Fees Paid

The city shall keep accurate records concerning the collection of fees under this chapter. Such records shall set forth the amount of fees paid as to each parcel of land, building, or improvement to which the fees apply. (Ord. 263 § 12, 1981)

13.36.130  Rounding Of Fees

All fees and credits as defined in this chapter shall be rounded to the nearest dollar. (Ord. 263 § 13, 1981)

13.36.140  Reimbursement Agreement

A. Whenever trunk and collector drainage facilities are constructed by a developer or subdivider pursuant to plans approved by the city, and the cost thereof as determined by this chapter exceeds the amount of the fee remaining after deduction of the credits authorized in this chapter, a reimbursement shall be made for the amount in excess of the required fee pursuant to a written reimbursement agreement, provided such installation is not financed by an assessment district. The written agreement shall be completed prior to the final approval of a subdivision
improvement plan, or construction of the drainage facilities where no subdivision map is to be filed, with the party designated in writing by the property owner or developer’s engineer; or with whomever such party may designate in writing. The agreement shall set forth the terms, conditions, amounts and time of reimbursement, on forms approved by the city. Each such agreement must be approved by the city council of the city, but shall not become effective prior to such drainage installation having been accepted by the city for maintenance. No reimbursement agreement shall be entered into for a period longer than five years from the date the drainage facilities were accepted by the city for maintenance.

B. The city may fulfill without penalty any reimbursement agreement within less than the specified time. Interest shall be computed at the rate of seven percent per year on the unpaid balance from the date such construction is accepted by the city for maintenance until the date of reimbursement. No interest will be paid on reimbursements paid within sixty days of acceptance by the city. (Ord. 263 § 14, 1981)

13.36.150 Assessment District Reimbursement

Where the installation of the trunk and collector drainage facilities is financed by an assessment district, and where the developer deposits cash into a special deposit trust fund established for such assessment district, the amount that the cost of oversizing of the required facilities exceeds the drainage fees due each developer, may be reimbursed pursuant to a reimbursement agreement the amount expended in excess of such fees or the amount deposited whichever is the lesser. The costs eligible for reimbursement shall be computed pursuant to this chapter, (Ord. 263; 15, 1981)

13.36.160 Assessment District—Previous Fees

In the event an assessment district is formed for the construction and financing of drainage facilities, and fees have been previously collected to finance such facilities within the assessment district by the city, the assessment which would be levied against the property from which the fee was collected shall be reduced by the amount of such fee or fees; or, upon application in writing by the owner, and approval by the city, such fees may be refunded to the owner. (Ord. 263 § 16, 1981)

13.36.170 Fees—Special Districts

Special districts, including school districts, may pay any required fees in five equal annual payments, upon the following terms and conditions:

A. First payment is paid at the time the building permit is issued or site improvement plans are approved;

B. No new trunk facilities are required to immediately serve the property;

C. A written agreement is executed between the district and the city under which payment may be deferred as provided in this chapter. (Ord. 263 § 17, 1981)

13.36.180 Construction Of Replacements

Buildings or improvements which are to replace and are substantially equivalent to existing or destroyed buildings or improvements at the same location shall not be new buildings or improvements for the purposes of the imposition of fees established by Section 13.36.040. Any portions of buildings or improvements which are not substantially equivalent to existing or destroyed buildings or improvements at the same location will be deemed to be new buildings or
improvements, and only those portions which exceed substantially equivalent buildings or improvements shall be subject to the fees established by Section 13.36.040. For the purposes of this section, “substantially equivalent” shall mean the same as “substantially equivalent” as set forth by California Revenue and Taxation Code §70(c) except that as used by this section, “substantially equivalent” shall also apply to buildings replaced for reasons other than misfortune or calamity. (Ord. 387 § 2, 1993: Ord. 263 § 18, 1981)

13.36.190  Credits
Credits for oversizing of trunk and collector facilities constructed by the developer must meet the following conditions:
A. The facilities have been actually constructed and conform to city standards and specifications that were in effect at the time the facilities were built.
B. The construction of the facilities was part of the improvements required by the city. (Ord. 263 § 19, 1981)

13.36.200  Credits—Apportionment
Credits for trunk and collector facilities shall be apportioned to that subdivision or parcels for which such facilities were approved at the time of construction, unless the developer of such subdivision or parcels applies to the city to have such credits reapportioned and the city agrees to reapportioning. The reapportionment of such credits must meet the following conditions:
A. The parcel or parcels on which credit is sought were contiguous holdings of an individual or firm at the time construction of such improvements was begun.
B. Only credits in excess of the amount of the drainage fee which would have been due on such subdivision or parcel and each subsequent unit thereof within such contiguous holding, may be apportioned to other contiguous parcels.
C. The parcel or parcels to which such credits are to be apportioned must be served by the facilities constructed with funds from which the credits were derived. (Ord. 263 § 20, 1981)

13.36.210  Credits—Conditions
Credits for trunk and collector facilities financed by assessment district must meet the following conditions:
A. Facilities must conform to standards and specifications in effect at the time of their installation.
B. The value of such facilities shall be determined by the city.
C. Credit will be allowed for a pro rata portion of those incidental expenses of the assessment district which would be ordinary expenses of constructing such facilities, and which are not incidental to and peculiar to an assessment proceeding. Such incidental expenses for which credit will not be allowed will include, but not be limited to, the following items: attorneys’ fees, assessment district description, preparation of assessment maps and assessment spreads, printing of bonds, and other city expenses.
D. Facilities were required by the city.
E. Distribution of the value of credits as determined in subsection B of this section is made on the same basis as the original assessments were levied. (Ord. 263 § 21, 1981)
13.36.220  Credit—Required Construction
Whenever the city requires construction of main drainage lines and collector drainage facilities, the cost of oversizing facilities may become a credit and may be deducted from the fees required by this chapter. (Ord. 263 § 22, 1981)

13.36.230  Determination Of Fee Payment
The drainage fee for any site shall be considered paid in full only when the full commercial rates in effect at the time of payment have been paid for the entire site. When a portion of the total fee due for a site has been paid pursuant to this chapter, that paid portion shall become a credit toward payment of the total fee. (Ord. 263 § 23, 1981)

13.36.240  Prior Approved Developments
The provisions of this chapter shall have no application and shall not apply to developments the subject of approved tentative subdivision maps and/or approved parcel maps prior to the effective date of the ordinance codified in this chapter nor shall the provisions of this chapter apply to development projects on which applications for building permits have been filed prior to the effective date of the ordinance codified in this chapter, it being the intention of the city council of the city in enacting the ordinance codified in this chapter, that the provisions thereof are prospective and shall not apply to any ongoing construction projects or developments in which appropriate approvals have been given by the city in terms of approved tentative map approvals or projects on which appropriate applications are pending for the issuance of construction permits prior to the effective date of the ordinance codified in this chapter. (Ord. 263 § 24, 1981)

APPENDIX A

SCHEDULE OF FEES

1. Fees—Residential. For any residential structure, residential subdivisions or parcel maps, whether for single-family or multiple-family use, and any structures or improvements appurtenant thereto, the fee shall be five hundred dollars per dwelling unit; provided, however, that such rate shall not exceed two thousand five hundred dollars per acre.

2. Fees—Parks, auto wrecking yards. For parks and auto wrecking yards, the fees shall be five hundred dollars per acre, for the net area of the site not covered by impervious surface, plus two thousand five hundred dollars per acre for the area of the site covered by impervious surfaces.

3. Fees—For commercial or industrial buildings, commercial or industrial subdivisions, and all other land uses not other wise provided for in this chapter, or improvements appurtenant thereto, the fee shall be three thousand dollars per acre for the net area of the site. When only a portion of a site is being developed, the city may, by written agreement with the property owner, defer that portion of the fees due on the undeveloped portion of the site; provided, however, that the fees due and payable shall not be less than the cost of any new trunk facilities required to be constructed pursuant to the city standards. This paragraph shall not operate to increase the total fees due for the entire site.

4. Fees—Agricultural uses. No fee shall be collected for agricultural uses on parcels of property. The city shall determine if parcels of property are used for agriculture.
5. Fees: Additions. For additions to existing buildings, structures, pavements, or other improvements that were in existence prior to the effective date of this chapter, the fee shall be eight cents per square foot for additional impervious surfaces and required setback and planter areas as determined by the zoning provisions of the city. But shall not exceed the fee computed for the net area of the site pursuant to Sections 1, 2, or 3 of this resolution except that no fee shall be required for additions to existing detached single-family dwellings.

6. Fees—Change in use. Whenever a change in the use of parcel of land occurs, which would require a drainage fee greater than the fee which was required for the prior use the fee shall be computed at the rate required herein for the new use, less the amount of any drainage fees which have been previously paid for the parcel of land. In the event such fee previously paid exceeds the fee required for the proposed uses, no refund of the difference shall be made. The provisions of this section shall not apply to a use of a parcel of land existing on the effective date of this chapter.

The foregoing drainage improvement fees as herein fixed and set forth shall be effective the 15th day of July, 1981, and shall constitute the fees and charges collected prior to the issuance of a building permit or improvement plan or plans for the construction of streets and subdivision improvements are approved by the city or improvements are constructed, which, as determined by the city, impair the imperviousness of the surface of the land; except, that when frontage improvements are placed at the option of the owner and are not a requirement of the city, the fees may be deferred by the city until improvements impairing the perviousness of the surface are constructed.
14.01.010  **Purpose**
The Live Oak Neighborhood and Community Preservation Division provides professional code enforcement services with the goal of improving and stabilizing neighborhoods, protecting property values and helping to promote a healthy, safe environment.

Substandard structures and buildings are a very serious problem in the City of Live Oak, especially in older neighborhoods. The problems that stem as a result of blighted properties affect the entire community in many ways. For example, it is a well established fact that blighted conditions encourage crime and degrades the viability of a City. The Live Oak Neighborhood and Community Preservation Division is dedicated to working with the community to improve deteriorating properties and blighted conditions by placing a high priority on encouraging voluntary abatement by property owners of these types of problems and conditions.

14.01.020  **Mission Statement**
The Live Oak Neighborhood and Community Preservation Division will make every effort to assist the community during any stage of the Neighborhood and Community Preservation Program process and acknowledge any effort made by the citizens of the City of Live Oak to keep the city beautiful and vital.

14.01.030  **Enforcement**
This chapter provides a supplemental method to enforce the 1997 Edition of “The Uniform Code for the Abatement of Dangerous Buildings” and the 1997 Edition of “The Uniform Housing Code”.

The City reserves any other enforcement method allowed by law.

14.01.040 Property Maintenance/Dangerous Buildings Code Violations

The City Inspector conducts an inspection of the property to determine whether or not a code violation(s) exists. If a Code violation(s) exists on the property the City Inspector will proceed to the noticing process.

If a code violation(s) does not exist on the property the investigation process is terminated.

14.04.050 Notice and Order Process

If a code violation(s) is present, the City Inspector will mail a certified legal notice to the legal property owner to request the code violation(s) be corrected; the notice process is as follows:

A. The first legal notice letter provides a 30-day period of time for the legal property owner to correct the violation(s). Additionally, the City Inspector will also make every attempt to contact the legal property owner by phone at this stage of the noticing process. At the end of this time period, the City Inspector will re-inspect the property to determine whether or not the code violation(s) has been corrected. If the code violation(s) has been corrected to the satisfaction of the City Inspector, the City Inspector will notify the legal property owner in writing indicating the case has been closed.

1. If the code violation(s) has not been corrected and the property owner has not requested an extension of time from the City Inspector, the City Inspector mails a second certified legal notice letter to the legal property owner.

B. The second legal notice letter provides a 10-day period of time for the legal property owner to correct the violation(s). The City Inspector will make every attempt to contact the property owner by phone at this stage of the noticing process. At the end of this time period the City Inspector will re-inspect the property to determine whether or not the code violation(s) has been corrected.

1. If the code violation has been corrected to the satisfaction of the inspector, the inspector will notify the legal property owner in writing indicating the case has been closed.

2. If the code violation has not been corrected and the property owner has not requested an extension of time from the inspector, the inspector mails a third and final certified legal notice letter to the legal property owner.

C. The third and final legal notice letter provides a 5-day period of time for the legal property owner to correct the violation(s). At the end of this period of time the City Inspector will re-inspect the property to determine if the code violation(s) has been corrected.

1. If the code violation has been corrected to the satisfaction of the inspector, the inspector will notify the legal property owner in writing indicating the case has been closed.
2. If the code violation has not been corrected and the legal property owner has not requested an extension from the City Inspector a “Notice and Order” will be issued by the Building Official.

D. Depending on the severity of the violation(s), the Building Official may dispense with any of the above notices and proceed immediately to the “Notice and Order” process OR take any other appropriate action.

14.01.060 Notice and Order Process

Important Note: There are certain resources available to assist the property owner, who qualifies, in correcting the property maintenance/Dangerous Building Codes violation(s). It is the property owner’s responsibility to contact the City Building Official before the 30-day time period expires to inform him that resource assistance is needed.

The Building Official will issue a “Notice and Order’ directed to the legal property owner of the building in accordance with Sect. 401 of the 1997 Edition of the “Uniform Code for the Abatement of Dangerous Buildings”. The notice and order will contain the following:

1. Street address and a legal description sufficient for identification of the premises upon which the building is located.

2. A brief and concise description of the deficiencies found to render the building dangerous under the provisions of Sec. 302 of the code referenced above.

3. A statement of the action required to be taken as determined by the Building Official.
   a. If the Building Official determines that the building or structure must be repaired, all required permits shall be secured and the work physically commenced within 30 days from the date of the notice and order and the work shall be completed within 60 days from the date of the notice and order.
   b. If the Building Official determines the building or structure must be vacated, the building or structure shall be vacated within 30 days from the date of the notice and order.
   c. If the Building Official determines that the building or structure must be demolished, all required permits shall be secured and the work physically commenced within 30 days from the date of the notice and order and the work completed within 60 days from the date of the notice and order.

14.01.070 Notice of Non-Compliance

When all measures for code violation compliance have been exhausted the City staff, as outlined above, and code violation(s) still exist the Building Official shall file a notice of non-compliance with the Sutter County Recorders Office. The cost to file a Notice of Non-Compliance will be charged to the property owner.

14.01.080 Release of Notice of Non-Compliance

When code violation(s) compliance has been achieved to the satisfaction of the City Inspector a release of the Notice of Non-Compliance will be granted to the property owner. The cost for the release of the Notice of Non-Compliance will be charged to the property.

14.01.090 Repealed (Ord. 519 §2, 2009)
14.01.100  Repealed (Ord. 519 §2, 2009)
14.01.110  Repealed (Ord. 519 §2, 2009)
14.01.120  Repealed (Ord. 519 §2, 2009)
14.01.130  Repealed (Ord. 519 §2, 2009)
14.01.140  Repealed (Ord. 519 §2, 2009)
14.01.150  Repealed (Ord. 519 §2, 2009)

Chapter 14.08 - NUISANCES

Sections:

14.08.010  Findings
14.08.020  Definitions
14.08.030  Declaration of Nuisance
14.08.040  Administration and Enforcement
14.08.050  Administrative Penalties
14.08.060  Right of Entry and Inspection
14.08.070  Abatement
14.08.080  Commencement of Nuisance Abatement
14.08.090  Fees Imposed
14.08.100  Service of Notice and Order
14.08.110  Appeal
14.08.120  Appeal Hearing
14.08.130  Hearing Officer Decision
14.08.140  Summary Abatement
14.08.150  Recovery of Costs of Abatement
14.08.160  Notice of Report and Hearing
14.08.170  Hearing and Confirmation
14.08.180  Effect of Assessment and Notice of Lien
14.08.190  Collection of Assessment and Transfer to Unsecured Roll
14.08.200  Time for Contest of Assessment
14.08.210  Judicial Enforcement

14.08.010  Findings

The City Council of the City of Live Oak finds and determines as follows:
a. The City wishes to encourage the maintenance of well-kept properties. The City recognizes that property values and the general welfare of the community are founded in large part on the appearance, maintenance and safety of properties.

b. The existence of property in a condition constituting a nuisance as defined in this chapter is injurious to the public health, safety and welfare of the residents of the City. Such conditions contribute substantially and increasingly to the necessity for excessive expenditures for protection against hazards, diminution of property values, and the preservation of the public health and safety.

c. Public nuisances are those affecting the entire community, neighborhood or a considerable number of people. Under California law, local governments have standing to intercede and to abate a public nuisance.

d. The existence of public nuisances of the type designated and the abatement of these public nuisances, is reasonably related to the proper exercise of the police power in protecting the health, safety and welfare of the public, and the exercise of that power by the city is authorized by the constitution of the state and applicable laws.

e. Unless uniform and expedient corrective measures are available to be undertaken to alleviate such conditions, the public health, safety and general welfare and the property values and social and economic standards of this community will be substantially depreciated. The abatement of such conditions will enhance the appearance and value of such properties and will improve the tax base of the city.

f. It is in the public interest to establish a cost recovery procedure so that the abatement of a public nuisance is at the expense of the person(s) creating, causing, committing or maintaining the nuisance.

g. It is the intent of the City Council of the City of Live Oak in adopting this chapter to provide a comprehensive method for the identification and abatement of certain public nuisances within the City.

h. The provisions of this chapter are supplementary and complementary to all of the provisions of the Live Oak Municipal Code, state law, and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the city to abate any and all nuisances. (Ord. 519 §1, 2009)

14.08.020 Definitions

As used in this chapter:

“Administrative costs” shall mean that segment of costs of abatement that includes staff time expended that was reasonably related to enforcement activities under this chapter. Administrative costs shall include, but not be limited to, site inspections and re-inspections, third party inspections, investigations, printing, research, preparation of summaries, reports, notices, and the time and expense of preparing for and attending meetings and/or hearings related abatement proceedings. The hourly rate for staff time shall be set by Resolution of the City Council and may be revised from time to time.

“Cost of Abatement” means the total cost incurred by the City in connection with a public nuisance including, but not limited to:
1. Any cost incurred in removing or remedying a public nuisance;

2. The notice and order, appeal and termination of fees for administrative services rendered by the City in connection with the inspection, notification, prosecution and abatement procedures authorized by this chapter;

   The notice and order, appeal and termination fees shall be in such amounts as are determined from time to time by resolution of the City Council.

   The notice and order, appeal and termination fees will be calculated based on services rendered by the city from the time of the initial complaint intake for the purpose of documenting a violation of this chapter until the violation is corrected.

   The notice and order, appeal and termination fees are not intended to be a penalty imposed for violating this chapter or other laws.

3. Any cost incurred by the City in collecting the costs enumerated in subsections 1 and 2 of this definition, including administrative costs.

   “Junk” means any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, metal, paper, plaster, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance, having no substantial market value or requiring reconditioning in order to be used for its original purpose.

   “Nuisance” means anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the use in the customary manner of any public park, street, highway or other public property.

   “Owner” means owner of record of real property, occupant, lessee, interested holder in same, or homeowners association, as the case may be. For purposes of this chapter, a homeowners association which exercises management and/or control over a common area shall be deemed an owner of the area over which such control is exercised. Exercising control includes but is not limited to maintenance, ownership, easements and/or assessing fees on property owners pursuant to agreements, deeds or recorded documents.

   “Premises” means any real property, or improvements thereon, as the case may be, including but not limited to, an area designated as a common area within a condominium or similar project.

   “Property” means premises.

   “Public nuisance” means a nuisance which affects at the same time a substantial portion of a community, neighborhood or any considerable number of persons residing or working in such area, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

(Ord. 519 §1, 2009)

14.08.030 Declaration of Nuisance

It is unlawful and hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this city to maintain such premises in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist and allowed to continue:
a. The keeping, storage, depositing, or accumulation on the premises of any personal property which is within the view of persons on adjacent or nearby real property or the public right-of-way when such personal property constitutes visual blight, reduces the aesthetic appearance of the neighborhood, is offensive to the senses, or is detrimental to nearby property or property values, including but not limited to: trash, junk, garbage, debris, household goods, mattresses, paints and solvents, vehicle and/or bicycle tires, tire racks, rims, wheels, inoperative vehicles, vehicles in various states of disrepair, vehicle parts, cabinets, furniture clothing, appliances, boxes, construction materials and/or tools, yard and garden equipment in excess of that which is reasonable and acceptable for maintaining the property at which it is located, bicycles, scooters and like items in excess of that which is reasonable for use by the current occupants of a property and unseaworthy boats or vessels. Wood and building materials being used, or to be used, for a project of repair or renovation and for which an active building permit is in existence may be stored for as long as is necessary to complete the project expeditiously. Upon expiration or cancellation of the permit, wood and building materials for the project must be immediately removed;

b. The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials that constitute visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values;

c. A swimming pool, pond or other body of water on the premises which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted; “polluted water” means water contained in a swimming pool, pond, or other body of water, which includes but is not limited to bacterial growth, including algae, vector breeding, remains of insects, remains of deceased animals, reptiles, rubbish, refuse, debris, papers and any other foreign matter or material which because of its nature or location constitutes an unhealthy, unsafe or unsightly condition.

d. Buildings which are abandoned, boarded up, partially destroyed, structurally unsafe, substantially deteriorated, or left unreasonably in a state of partial construction without an active building permit; unpainted, unmaintained or otherwise unprotected buildings, causing deterioration in the form of dry rot, warping, buckling, twisting, bowing, and infestations of various kinds; buildings with broken windows constituting hazardous conditions and inviting trespassers, illegal or unauthorized uses, and malicious mischief; and buildings which are a fire hazard or otherwise present a danger to the public;


f. Any condition in violation of the State Housing law.


h. Any condition in violation of Title 8 of the Live Oak Municipal Code, (refuse collection and disposal, fire prevention code, motor vehicle racing, trailers and trailer camps, smoking in public places, Nuisance Abatement Code).

i. Any condition in violation of Title 17, of the Live Oak Municipal Code (zoning).
j. Any condition in violation of any provision of the Live Oak Municipal Code defined to be a nuisance.


l. Any unimproved real property which has become a dumping ground for litter, garbage, junk, debris or discarded vehicles, vehicle parts and/or vehicle hulks.

m. Any illegal activity occurring on the property which is detrimental to the life, health, safety and welfare of the residents, neighbors or public. For purposes of this chapter, illegal activity is defined as any violation of state or federal law, rules or regulations or local ordinances, including, without limitation, Chapter 13 of Title 21 of the United States Code and particularly 21 U.S.C. §§812 and 844(a). (Ord. 519 §1, 2009, Ord. 541 §1 2012)

n. Nothing in this section shall make a violation of federal or California statutes a crime under the Live Oak Municipal Code, unless specifically stated elsewhere in this Code.

o. Nothing in this section shall be construed to burden any criminal defense a person may have under state or federal law if criminally prosecuted for a violation of federal or California Statutes. (Ord. 541 §2 2012)

14.08.040 Administration and Enforcement

The City Manager shall be the primary city official responsible for the administration and enforcement of this chapter. The City Manager may appoint a nuisance abatement team or other city official as his/her designee and delegate all or a portion of the administration and enforcement responsibilities to that team or official. Any legal remedies available may be pursued by the city manager or his/her designee and the City Attorney to address violations of this chapter. The City Manager shall follow the provisions of Live Oak Municipal Codes Sections 14.01.040 and 14.01.110 when enforcing the provisions of this chapter.

Enforcement of this chapter shall occur when violations are public nuisances as defined herein. Enforcement of violations which are visible from the public right-of-way shall be given priority, unless otherwise specified or determined to be an imminent hazard by the city manager or his/her designee.

Nothing in this chapter shall prevent the City Council from ordering the city attorney to commence a civil proceeding to abate a public nuisance as an alternative to the proceedings set forth in this chapter. The procedures set forth in this Chapter shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law. (Ord. 519 §1, 2009)

14.08.050 Administrative Penalties

A. In addition to any other penalties or remedies available to the City for a violation of this Ordinance, every violation of this Ordinance determined to be an infraction is punishable by (1) a fine not exceeding $100.00 for a first violation; (2) a fine not exceeding $200.00 for a second violation of the same Ordinance within one year; (3) a fine not exceeding $500.00 for each
additional violation of the same Ordinance within one year. Each day that a violation exists shall be a separate and distinct violation.

B. Notwithstanding Subsection A, above, in addition to any other remedies available for a violation of this Chapter, a violation of local Building and Safety Codes determined to be an infraction is punishable by (1) a fine not exceeding $100.00 for a first violation; (2) a fine not exceeding $500.00 for a second violation of the same Ordinance within one year; (3) a fine not exceeding $1,000.00 for each additional violation of the same Ordinance within one year for the first violation. Each day that a violation exists shall be a separate and distinct violation.

14.08.060 Right of Entry and Inspection

The City Manager or personnel acting under his or her direction may enter upon private or public property to enforce or administer the provisions of this chapter; (i) with the voluntary consent of the owner or occupant of the premises; (ii) where there is no reasonable expectation of privacy; or (iii) pursuant to an inspection warrant in accordance with Sections 18.22.50 to 18.22.57 of the California Code of Civil Procedure. An inspection warrant shall be issued by a judge upon cause, unless some other provision of state or federal law makes another standard applicable, and shall be supported by an affidavit that particularly describes the premises to be inspected, the purpose of the inspection, and a statement that consent was sought and refused or facts reasonably justifying a failure to seek consent. Unless specifically authorized by the judge issuing the inspection warrant, an inspection may not be made between 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, nor in the absence of an owner or occupant at the premises, or by forcible entry. (Ord. 519 §1, 2009)

14.08.070 Abatement

It shall be the responsibility of an owner to abate any public nuisance located on property that is owned, controlled, leased or occupied by such person.

Alternatively, the city may petition a court of competent jurisdiction for an abatement warrant authorizing the city manager or his/her designee, or contractor of the City to enter onto the premises to abate a public nuisance. An abatement warrant shall be requested in the same manner, and be in substantially the same form, as an inspection warrant, as referenced in Section 14.08.060 of this chapter. (Ord. 519 §1, 2009)

14.80.080 Commencement of Nuisance Abatement

Whenever the city manager or his/her designee has inspected or caused to be inspected any premises and has found and determined that such premise are in violation of this chapter, he or she may commence proceedings to cause abatement of the nuisance as provided herein. The City Manager or his/her designee shall also respond to and investigate citizen complaints regarding public nuisances.

Upon a determination that any public nuisance exists in violation of this chapter, the City Manager or his/her designee shall issue a notice of violation and order to abate (notice and order) directed to the record owner(s) of the premises. The Notice and Order shall contain:

The street address and/or such other description as is required to identify the premises;

A statement specifying the conditions which constitute the nuisance and declaring such conditions to be a public nuisance pursuant to Section 14.08.030 of this chapter;
A statement of the action required to be taken to eliminate the public nuisance;
A statement ordering the owner to abate the nuisance prior to a set date;
A statement advising that any person having any record title or legal interest in the premises may appeal the notice and order provided that the appeal is made in writing as provided by Section 14.08.110 of this Chapter;
A statement that the appeal request must be in writing and filed with the City Manager within thirty (30) days of service of the Notice and Order.
A statement that failure to appeal the notice and order will constitute a waiver of all right to an administrative hearing and will be a final determination of the matter.
A statement that if the public nuisance is not abated within the time set forth in the Notice and Order, the city will arrange for abatement at the expense of any or all owners;

If the City intends to seek attorney’s fees pursuant to Section 38773.5 of the Government Code, a statement that the City intends to seek and recover attorney’s fees.  (Ord. 519 §1, 2009)

14.08.090 Fees Imposed

A fee shall be imposed on the owner of any property for which a Noticed and Order is issued pursuant to this chapter.  The fee shall be calculated to recover the total City cost of inspections and enforcement and shall be set by resolution of the City Council.  An additional fee which shall be set by resolution of the City Council shall be imposed on the owner of the property at the conclusion of any matter in which a notice and order has been issued.  This termination fee shall be calculated to recover the cost of closing the file, removing or placing liens, and other associated administrative costs.  The fees imposed pursuant to this section shall be due and owing regardless of whether the public nuisance is eliminated in response to the notice and order.  All fees shall be a personal obligation of the owner and a lien upon the property and are due and payable within thirty (30) days of issuance of the notice and order of closing of the file respectively; provided that if an appeal is filed, the fees shall be due and payable upon a final decision on the appeal.  Any fee not paid within that time shall be collected pursuant to the procedure set forth in Section 14.08.150 of this chapter.  (Ord. 519 §1, 2009)

14.08.100 Service of Notice and Order

The Notice and Order and any amended or supplemental notice and order shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the City Manager or his/her designee or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located.  The failure of the City Manager or his/her designee to serve any person required herein to be served shall no invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

Service of the notice and order may be made upon all persons entitled thereto in the following manner:

1. Personal service; or
Certified mail, postage prepaid, return receipt requested to each person as required pursuant to the provisions of subsection (1) of this section at the address as it appears on the last equalized assessment roll of the county, and as known to the City Manager or his/her designee. The address of the owner shown on the assessment roll shall be conclusively deemed to be the property address for the purpose of mailing such notice. Simultaneously, the same notice may be sent by first class (regular) mail. If a notice that is sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.

a. Service by certified or regular mail in the manner described above shall be effective of the date of mailing.

b. The failure of any person with an interest in the property to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this code. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Government Code Section 6062.

c. Proof of service of the notice and order shall be certified by written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt returned in acknowledgement of receipt by certified mail shall be made part of the city’s permanent record. (Ord. 519 §1, 2009)

14.08.110 Appeal

Form of Appeal. Any person having any record title or legal interest in the premises may appeal from any notice and order of the city manager under this chapter by filing at the office of the city manager within thirty (30) days from the date of service of such Notice and Order, a written appeal containing:

A brief statement setting forth the legal interest of each of the appellants in the premises involved in the Notice and Order;

A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;

A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action shall be reversed, modified, or otherwise set aside;

The signatures of all parties named as appellants and their official mailing addresses, with statements from each appellant that each agrees to accept service of the written notice at the time and place of the appeal hearing and the decision of the hearing examiner at such address;

The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

Processing of Appeal. Upon receipt of any appeal filed and the appeal fee pursuant to this section, the City Manager shall transmit said appeal to a hearing officer retained by the city who shall calendar it for hearing within forty-five (45) days of the filing of the appeal.
Notice of Appeal for Hearing. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the date of hearing to each appellant by the hearing officer either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy, thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal.

Appeal Fee. Except as provided herein, the city manager shall collect and require an appeal fee to be paid at the time the written appeal notice is filed. The appeal fee shall be set by resolution of the City Council. The fee shall be calculated to recover the total city costs incurred in the appeal including, but not limited to, staff time to process and handle the appeal, hearing officer compensation, preparation and service of notices and staff appearance at the appeal hearing. No appeal shall proceed without payment of the fee at the time the appeal is filed provided that the City Manager may waive or defer the appeal fee upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with the notice and order, and other factors indicating good faith attempts to comply.

Effect of Failure to Appeal. Failure of any person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the notice and order, or any portion thereof.

Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered at the hearing of the appeal.

Staying of Order Under Appeal. Enforcement of the Notice and Order of the City Manager issued under this chapter shall be stayed while an appeal that is properly and timely filed is pending. (Ord. 519 §1, 2009)

14.08.120 Appeal Hearing

At the time set for hearing, the hearing officer shall proceed to hear the testimony of the City Manager or his/her designee, the owner, and other competent persons respecting the condition of the premises, and other relevant facts concerning the matter.

The proceedings at the hearing shall be electronically recorded. Either party may provide a certified shorthand report to maintain a record of the proceedings at the party’s own expense. Preparation of a record of the proceeding shall be governed by California Code of Civil Procedure Section 1094.6, as presently written or hereinafter amended.

The hearing officer may, upon request of the owner of the premises or upon request of the city manager or his/her designee, grant continuances from time to time for good cause shown, or upon his or her own motion.

Government Code of the State of California, Section 11513, subsections (a), (b) and (c), as presently written or hereinafter amended, shall apply to hearings under this chapter.

Each party may represent themselves, or be represented by anyone of their choice. If a party does not proficiently speak or understand the English language, he or she may provide an interpreter, at the party’s own cost, to translate for the party. An interpreter shall not have had any involvement in the issues of the case prior to the hearing.

In reaching a decision, official notice may be taken by the hearing officer, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or which may appear in any of the official records of the city.
The hearing officer may inspect the premises involved in the hearing prior to, during or after the hearing, provided that:

Notice of such inspection shall be given to the parties before the inspection is made;

The parties are given an opportunity to be present during the inspection; and

The hearing officer shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn there from. Each party then shall have a right to rebut or explain the matters so stated by the hearing examiner either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record. (Ord. 519 §1, 2009)

14.08.130 Hearing Officer Decision

The decision of the hearing officer shall be in writing and shall contain findings of fact and a determination of the issues presented. If it is shown by a preponderance of the evidence that the condition of the premises constitutes a public nuisance, the decision shall require the owner to commence abatement of the nuisance no later than fifteen (15) days after the issuance of the decision, and that the abatement be completed within such time as specified by the hearing officer, or in the alternative, with the time designated by the city manager. The decision shall inform the owner that if the nuisance is not abated within the time specified, the nuisance may be abated by the city without further notice in such manner as may be ordered by the city manager and the expense thereof made a lien on the property involved and/or a personal obligation. The decision may imposed administrative penalties as may be appropriate under Section 14.08.050.

The decision shall also inform the owner that the time for judicial review is governed by California Code of Civil Procedure Section 1094.6. Copies of the decision shall be forthwith delivered to the parties personally or sent to them by certified mail. The decision shall be final when signed by the hearing officer and served as follows: the city manager shall serve a copy on the record owner, in the same manner as set forth in Section 14.08.100 of this chapter, and one copy shall be served on each of the following, if known to the city manager or disclosed from official public record; the owner or holder of any lease of record,; and the holder of any other estate or legal interest of record in the premises.

After any notice and order issued pursuant to this chapter shall have become final by failure to file a timely appeal or after hearing officer’s decision on appeal is rendered, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. (Ord. 519 §1, 2009)

If, after any notice of violation and penalty order or any order of a hearing examiner made pursuant to this Chapter has become final, and the person to whom such order is directed shall fail, neglect or refuse to obey such order, the enforcement officer, in addition to the rights provided elsewhere in this code, is authorized to cause the nuisance to be abated by City personnel or private contract. In furtherance of this section, the enforcement officer may obtain a warrant, writ, writ of possession or other appropriate court order, if required, and thereafter is expressly authorized to enter upon the premises for the purpose of abating the nuisance. (Ord. 541 §2 2012)

14.08.140 Summary Abatement
If, in the opinion of the city manager, there exists a condition on any premises which is of such a nature as to be imminently dangerous to the public health, safety or welfare, which, if not abated according to the procedures of this chapter, would, during the pendency of the proceedings, subject the public to potential harm of a serious nature, the same may be abated forthwith without compliance with the provision of this chapter. Abatement may include, but is not limited to boarding of windows, doors and other openings to city specifications, removal junk and debris, and securing the perimeter of the property with fencing, gates or barricades (to prevent further occurrences of the nuisance activity). (Ord. 519 §1, 2009)

14.08.150 Recovery of Costs of Abatement

Every owner of property within the City is liable to the City for the cost of abatement of a public nuisance located on his or her premises conducted pursuant to this Chapter.

The City Manager or his/her designee shall keep an itemized account of the expense incurred by the city in abating nuisances under the provisions of this chapter including all administrative costs. Upon completion of the work of abatement, the city manager or his/her designee shall prepare and file with the finance officer of the city a report specifying the work done, the itemized and total cost of the work, a description of the real property at which the work was performed, and the names and addresses of the persons entitled to notice pursuant to Section 14.08.100 of this chapter.

Upon receipt of the report, the finance officer shall immediately bill the owner(s) for payment of the cost of the abatement work, together with all administrative costs, stating that the billing is due and payable within thirty (30) days of its date, and if not paid within that time the amount hereof may become a lien on the property upon which the abatement work was performed and may be collected with taxes assessed on the secured tax roll of Sutter County.

The finance officer shall keep an account of the costs, including administrative charges, incurred by the city to abate public nuisances as aforesaid for each separate lot or parcel of land and shall embody such account in a report and assessment list made to the city council, which report shall be filed with the City Clerk. Such report shall refer to each separate lot or parcel of land by description reasonably sufficient to identify the same, together with the expense, including administrative charges, proposed to be assessed against it. The report and assessment/lien list need not contain any reference to lots or parcels of land upon which abatement work has been done at the expense of the city, if the cost thereof has been paid to the city prior to the preparation of the report and assessment/lien list. (Ord. 519 §1, 2009)

14.08.160 Notice of Report and Hearing

The City Clerk shall post a copy of the finance officer’s report and assessment/lien list on the bulletin board of the City Hall together with notice of the filing thereof and the time and place when and where it will be submitted to the city council for hearing and confirmation. The finance officer shall mail to the person or persons whose property is mentioned in the report and assessment/lien list the manner prescribed in Section 14.08.150 a notice inform substantially as follows:

**COSTS, ASSESSMENT AND/OR LIEN FOR NUISANCE ABATEMENT AND NOTICE OF HEARING TO CONFIRM COSTS, ASSESSMENT AND/OR LIEN**

**NOTICE IS HEREBY GIVEN** that pursuant to the provisions of Chapter 14.08 of the Live Oak Municipal code, the City Manager has abated a public nuisance from real
property owned, occupied, rented, managed or controlled by you, which real property and the cost of said abatement work are as described and set forth on the enclosed billing.

**NOTICE IS HEREBY FURTHER GIVEN** that on _________ day of ________________, 20_____ at the hour of __________, or as soon thereafter as the matter can be heard at

__________________________________________________________

the report of the finance officer on the cost of nuisance abatement, and the assessment/lien list thereof, will be presented to the city council for consideration, correction and confirmation, and that at said time and place any and all persons interested in or having any objections to said report or list of proposed assessments/liens, or to any matter or thing contained therein may appear and be heard. The failure to make any objection or protest to said report and list shall be deemed a waiver of same.

Upon confirmation of said cost, assessment/lien by the City Council, the amount thereof will be due and payable. In the event the same is not paid within fifteen (15) days following confirmation, said assessment/lien along with an additional fee as set by resolution of the City Council on file in the City Clerk’s Office will be added to the secured property tax roll of Sutter County and thereafter shall become an assessment/lien on said property.

If you have any questions or want additional information regarding this matter, please contact the finance officer at 9955 Live Oak Blvd., Live Oak, CA. (530) 695-2112.

DATED:

FINANCE OFFICER

City of Live Oak, California

The posting of the finance officer’s report and assessment/lien list and the mailing of notice to property owners as above provided for shall be done at least ten (10) days before the date of the hearing scheduled before the City Council.

In every instance where abatement work has been performed at the expense of the city and a billing therefore has been rendered and is past due as of June 1st of any calendar year, the hearing for confirmation thereof shall be held by June 30th of that same calendar year; if the same is past due as of December 1st of any calendar year, the hearing for confirmation thereof shall be held by December 30th of that same calendar year. (Ord. 519 §1, 2009)

14.08.170 Hearing and Confirmation

At the time and place fixed for receiving and considering the finance officer’s report and assessment/lien list, the city council shall hear the same together with any protests or objections which may be raised or lodged by property owners or other interested persons. Upon the conclusion of such hearing, the city council shall make such corrections or modifications in any proposed costs which it may deem to be excessive or otherwise incorrect after which such costs shall be confirmed by resolution adopted by the City Council. The City Council may delete from the report and cancel any costs found improper or unjustified. The confirmation of the report and costs by the city council shall be final and conclusive.
Upon taking action under subsection (a), the city council may order that the costs of abatement be made a personal obligation of the property owner and either a nuisance abatement lien or a special assessment against the property.

If an action or proceeding is commenced to recover the costs, the prevailing party shall be entitled to recover reasonable attorneys’ fees, provided that, pursuant to California Government code section 38773.5 attorneys’ fees shall only be available where the city has elected, at the commencement of such action or proceeding, to seek recovery of its own attorneys’ fees. In no action or proceeding shall an award of attorneys’ fees to a prevailing party exceed the amount of reasonable attorneys’ fees incurred by the city in the action or proceeding.

A nuisance abatement lien may be recorded and enforced against the property pursuant to the provisions of California Government Code section 38773.1. A nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment. As part of the foreclosure action, the city may recover reasonable attorneys’ fees and costs including, but not limited to, costs incurred for processing and recording the lien and providing notice to the property owner.

As an alternative to a nuisance abatement lien, the costs of abatement may be made a special assessment against the property. The special assessment may be collected at the same time and in the same manner as ordinary municipal taxes and shall be subject to the same penalties and procedures, including the sale of the property in case of delinquency, as provided for ordinary municipal taxes. The special assessment shall continue until the assessment and all interest and penalties due and payable thereon have been paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. (Ord. 519 §1, 2009)

### 14.08.180 Effect of Assessment and Notice of Lien

It shall be permissible for any person to pay the amount of such assessment that has been imposed for nuisance abatement within fifteen (15) days following the date of adoption of the city council resolution confirming the assessment/lien. If the assessment/lien is not paid on or before said date, the total amount thereof shall be entered on the next succeeding fiscal year’s secured tax roll of Sutter County for that property, and the assessment shall thereupon become a lien against the property, and the amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. The lien of the assessment shall have the priority of the taxes with which it is collected. If delinquent, the amount is subject to the same penalties and procedures of foreclosure and sale provided for ordinary municipal taxes.

If the property is owned by a public agency of the local, state or federal government, the assessment shall not be entered on the County tax roll, but rather collected in the same manner as other unsecured obligations due and owing to the City.

Further, if the assessment is not paid within fifteen (15) days following the date of adoption of the city council resolution confirming it, the city manager may prepare and cause to be recorded in the office of the County Recorder a notice of lien, which shall be in form approved by the city attorney, and from the time of recording the notice of lien, the amount of the assessment shall be and constitute a lien upon the property having the force and effect of a judgment lien until released and discharged, or otherwise extinguished in the manner provided by law. When the assessment is paid, the city manager shall promptly deliver to the person or persons entitled thereto a release of lien, which shall be in a form approved by the city attorney, which may be
recorded by such person or persons to extinguish the lien on the property. The city manager shall not record a notice of lien against the property owned by a public agency of the local, state or federal government. (Ord. 519 §1, 2009)

14.08.190 Collection of Assessment and Transfer to Unsecured Roll

If any real property to which the lien provided for in Section 14.08.180 would attach has been transferred or conveyed to a bona fide purchaser for value, or if the lien of a bona fide purchaser for value has been created and attaches thereon, prior to the date on which the first installment of such taxes levied for municipal purposes would become delinquent, then the lien which would otherwise be imposed by this chapter shall not attach to such real property, and the costs of abatement as confirmed relating to such property shall be transferred to the unsecured tax roll for collection. In such event, the city may notify the appropriate County officials that it will undertake collection of the amount owing from the property owner or owners at the time the abatement work was actually performed utilizing collection procedures applied with respect to other unsecured obligations due the city. (Ord. 519 §1, 2009)

14.08.200 Time for Contest of Assessment

The validity of any costs, assessment or lien made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the cost, assessment or lien is confirmed by the city council. (Ord. 519 §1, 2009)

14.08.210 Judicial Enforcement

In addition to, or as an alternative to the proceedings set forth elsewhere in this Chapter, the City Attorney may seek judicial enforcement of this Chapter which may include, but not be limited to the following:

a. Enforcement of the City’s building or other local ordinances by way injunction, including contempt proceedings for the violation of any such injunction;

b. The imposition of civil penalties.

c. The appointment of a receiver.

d. Enforcement of any other rights or remedies available to the City in any manner provided by law. (Ord. 519 §1, 2009)
TITLE 15 - BUILDINGS AND CONSTRUCTION*

Chapters:

15.01 Building Codes
15.08 Property Development Design Review Procedures and Standards
15.21 Flood Damage Prevention
15.43 Historic Preservation Ordinance
15.50 Development Impact Fees

* For statutory provisions authorizing cities to regulate buildings and construction, see Gov, Code § 38601 and 38660; for provisions on the construction of housing, see Health and Saf. Code § 17922 et seq; for provisions authorizing cities to adopt codes by reference, see Gov. Code § 50022.1—50022.10.
Chapter 15.01 - BUILDING CODES

Sections:

Subchapter 1 – Administrative and General Provisions

15.01.010 Title.
15.01.020 Purpose.
15.01.030 Authority.
15.01.040 Applicability.
15.01.050 Exceptions.
15.01.060 Definitions.
15.01.070 Office established.
15.01.080 Duties of building inspector.
15.01.090 Enforcement and authority.
15.01.100 Violations.
15.01.101 Liability.

Subchapter 2 – Uniform Building Code

15.01.110 Adoption.
15.01.120 Modifications.

Subchapter 3 – Uniform Mechanical Code

15.01.210 Adoption of Code.
15.01.220 Modifications to UMC.

Subchapter 4 – Uniform Plumbing Code

15.01.310 Adoption of Code.
15.01.320 Modifications to UPC.

Subchapter 5 – Uniform Housing Code

15.01.410 Adoption of Code.
15.01.420 Modifications to UHC.

Subchapter 6 – Dangerous Building Code

15.01.510 Adoption of Code.

Subchapter 7 – National Electrical Code

15.01.610 Adoption of Code.
15.01.620 Modifications.

Subchapter 8 – Uniform Administrative Code Provisions For the National Electrical Code
15.01.710 Adoption of Code.
15.01.720 Modifications.

**Subchapter 9 – Uniform Swimming Pool, Spa and Hot Tub Code**
15.01.810 Adoption of Code.
15.01.820 Modifications.

**Subchapter 10 – Uniform Fire Code**
15.01.910 Adoption of the Uniform Fire Code.
15.01.920 Definitions.
15.01.930 Permits.
15.01.940 Establishment of Limits of Districts in Which the Storage of Explosive and Blasting Agents are Prohibited.
15.01.950 Establishment of Limits in which Storage of Liquefied Petroleum Gas is to be Restricted.
15.01.960 Limits of Districts for Storage of Flammable or Combustible Liquids.
15.01.970 Abatement of Hazards.
15.01.980 Amendments Made in the Uniform Fire Code.
15.01.990 New Materials, Processes or Occupancies Which May Require Permits.
15.01.1000 Appeals.
15.01.1010 Violations and Penalties.
I. ADMINISTRATIVE AND GENERAL PROVISIONS

15.01.010 Title
This chapter shall be known and cited as the 1990 and 1991 Edition Revisions to the City of Live Oak Building Code (Ord. 385 § 2 (part), 1992)

15.01.020 Purpose
The city council of the city expressly finds that the provisions of this chapter and of the codes adopted hereby constitute minimum standards for the protection of the public health, public safety and public welfare.

15.01.030 Authority
This chapter is adopted pursuant to the authority granted by Section 7 of Article XI of the Constitution of the state to a city to make and enforce within its limits all such local, policy, sanitary and other regulations as are not in conflict with general laws. It is further adopted in conformity with the state Government Code relating to the adoption of codes by reference. (Ord. 385 § 2 (part), 1992)

15.01.040 Applicability
This chapter shall apply within all of the incorporated territory of the city. This chapter, as embraced by the ordinance codified herein, includes all articles. (Ord. 385 § 2 (part), 1992)

15.01.050 Owner Builder
Permits for building, plumbing, mechanical or electrical work, or other permits as specified elsewhere in this chapter, may be issued to the owner of a single family dwelling.

Single-family dwellings eligible for owner-builder permits are limited to R-1 and R-2 zoning. Owners are also subject to state law regarding the number and manner of construction or repairs of dwellings for sale.

A list of all individuals who will assist in the construction is required to be provided to the building official prior to permit issuance. Owners must be able to show evidence that they are the legal property owner.

After the permit has been issued and the work has commenced, if the owner fails more than three inspections he/she may be required to have a licensed contractor complete the work at the discretion of the building official.

Except as provided in this section, no permits for building, plumbing, mechanical or electrical work, or other permits as specified in this chapter, may be issued to anyone except a properly licensed contractor whose license allows such contractor to perform the work for which the permit is issued.

15.01.060 Definitions
All references in the uniform codes adopted by this chapter shall be read as follows:

A. “Building official” or “administrative authority” means the building inspector of the city of Live Oak.

B. “City” means the city of Live Oak or the incorporated territory of the city of Live Oak as the text may require.
C. “City council” means the city council of the city of Live Oak.
D. “Fire marshal” means the fire chief of Sutter County.
E. “Health official” means the director of environmental management of the county of Sutter.
F. “Housing Act” means the Housing Act of the state of California.
G. “Mayor” means the mayor of the city council of the city of Live Oak.
H. “State” means the state of California. (Ord. 385 § 2 (part), 1992)

15.01.070 Office Established

There is established within the city the position of building inspector. (Ord. 385 § 2 (part), 1992)

15.01.080 Duties Of Building Inspector

The building inspector shall be directly responsible to the city council and shall have the following duties:

A. To enforce the provisions of the Uniform Building Code, the Uniform Plumbing Code and the National Electrical Code, and other laws, ordinances and regulations, with such additions, deletions and modifications as are adopted by this chapter;

B. To review applications for building permits, issue permits, collect fees therefore, make inspections, issue certificates of occupancy and such other functions as are imposed upon the building official by the Uniform Building Code and upon the administrative authority by the Uniform Plumbing Code and National Electrical Code, either in person or by such assistants, deputies or employees authorized to the department;

C. To make inspections of any sewage disposal system required by the Sutter-Yuba Health Department for the purpose of ascertaining compliance with this chapter, and to approve the system. The building inspector shall not approve any sewage disposal system without the prior approval of the Sutter-Yuba Health Department;

D. Such other duties as may be assigned by the city council;

E. The Sutter-Yuba Health Department shall be responsible for and have the authority to enforce all provisions of the codes adopted in this chapter pertaining to the maintenance, sanitation, ventilation, use or occupancy of the buildings with which the codes are concerned. (Ord. 385 § 2 (part), 1992)

15.01.090 Enforcement And Authority

This chapter shall be enforced by the city building inspector. (Ord. 385 § 2 (part), 1992)

15.01.100 Violations

A. It is unlawful and a public nuisance for any person, firm or corporation, whether as owner, lessee, sublessee or occupant to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the incorporated territory of the city or cause the same to be done, contrary to or in violation of any of the provisions of this chapter. Maintenance of equipment which was unlawful at the time it was
installed and which would be unlawful under this chapter shall constitute a continuing violation of this chapter.

B. Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor, and each such person is guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine of not more than $1,000.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.

C. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of this code or this chapter is committed or permitted by such person and shall be punished accordingly. The imposition of a penalty for any such violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations and/or defects. The application of any such penalty shall not be held to prevent the enforced removal of any prohibited conditions. (Ord. 385 § 2 (part), 1992)

15.01.101  Liability

This chapter and all articles shall not impose upon the city any liability or responsibility for damage resulting from defective building, plumbing, mechanical or electrical work; nor shall the city, or any official or employee thereof, be held to assume any such liability or responsibility by reason of the inspection authorized hereunder. (Ord. 385 § 2 (part), 1992)

II. UNIFORM BUILDING CODE

15.01.110  Repealed (Ord. 506 § 1, 2008)

15.01.112  Application

This chapter shall be a source of regulations for all new construction and any alterations, repairs, relocations, or reconstruction of any building or any portion thereof including any electrical, mechanical, gas, plumbing, or fire protection equipment installed on any property or used on or within any building. (Ord. 506 § 3, 2008)

15.01.113  Conflicts With the Laws, Rules, Etc.

In the event of any conflict between this chapter and any law, rule or regulation of the State of California, that requirement which establishes the higher standard of safety shall govern. Failure to comply with such standard of safety shall be a violation of this code. (Ord. 506 § 3, 2008)

15.01.114  Adoption of the Uniform Code

The following publications are hereby adopted by reference and incorporated in this Code, except as expressly amended or superseded by the provisions of this Code.

A) 2010 California Administrative Code, Title 24 Part 1 California Code of Regulations, Title 24, Part 1

B) 2010 California Building Code, Title 24 Part 2, based on the 2009 International Building Code including the Appendices, as published by the International Code Council (ICC) as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations.
C) **2010 California Residential Code**, Title 24 Part 2.5, based on the building provisions of the 2009 International Residential Code (chapters 2-10), and as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations.


E) **2010 California Mechanical Code**, Title 24 Part 4, based on the 2009 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials, and as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations.

F) **2010 California Plumbing Code**, Title 24 Part 5, based on the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, and as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations.


H) **2010 California Fire Code**, Title 24 Part 9, based on the 2009 International Fire Code as published by the International Code Council (ICC) and as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations.

I) **2010 California Green Building Standards Code**, Title 24 Part 11, The California Green Building Code (CGBSC) also referred to as CalGreen is the nation’s first mandatory green building code and as adopted by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations.


15.01.115 **Interpretation**

The provisions of this code are enacted for the public health, safety, and welfare and are to be liberally construed to obtain the beneficial purposes thereof as specified in Chapter 1 of the Building Codes. (Ord. 506 § 3, 2008)

15.01.116 **Liability**

The provisions of this Code shall not be construed as imposing upon the City of Live Oak any liability or responsibility for damage to persons or property resulting from defective work. Nor shall the City of Live Oak, or any official, employee or agent thereof, be held as assuming any
such liability or responsibility by reason of review or inspection authorized by the provisions of
this Code of any permits or certificates issued under this Code. (Ord. 506 § 3, 2008)

15.01.120  Repealed (Ord. 506 § 1, 2008)
15.01.210  Repealed (Ord. 506 § 1, 2008)
15.01.220  Repealed (Ord. 506 § 1, 2008)
15.01.310  Repealed (Ord. 506 § 1, 2008)
15.01.320  Repealed (Ord. 506 § 1, 2008)
15.01.410  Adoption of Code

For the purpose of establishing proper regulations for building construction, the Uniform
Housing Code, 1997 Edition, otherwise identified as the International Conference of Building
Officials Housing Code, 1997 Edition, (hereinafter referred to as the “Housing Code” or
“UHC”), is hereby adopted and made a part of this Code by reference, subject to the
modifications hereinafter set forth.

15.01.420  Modifications to UHC

1. Section 203 of Chapter 2 entitled Housing Advisory and Appeals Board is amended to read as
follows:

Section 203.1 General

“In order to provide for final interpretation of the provisions of this Code and to hear appeals
provided for hereunder, there is hereby established a Board of Appeals consisting of members of
the City Council of the City of Live Oak. The Building Inspector shall be an ex officio member
of and shall act as Secretary to said Board. The Board may adopt reasonable rules and
regulations for conducting its business and shall render all decisions and findings in writing to
the appellant with a copy to the Building Inspector. Appeals to the Board shall be processed in
accordance with the provisions contained in Section 1201 Chapter 12 entitled appeal of the
Housing Code. Copies of all rules or regulations adopted by the Board shall be delivered to the
Building Inspector who shall make them freely accessible to the public.”

Subchapter 6- DANGEROUS BUILDING CODE

15.01.510  Adoption of Code

For the purpose of establishing proper regulations for building construction, the Uniform Code
for the Abatement of Dangerous Buildings, 1997 Edition, otherwise identified as the
International Conference of Building Officials Uniform Code for the Abatement of Dangerous
“DBC” is hereby adopted and made a part of this Code by reference.

Subchapter 7- NATIONAL ELECTRICAL CODE

15.01.610  Repealed (Ord 506 § 1, 2008)
15.01.620  Repealed (Ord 506 § 1, 2008)

Subchapter 8- UNIFORM ADMINISTRATIVE CODE PROVISIONS

FOR THE NATIONAL ELECTRICAL CODE
15.01.710  Repealed (Ord 506 § 1, 2008)
15.01.720  Repealed (Ord 506 § 1, 2008)

Subchapter 9- UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE
15.01.810  Repealed (Ord 506 § 1, 2008)
15.01.820  Repealed (Ord 506 § 1, 2008)

Subchapter 10- UNIFORM FIRE CODE
15.01.910  Repealed (Ord 506 § 1, 2008)
15.01.920  Definitions

Whenever the following words and/or phrases set out in this article are used in the Uniform Fire Code, they shall have the meaning ascribed to them as follows:

A. “Chief of the Bureau of Fire Prevention” means the Fire Chief of Sutter County.
B. “Corporation Counsel” means City Attorney.
C. “Jurisdiction” means the City of Live Oak.
D. “Municipality” means the City of Live Oak.

15.01.930  Permits

A. The permits required by the Article I of said Uniform Fire Code and required by various articles throughout the Code shall be renewable each year, except that burning permits shall be valid only for those dates listed on the permit.

B. There is added to Article I of the Uniform Fire Code, 1997 Edition, Section 105.8 entitled “Fees for Permits” and as so entitled and added shall read as follows:

The City Council may by ordinance establish a schedule of fees of $15.00 to be charged and collected for issuance of permits. Section 105.8: Section 105.8 a.1, a.2, a.3, a.4, a.5, b.1, b.2, c.1, c.2, c.3, c.4, c.5, c.6, c.7, c.8, c.9, d.1, d.2, e.1, f.2, f.3, f.4, f.5, h.1, h.2, h.3, l.1, l.2, l.3, m.1, m.2, m.3, 0.2, 0.3, p.3, r.1 r.2, r.3, s.1, t.1, t.2, w.1. The City Council further establishes a fee of $15.00 for inspection or permit of required Local, State or Federal licensing.

Any non-profit or government agency requiring inspection or issuance of a permit may request an exemption of fees from the City Council. Fees shall be reviewed and adjusted as necessary by the City Council.

15.01.940  Establishment Of Limits Of Districts In Which The Storage Of Explosive And Blasting Agents Are Prohibited

The limits referred to in Section 7701.7.2 of the Uniform Fire Code in which the storage of explosive and blasting agents is prohibited are hereby established as the city limits.

15.01.950  Establishment Of Limits In Which Storage Of Liquefied Petroleum Gas Is To Be Restricted

The limits referred to in Section 8204.2 of the Uniform Fire Code restricting the storage of liquefied petroleum gas is hereby established as the city limits.
15.01.960 Limits Of Districts For Storage Of Flammable Or Combustible Liquids In Outside Aboveground Tanks Is Prohibited

A. The limits referred to in Section 7902.2.2.1 of the Uniform Fire Code in which the storage of flammable liquids in aboveground tanks outside of buildings is prohibited are hereby established as the city limits.

B. New bulk plants shall be permissible only in the M zone as set forth in the city zoning regulations. New bulk plants shall be prohibited in all other zones.

15.01.970 Abatement Of Hazards

There is hereby added to Article I of the Uniform Fire Code Section 103.4.7, entitled Abatement of Hazards, which shall read as follows:

In situations where immediate abatement of a fire hazard or other potentially hazardous condition as required, the Chief shall have the authority to abate such hazard immediately. This may include, but is not limited to, confiscation of flammable liquids, fireworks, removing hazardous wiring and adapters, temporary closure of commercial occupancies, extinguishing illegal fires and any other similar hazards, determining no smoking and ceasing operating of any type of apparatus that may be a danger to life or property. Costs of abatement shall become a lien upon the property affected. All affected persons shall be notified of action taken as soon as possible.

15.01.980 Amendments Made In The Uniform Fire Code

The Uniform Fire Code is amended and changed in the following respects:

A. Section 7802.3 of the Uniform Fire Code is deleted from said Fire Code and replaced with the following:

The retail sales and use of safe and sane fireworks is defined by the California Health and Safety Code are permitted within the City of Live Oak when all of the following requirements are met in addition to the requirements of the Health and Safety Code and the State Fire Marshall’s regulations:

(1) A permit to engage in the retail sales of safe and sane fireworks must be obtained from the Fire Department;

(2) Fireworks stands or storage shall not be located closer than 100 feet to the nearest structure nor located in any area zoned as residential as set forth in Title 8 of this Code;

(3) Any person, firm, corporation or organization applying for a retail sales fireworks permit shall furnish the City of Live Oak and the Live Oak Fire Department satisfactory proof of insurance which shall contain the following provisions:

(a) The City of Live Oak, its officers, officials, employees and/or volunteers are to be included as insurers.

(b) The licensee’s insurance coverage shall be primary in all instances other than those resulting from the sole negligence on the part of the City of Live Oak.

(c) Insurance coverage of the licensee shall not be suspended, voided, canceled or reduced in coverage or in limits without thirty (30) day prior written notice being given to the City of Live Oak by certified mail with return receipt requested.
(d) The minimum scope of insurance shall be at least as broad as commercial General Liability
coverage (occurrence Form CG 0001) with limits no less than $1,000,000.00 per occurrence for
bodily injury, personal injury and property damage. Any deductible in excess of $500.00 per
occurrence shall be declared and approved by the City of Live Oak.

(e) Any insurance carrier utilized to satisfy (d) above shall have a current A.M. best rating of a
VII or better;

(4) At least one 2—A water type fire extinguisher with current servicing or a 5/8 inch or larger
garden hose not exceeding 150 feet with attached trigger type nozzle and attached to open faucet
must be in the sales area; and

(5) Use of fireworks in any manner which might be detrimental to health, safety and welfare of
any person is prohibited.

B. Section 901.4.4 of the Uniform Fire Code shall have added to it the following:

Any business conducted in a commercial occupancy which affords vehicular access to the rear
through any driveway, alleyway or parking lot shall also display the fronting street address on
the rear of the building. At the main entrance driveway to each multiple dwelling complex there
shall be positioned where responding emergency units can read it from the street and illuminated
diagrammatic representation of the complex which lists the unit addresses thereof.

C. Section 1102.2.1 of the Uniform Fire Code is amended as follows: after the end of the
paragraph, add a new sentence “Burn barrels are prohibited.”

D. Section 1102.3.1 of the Uniform Fire Code is amended by adding a new sentence, “Burning
hours are hereby set as Wednesday and Saturday from 9:00 a.m. to 3:00 p.m.”

E. Section 1102.3.3 of the Uniform Fire Code is amended by adding a new sentence to read as
follows:

The burning of garbage and wet or green rubbish, leaves or other green or wet plant material,
whether in open or incinerator is prohibited.

15.01.990  New Materials, Processes Or Occupancies Which May Require Permits

The board of appeals as hereinbefore established shall act as a committee to determine and
specify after giving affected persons an opportunity to be heard, any new materials, processes or
occupancies for which permits are required in addition to those now enumerated in this code.
The Chief of the Bureau of fire Prevention shall post such list in a conspicuous place in his office
and distribute copies thereof to interested persons.

15.01.1000  Appeals

The Board of Appeals which is the subject of 103.1.4 of the Uniform Fire Code, 1997 Edition,
shall be the same body as established in Section 15.01.120 (B) relating to the adoption of the
Uniform Building Code, 1997 Edition. The regulations adopted by said board pursuant to said
Section 15.01.120 (B) shall apply to appeals under the Uniform Fire Code, 1997 Edition.

15.01.1010  Violations And Penalties

Any person who shall violate any provision of the Uniform Fire Code or Standards as adopted or
fail to comply therewith or who shall violate or fail to comply with any order made thereunder or
who shall build in violation of any detailed statement of specifications or plans submitted and
approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor and upon conviction thereto, shall be punishable by:

A. A fine not to exceed fifty dollars for the first violation;

B. A fine not to exceed one hundred dollars for a second violation of the same code provision within one year; and

C. A fine not to exceed two hundred fifty dollars for each additional violation of the same code provisions within one year.

Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code or this chapter is committed, continued or permitted by such person and shall be punished accordingly. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects. The application of the above penalty shall not be held to prevent the enforced removal of any prohibited conditions. (Ord. 426 §1 (part), 1996; Ord. 385 § 2 (part), 1992, Ord. 451, § 1, 1999)

Chapter 15.08 - PROPERTY DEVELOPMENT DESIGN REVIEW PROCEDURES AND STANDARDS

Sections:

15.08.010 Purpose

The purpose of development design review is to improve upon the City’s appearance by providing guidance through high quality development standards for site and building design for all types of development within the City. (Ord. 401 § 1 (part), 1993, Ord. 534, 2011)

15.08.020 Design Review—Required

The City Council may from time to time adopt by resolution design review procedures and standards that provide for the improved appearance of new development and major site and building remodels. (Ord. 401 § 1 (part), 1993, Ord. 534, 2011)
15.08.030  Design Review Process

A. The design review process, including approval, approval with modifications or conditions, or denial shall be conducted by the Planning Department. The determination for approval, approval with modifications or conditions, or denial shall be determined by the project’s decision making authority provided in Chapters 17.35 and 17.36 of the City of Live Oak Zoning Regulations, as follows:

1. Projects subjected to development plan review or a zoning clearance: Community Development Director.

2. Projects subject to a use permit, variance or rezoning: Planning Commission.

15.08.040  Application for Design Review

A. Content of Applications. Applications for design review shall be submitted together with four copies and shall contain at least the following information:

1. A completed application form provided by city staff;

2. A site plan of the property involved in the building project, drawn accurately to a scale of one inch equals twenty, thirty or forty feet showing all pertinent information with complete location and size dimensions related to the site including:

   a. Property lines, existing and proposed,

   b. Existing and proposed building footprints,

   c. Location, widths, improvements and names of adjacent streets, alleys, and rights-of-way,

   d. Existing and proposed parking spaces and aisles,

   e. Existing easements affecting the property,

   f. Existing and proposed landscaped areas, including the name, canopy area and condition of any trees on the site having a diameter of three inches or more as measured one foot from ground level, and similar information on proposed landscaping,

   g. Existing and proposed walls, fences, drive ways, sidewalks, signs, trash enclosures, mechanical equipment, utility services and other minor improvements on the site;

3. Elevations of all construction existing or proposed on the site showing:

   a. All elevations of existing and proposed buildings, walls, fences and other above ground construction,

   b. Prescriptions of all materials and colors to be used on the exterior of existing and proposed buildings, walls, fences and other above ground construction,

   c. Type and color of roofing,

   d. Stairs, ramps, balconies, carports, awnings, sun shades, utility meters, and refuse storage areas,

   e. Location of all exterior mounted mechanical equipment, including roof mounted equipment;
4. A landscape plan showing the following:
   a. Location of existing and proposed landscape areas,
   b. Size and spacing of all plantings,
   c. Latin and common name for each planting material,
   d. Approximate diameter of the drip life and shading area of all trees after fifteen years of normal growth,
   e. Method of irrigation;
5. A rendering showing how the proposed building will integrate with the visual context and pattern of the neighborhood and the city or will improve upon the neighborhood and city’s appearance. (Use of photographs is encouraged.);
6. A fee to cover the costs of review in the amount of three hundred dollars ($300.00);

B. Modifications and Deviations. Modifications to and deviations from plans and drawings approved pursuant to an application made as provided above may be considered upon submission of drawings and plans with appropriate revisions showing those changes. (Ord. 401 § 1 (part), 1993)

15.08.050 Standards For Review of Applications

Design elements usually involved in architectural review processes include site design, building design and sign design. The following discussion provides fundamentals of the design elements to be looked at when examining projects:

A. Site design. The layout of a site plan shall incorporate four elements: existing and/or proposed buildings on the site, parking and on-site pedestrian and vehicular circulation, landscaping and amenities, and relationship to the neighborhood. All of those elements must be dealt with in the contest of existing landscape and topographic features and the size, shape and location of the site to be developed.

   a. Buildings should be placed on the site so as to provide strong functional relationship with the site. Inaccessible and unusable yard space should be avoided by integration into the overall use plan. Additions to existing buildings or additional buildings on the site should be laid out so as to eliminate or improve on prior errors in site design.
   b. Building frontage setbacks should be appropriate for the use proposed and consistent with the surrounding neighborhood. Single-family residential neighborhoods should have varied setbacks. Apartments and retail should have usable front porches and active windows, respectively, immediately adjacent to pedestrian ways to stimulate neighborhood vitality.
   c. Building placement on the site should provide for safety and privacy on adjacent property. Orientation of buildings on the site should also provide for solar and energy efficiency as well as solar access to adjacent property. Eaves, arcades and canopies should be included to provide shade in city.

2. Circulation.
a. Separate pedestrian and vehicular circulation systems should be provided wherever possible. Major driveways should not be used as maneuvering areas for parking spaces. Two-way traffic on diagonal parking layouts should be voided. One-way lanes in parking lots must have separate ingress and egress drives. Driveway entrances to major streets should be shared. Corner lot development should be designed so that street/driveway intersections are as far from cross-street intersections as possible.

3. Landscaping.

a. The city already has landscape standards within the zoning regulations. On-site landscaping should be designed to enhance the use of the property and to visually fit into or enhance the existing adjacent streetscape.

b. Trash enclosures, storage areas, service yards, loading docks and ramps, utility boxes, mechanical equipment and other similar features on the site should be completely screened from view and the screening easily maintained. Landscape furniture and lighting should be compatible with the building design, the site and the surrounding area.

4. Relationship to the Neighborhood.

a. As noted subsections (A)(l), (A)(2) and (A)(3) of this section, all functions of design should relate to the design of the neighborhood around the site.

b. Buildings. Building design should be harmonious with its surroundings. Harmony can be created by establishing design linkages with adjacent buildings. Linkages with surroundings are described below. When no linkages exist in a block or neighborhood, the building design must help define, unify and contribute positively to the visual context.

i. Roof Pitch and Scale. The roof lines of buildings within a project and within a neighborhood should be unified by a similarity of roof pitch, height, width and depth. Parapets and mechanical equipment should not be visible from adjacent buildings or grounds. Eaves, arcades and canopies should be used to provide shaded pedestrian ways.

ii. Spacing Between Buildings. Spacing between buildings and the building facades should clearly define usage and continue or establish the visual rhythm in building frontages along a street.

iii. Setbacks. Varying setbacks of elements of a single building or several buildings should be used to create a sense of depth and solidity. Setbacks should also relate to building usage.

iv. Proportion of Openings and Spaces. Link ages between buildings on the same or adjacent sites should be created by similarly proportioned doorways, windows, bays and other spaces. Vertical and horizontal elements of buildings should tie adjacent buildings together.

v. Massing Form. The volume and mass of a building should be blended into the viewscape by repeating geometric shapes and components sized to reflect adjacent building forms.
vi. Entry Ways. Entrances to buildings should be clearly defined and share common qualities of depth, height, etc., with those on adjacent buildings. Entrances should be designed to relate to public spaces and adjacent building access points.

vii. Detailing. Porches, overhangs, window and door trim and wall texture and color should fit into the established pattern of the neighborhood. (Ord. 401 § 1 (part), 1993)

15.08.060 Compliance—Required
All buildings, structures, landscaping, grounds and site improvements shall be constructed and installed in accordance with the drawings, plans and renderings approved. Any modification to, or deviation from, the approved drawings and plans shall be approved in advance of making such change(s). (Ord. 401 § 1 (part), 1993)

15.08.070 Appeal
A. All design review decisions may be appealed, as provided in Subsection 17.37.070 of the Zoning Regulations (Ord. 401 § 1 (part), 1993)

15.08.080 Termination of Approval
A. Termination. Any design approval granted pursuant to the provisions of this chapter shall become null and void one year following the date of approval, unless a building permit is issued and construction is begun within one year from the approval date. (Ord. 401 § 1 (part), 1993)

Chapter 15.21 - FLOOD DAMAGE PREVENTION

Sections:

15.21.010 Statutory authorization.
15.21.020 Findings of fact.
15.21.030 Statement of purpose.
15.21.040 Definitions.
15.21.050 Lands to Which This Chapter Applies
15.21.060 Basis For Establishing The Areas of Special Flood Hazard.
15.21.070 Enforcement
15.21.080 Abrogation and Greater Restrictions.
15.21.090 Interpretation.
15.21.100 Application to Government Agencies
15.21.110 Designation of the Floodplain Administrator
15.21.120 Duties & Responsibilities of the Floodplain Administrator
15.21.130 Scope
15.21.140 Development Permit
15.21.010  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 of Live Oak does hereby adopt the following floodplain management regulations. (Ord, 318 § 1 (part), 1988)

15.21.020  Findings Of Fact

(a) The flood hazard areas of the City of Live Oak 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 hazard which increase flood heights and velocities also contribute to flood losses. (Ord. 318 § 1 (part), 1988)

15.21.030  Statement Of Purpose

It is the purpose of this ordinance 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 the 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. 318 § 1(part), 1988)

15.21.040 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) "A Zone" shall have the same meaning as “Special Flood Hazard Area”.

(b) “Accessory Structure” means a structure that is either:

   (1) Solely for the parking of no more than 2 cars; or

   (2) A small, low cost shed for limited storage, less than 150 square feet and $1,500 in value.

(c) "Accessory Use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

(d) "Alluvial Fan" means 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.
(e) "Apex" means 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.

(f) "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

(g) “Applicant” means any person who submits an application for a permit pursuant to this chapter.

(h) "Area of Shallow Flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; 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.

(i) "Area of Special Flood Hazard" shall have the same meaning as "Special Flood Hazard Area."

(j) "Barn" means a structure designed and constructed to house farm implements and other agricultural products. The structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.

(k) "Base Flood" means a flood which has a one percent 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.

(l) “Base Flood Elevation” (BFE) means 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 1-percent or greater chance of being equaled or exceeded in any given year.

(m) "Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

(n) “Council” means the City Council of the City of Live Oak.

(o) “City Council” means the legislative body of the City of Live Oak.

(p) "Breakaway Walls" are any type of walls, whether solid or lattice, and where constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high water load or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than
ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

(1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and

(2) The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

(q) "Building" shall have the same meaning as "Structure".

(r) “County” means the County of Sutter.

(s) “Specifications” means the City Design Standards and other standards included in applicable City ordinances, regulations and manuals, as amended from time to time.

(t) "Development" means any man made 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. For the purposes of this chapter, the following activities shall not be considered development:

(1) Normal agricultural activities; or

(2) Residential and commercial landscape maintenance.

(u) “Enclosure or Enclosed Area” means an area below the base flood elevation plus required freeboard that is constructed to disallow equalization of hydrostatic pressure

(v) "Encroachment" means 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.

(w) "Existing Manufactured Home Park or Subdivision" means 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) which was completed before April 5, 1988.

(x) "Expansion to an Existing Manufactured Home Park or Subdivision" means 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).

(y) "Flood, Flooding, or Flood Water" means:
(1) 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

(2) The condition resulting from flood related erosion.

(z) "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Live Oak.

(aa) "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

(bb) "Floodplain or Flood Prone Area" means any land area susceptible to being inundated by water from any source - see "Flooding."

(cc) "Floodplain Administrator" is the community official designated by title to administer and enforce the floodplain management regulations. In the City of Live Oak the Chief Building Official is the Floodplain Administrator or appointed designee.

(dd) "Floodplain Management" means 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.

(ee) "Floodplain Management Regulations" means 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.

(ff) "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved 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.

(gg) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."
(hh) “Floodway Encroachment Lines” means the lines marking the limits of floodways on Federal, state, and local floodplain maps.

(ii) "Floodway Fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

(jj) "Fraud and Victimization" as related to Sections 15.21.240 through 15.21.280 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 Live Oak will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred 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.

(kk) "Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

(ll) “Garage” means a detached accessory building on the same lot as a dwelling or a portion of a main building for the housing of noncommercial vehicles of the occupants of the dwelling.

(mm) "Governing Body" is the local governing unit, i.e. city or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

(nn) “Grading” means the act or result of digging, excavating, transporting, spreading, depositing, filling, compacting, settling, or shaping of land surfaces and slopes, and other operations performed by or controlled by human activity involving the physical movement of rock or soil.

(oo) "Hardship" as related to Sections 15.21.240 through 15.21.280 of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The County of Sutter 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.
(pp) "Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(qq) "Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. 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;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. 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.

(rr) "Levee" means a man made 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.

(ss) "Levee System" means 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.

(tt) "Local Flood Hazard Area” means an area having flood hazards as determined by the Floodplain Administrator, and which is supplemental to federally defined special flood hazard areas.

(uu) "Lowest Adjacent Grade” means the lowest elevation, after construction, of the ground surface, sidewalk, patio slab, or deck support immediately next to the perimeter of a building.

(vv) "Lowest Floor" means the lowest floor of the lowest enclosed area, including basement (see “Basement” definition). 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 non-elevation design requirements, including, but not limited to:

1. The flood openings standard in Section 15.21.180 (C);

2. The anchoring standards in Section 15.21.160;
(3) The construction materials and methods standard in Section 15.21.170; and

(4) The standards for utilities in Section 15.21.190.

(ww) "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(xx) "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(yy) “Market Value” shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

(1) The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.

(2) The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence.

(3) Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

(zz) "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.

(aaa) "New Construction" for floodplain management purposes, means structures for which the "start of construction" commenced on or after April 5, 1988, and includes any subsequent improvements to such structures.

(bbb) "New Manufactured Home Park or Subdivision" means 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) was completed on or after April 5, 1988.
“Normal agricultural Activities" means plowing, seeding, cultivating, minor drainage, harvesting, field leveling outside defined watercourses, contouring, and planting.

"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.

"One Hundred Year Flood" or "100 Year Flood" shall have the same meaning as "Base flood."

“Permittee” means the person in whose name a valid permit is issued pursuant to this chapter and the person's agents, employees and designated representatives.

“Person” means any individual, corporation, partnership, association of any type, public agency or any other legal entity.

“Program Deficiency” means 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 Division 6 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" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self propelled or permanently towable by a light duty truck; and,
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
(iii) "Remedy a Violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the chapter or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

(mmm) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(nnn) "Sheet Flow Area" shall have the same meaning as "Area of Shallow Flooding."

(ooo) "Special Flood Hazard Area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on a FIRM as Zone A, AO, A1 A30, AE, A99, or AH.

(ppp) "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 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.

(qqq) "Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

(rrr) "Substantial Damage" means:

(1) Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred; or

(2) Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. This is also known as "repetitive loss."
"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent 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. The term does not, however, include either:

1. 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,

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means 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" means 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" means 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. Roadside ditches, irrigation canals and minor local swales may or may not be deemed watercourses. The floodplain administrator shall make the final determination whether a conveyance or other topographic feature constitutes a watercourse.

15.21.050 Lands to Which This Chapter Applies
This chapter shall apply to all areas of special flood hazards and local flood hazards within the jurisdiction of the City of Live Oak. The area of applicability of this chapter may be supplemented by the Floodplain Administrator based upon the best available information, which may include any base flood elevation and floodway data available from a federal or state agency, or other source, other flooding studies, measured high water elevations from historic flooding events, local topography, or other available information. These areas shall be referred to as local flood hazard areas.

15.21.060 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 Live Oak, California” dated March
23, 1984, with accompanying Flood Insurance Rate Maps (FIRMs), dated March 23, 1984 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 City Council by the Floodplain Administrator. The FIS and FIRMs are on file at 9955 Live Oak Boulevard, Live Oak, and Ca. 95953. (Ord. 524 § 1 (part), 2010)

15.21.070 Enforcement
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 Council from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 524 § 1 (part), 2010)

15.21.080 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. 524 § 1 (part), 2010)

15.21.090 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. 524 § 1 (part), 2010)

15.21.100 Application to Government Agencies
The provisions of this chapter shall apply to all government agencies and local agencies, their officers, employees, or agents, to the extent authorized by law. (Ord. 524 § 1 (part), 2010)

15.21.110 Designation of the Floodplain Administrator
The Chief Building Official is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 524 § 1 (part), 2010)

15.21.120 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 neither increase the water surface elevation of the base flood more than one foot at any point within the City of Live Oak nor adversely affect adjacent property owners; and,

(5) All Letters of Map Revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building Permits shall 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) Substantial Improvement and Substantial Damage. The City shall utilize FEMA publication FEMA 213, “Answers to Questions About Substantially Damaged Buildings,” for identifying and administering requirements for substantial improvement and substantial damage.

(c) Review, Use and Development of Other Base Flood Data. When base flood elevation data has not been provided within the current “Flood Insurance Study (FIS) for the City of Live Oak, California or accompanying Flood Insurance Rate Maps (FIRMs), 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 provisions relating to Flood Hazard Reduction. This responsibility for reasonable review does not relieve the responsibility or liability of a registered engineer who develops base flood elevations for use in an approximate Zone A area. A base flood elevation shall be developed using the detailed methods as described in the most current edition of FEMA publication, FEMA 265, “Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations”. The simplified methods presented in FEMA 265 are not sufficient for completing an Elevation Certificate.

(d) Notification of Other Agencies.

(1) Alteration or relocation of a watercourse:

   (i) Notify affected communities and the California Department of Water Resources prior to alteration or relocation;

   (ii) Submit evidence of such notification to the Federal Emergency Management Agency; and,
(iii) 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:**

(i) Within 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).

(ii) All LOMRs for flood control projects are approved prior to the issuance of building permits. Building Permits shall 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 the City of Live Oak Municipal Code Section 15.21.180 (a) (elevation or floodproofing of residential structures);

(2) Certification required by the City of Live Oak Municipal Code Section 15.21.180 (b) (elevation or floodproofing of nonresidential structures);

(3) Certification required by the City of Live Oak Municipal Code Sections 15.21.180 (c) (flood openings standard);

(4) Certification required by the City of Live Oak Municipal Code Section 15.21.200 (a) (3) (subdivisions and other proposed development standards);

(5) Certification required by the City of Live Oak Municipal Code Section 15.21.210 (c) (standards for manufactured homes);

(6) Certification required by Section 15.21.230 (b) (floodways); and

(7) 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 this chapter.

(g) **Remedial Action.** Take action to remedy violations of this chapter as specified in this Floodplain Management Ordinance.

(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. 524 § 1 (part), 2010)

15.21.130 **Scope**

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. 524 § 1 (part), 2010)

15.21.140 **Development Permits**

A development permit shall be obtained before any construction, substantial improvements or other development, including manufactured homes, within any area of special flood hazard as identified on the current Flood Insurance Rate Maps (FIRMs) for the City of Live Oak. Application for a development permit shall be made on forms furnished by the City of Live Oak Building Department. 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 (BFE) information as specified in the City’s Floodplain Management Ordinance;

(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 Section 15.21.180(b) of this chapter and detailed in the Federal Emergency Management Agency (FEMA) Technical Bulletin TB 3-93.

(b) Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets either the elevation criteria or the floodproofing criteria in Section 15.21.180(b) (2).

(c) For a crawl-space foundation, location and total net area of foundation openings as required in Section 15.21.180(e) 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 the City’s Floodplain Management Ordinance. All new construction, substantial improvement and/or lateral additions shall require submittal of a National Flood Insurance Program – Elevation Certificate.

(f) For improvements and repairs to existing structures with the lowest floor below the BFE in a Special Flood Hazard Area (SFHA), applicant must provide evidence that such proposed improvements or repairs do not constitute substantial improvements or repairs to the structure prior to obtaining a building permit. For repairs to structures damaged by flood, fire or other disasters, such evidence must be in accordance with FEMA 213: “Answers to Questions About Substantially Damaged Buildings.” (Ord. 524 § 1 (part), 2010)

15.21.150 Standards for Construction

All new construction or substantial improvement within special flood hazard areas and/or local flood hazard areas shall comply with the standards set forth in Sections 15.21.160 through 15.21.230. (Ord. 524 § 1 (part), 2010)

15.21.160 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. (Ord. 524 § 1 (part), 2010)

15.21.170 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 less than one foot above 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 flood waters around and away from proposed structures.

(5) If fill is placed at a site to elevate a building pad above the base flood elevation, then buildings constructed within flood hazard areas must be constructed on compacted fill in accordance with the Construction Specifications or at least 90% density per ASTM-D1557 (known as Modified Proctor) and extending at least five feet beyond the building foundation walls before dropping below the base flood elevation and shall include appropriate protection from erosion and scour. The design of the fill must be approved by a registered professional engineer. (Ord. 524 § 1 (part) 2010)

15.21.180 Elevation And Floodproofing

(a) Residential Construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

(1) In AE, AH, A1-30 Zones, elevated at least one foot above the BFE.

(2) In an AO Zone, elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least one foot, or elevated at least three feet above the highest adjacent grade if no depth number is specified.

(3) In an A Zone, without BFE’s specified on the FIRM [unnumbered A zone], elevated at least one foot above the base flood elevation as determined by methods comparable to those in a Flood Insurance Study or by using the detailed methods as described in the most current edition of FEMA publication, FEMA 265, “Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations” or any successor FEMA document.
(4) In all other Zones and in local flood hazard areas, elevated at least one foot above the base flood elevation shown on the flood insurance rate map or one foot above the locally-determined base flood elevation if that elevation is higher. In Zone X, a condition of granting any building permit for construction outside a subdivision shall be that the lowest floor shall be placed at an elevation, as determined by a registered engineer, which will protect the structure from inundation as a result of a storm with a 100-year recurrence interval. If the Floodplain Administrator determines that developing data to establish the 100-year storm inundation elevation would be excessively expensive, the Floodplain Administrator may alternatively approve a lowest floor elevation which is one foot above the centerline of the closest city street at a point closest to the building site. This requirement shall exclude detached garages, accessory buildings and agricultural shops, provided that the owner signs an indemnity agreement for any future damages by flooding.

Certification and verification of building elevations shall be in the form of a National Flood Insurance Program – Elevation Certificate. At first form inspection, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor. Such certification or verification shall be provided to the Floodplain Administrator. 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 City of Live Oak Building Inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(b) Nonresidential Construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform to Section 15.21.180(a) or:

(1) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 15.21.180(a), so that the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered civil engineer or architect that the standards of Section 15.21.160 & Section 15.21.170 are satisfied. Such certification shall be provided to the Floodplain Administrator. Certification and verification of floodproofing design shall be in the form of a National Flood Insurance Program – Floodproofing Certificate.

(c) 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 be certified by a registered civil engineer or architect, or must meet the following minimum criteria:

(1) Have a minimum of two 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 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 flood water to directly enter.

(d) Garages and Low Cost Accessory Structures.

(1) Attached garages:

(i) 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 flood waters. Areas of the garage less than one foot above the BFE must be constructed with flood resistant materials.

(ii) 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.

(2) Detached garages and accessory structures:

(i) “Accessory structures” used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 15.21.040, may be constructed such that its floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

1. Use of the accessory structure must be limited to parking or limited storage;
2. The portions of the accessory structure located less than one foot above the BFE must be built using flood-resistant materials;
3. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
4. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to at least one foot above the BFE;
5. The accessory structure must comply with floodplain encroachment provisions in Section 15.21.230; and
6. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 15.21.180(e).
(ii) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Sections 15.21.160 through 15.21.230.

(e) **Crawlspace Construction.** This sub-section applies to buildings with crawl spaces up to two feet below grade. Below-grade crawlspace construction in accordance with the requirements listed below will not be considered basements.

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;

2. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;

3. Portions of the building less than one foot above the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials less than one foot above the BFE;

4. Any building utility systems within the crawlspace must be elevated a minimum of one foot above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

5. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01;

6. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet (shown as L in figure 3 of Technical Bulletin 11-01) at any point;

7. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event, not to exceed 72 hours; and,

8. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

(f) **Gas or Liquid Storage Tanks.** This sub-section applies to gas or liquid storage tanks. Construction and installation shall be in accordance with the requirements listed in FEMA

15.21.190 Standards For Wet Utilities

(a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

(1) Infiltration of flood waters into the systems; and,

(2) Discharge from the systems into flood waters.

(b) On site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding. (Ord. 524 § 1 (part) 2010)

15.21.200 Standards For Subdivisions & Other Proposed Development

(a) All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, shall:

(1) Identify the Special Flood Hazard Areas (SFHA) and 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:

(i) Lowest floor elevation.

(ii) Pad elevation.

(iii) 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. 524 § 1 (part) 2010)
15.21.210 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 at least one foot 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 Section 1780-545(a) 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 least one foot 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 36 inches in height above grade.

(c) 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. 524 § 1 (part) 2010)

15.21.220 Standards For Recreational Vehicles

All recreational vehicles placed in Zones A1-30, AH, and AE will either:

(a) Be on the site for fewer than 180 consecutive days; or

(b) Be fully licensed and ready for highway use or meet the permit requirements of Section 15.21.140 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 15.21.210.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (Ord. 524 § 1 (part) 2010)

15.21.230 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 of the chapter 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.

The need to protect citizens from flooding 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 shall be 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. 524 § 1 (part) 2010)

15.21.240 Conditions For Variances

(a) Variances to allow wet floodproofing of new or substantially improved non-residential structures may be issued for the following categories of Structures:

- Structures functionally dependent upon close proximity to water;
- Accessory Structures used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds); and
- Agricultural structures used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock.

(b) Variances may also be issued for the repair or rehabilitation of "historic structures" (as defined in Section 15.21.040 of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an 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 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 Council 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 Council 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 $25 for $100 of insurance coverage, and

(2) Such construction below the base flood level increases risks to life and property. The Floodplain Administrator may record a copy of the notice in the Office of the Sutter County Recorder which 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. (Ord. 524 § 1 (part) 2010)

15.21.250 City Council Guidelines

(a) In passing upon requests for variances, the Live Oak 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 flood waters 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.

(b) 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 laws or ordinances.

(c) 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 provisions of Sections 15.21.260(a) through 15.21.260(d) are satisfied and that the structure or other 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.

(d) Upon consideration of the factors of Section 15.21.250(a) and the purposes of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 524 § 1 (part) 2010)

15.21.260 Appeals

The City Council of the City of Live Oak 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. 524 § 1 (part) 2010)

15.21.270 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 man made 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 Live Oak, 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. 524 § 1 (part) 2010)

15.21.280 Severability

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 524 § 1 (part) 2010)

Chapter 15.43 - HISTORIC PRESERVATION ORDINANCE

Sections:

15.43.010 Title.
15.43.020 Purpose.
15.43.030 Review committee.
15.43.040 Powers and duties.
15.43.050 Cultural resource designation criteria
15.43.060 Cultural resource designation procedure.
15.43.070 Permit required.
15.43.080 Application for permit.
15.43.090 Procedure on application.
15.43.100 Criteria for evaluating application for permit.
15.43.110 Restriction to exterior features only.
15.43.120 Special considerations.
15.43.130 Limitation on applications.
15.43.140 Exceptions from regulations.
15.43.150 Appeal.
15.43.160 Enforcement.
15.43.170 Penalties.
15.43.010 Title
This chapter shall be known as the “Historic of Live Oak, Preservation Ordinance” of the city of Live Oak, California. (Ord. 424 § 1 (part), 1995)

15.43.020 Purpose
The ordinance codified in this chapter is adopted to preserve areas and specific structures and objects in the city which reflect elements of its cultural, social, economic, political and architectural history; to promote their use for the education and welfare of the residents of the city; to encourage tourists to visit the city; to stabilize and improve property values in historic areas, structures and objects for the ultimate aesthetic and economic benefit of the city; and to provide increased availability to building owners of various construction code, financing aids and tax benefits permitted under state and federal laws when buildings have designated historical landmark status or lie within a designated historical district. (Ord. 424 § 1 (part), 1995)

15.43.030 Review Committee
A review committee comprised of the City Council shall act as a historical preservation commission. (Ord. 424 § I (part), 1995, Ord. 503 §1, 2007, Ord. 514 §1, 2008)

15.43.040 Powers And Duties
The commission shall have the following powers and duties:
A. To undertake a comprehensive historic resources inventory and maintain a historic register;
B. To establish various criteria, guidelines and standards to carry out the intent of this chapter;
E. To recommend and as appropriate finance ways to fund and to otherwise make financially feasible the protection of historical landmarks and historical districts in the city;
F. To implement the historic preservation goals and policies of the General Plan and the ordinance codified in this chapter by developing information and programs to increase awareness of, preservation of, and use of historical landmarks and historical districts in the city; and (Ord. 424 § 1 (part), 1995)

15.43.050 Cultural Resource Designation Criteria
For the purposes of this chapter, an improvement, natural feature or site may be designated a cultural resource by the city council and any areas within the city may be designated an historic district by the council pursuant to Section 15.43.080 if it meets the criteria for listing on the National Register of Historic Places or the following:
A. It exemplifies or reflects special elements of the city’s cultural, social, economic, political, aesthetic, engineering, architectural or natural history;
B. It is identified with persons or events significant in local, state or national history;
C. It embodies distinctive characteristics of a style, type, period or method of construction or is a valuable example of the use of indigenous materials or craftsmanship;
D. It is representative of the work of a notable builder, designer or architect;
F. It contributes to the significance of an historic area, being a geographically definable area possessing a concentration of historic or scenic properties or thematically related grouping of
properties which contribute to each other and are unified aesthetically by plan or physical development;

F. It has a unique location or singular physical characteristics or is a view or vista representing an established and familiar visual feature of a neighborhood, community or the city of Live Oak;

G. It embodies elements of architectural design, detail, materials or craftsmanship that represent a significant structural or architectural achievement or innovation;

H. It is similar to other distinctive properties, sites, areas or objects based on a historic, cultural or architectural motif;

I. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes or distinctive examples of park or community planning;

J. It is one of the few remaining examples in the city, region, state or nation possessing distinguishing characteristics of an architectural or historical type or specimen. (Ord. 424 § 1 (part), 1995)

15.43.060  Cultural Resource Designation Procedure

A. The city council may designate a landmark or historical district upon compliance with the following procedure:

1. Information concerning the proposal shall be filed with the planning department and shall include:
   a. The assessor’s parcel number for the site;
   b. A description detailing the special aesthetic, cultural, architectural, or engineering interest or value of a historic nature;
   c. A map outlining the subject area;
   d. Sketches, drawings, photographs or other descriptive material showing what is to be preserved;
   e. A statement of condition of the structure, object, or particular place:
   f. Such other information as reasonably may be requested by the committee.

2. The proposal shall be considered at a public hearing. Notice of the time, place and purpose of such hearing shall be given by the committee staff in a newspaper of general circulation in the city and by mail to each owner of property subject to the proposed designation as a landmark or inclusion in the historical district, and adjacent property owners, not less than ten calendar days prior to the date of hearing.

3. Recommendation of designation of all or part of the proposal shall be based on enumerated facts which show that the standards contained in this chapter for designation as a historical landmark or a historical district have been met.

4. A proposal for recommendation of designation of residential, commercial and public building properties cannot be considered unless accompanied by written consent of a majority of property owners.
B. The city council shall approve, modify or disapprove the recommendation upon compliance with the following procedure:

1. A public hearing on the matter shall be scheduled for the next regular meeting consistent with demands of the agenda. Notice of the time, place and purpose of such hearing shall be given by the designated city representative in a newspaper of general circulation in the city and by mail to each owner of property subject to the proposed designation as a landmark or inclusion in the historical district, and adjacent property owners, not less than ten calendar days prior to the date of hearing.

2. Approval of the recommendation for designation shall be by resolution of the city council. The designated city representative shall give written notice of such designation to each owner of property subject to the designation and other persons or agencies requesting notice thereof. (Ord. 424 § 1 (part), 1995)

15.43.070 Permit Required

No person shall demolish, remove, move make alterations which affect the exterior appearance of or cause excavations which affect the exterior appearance of a designated historical landmark or undertake the same with respect to any structure located in a designated historical district without first obtaining approval from the review committee; excepting there from, maintenance or repair work that does not change the design, material or exterior appearance thereof, or work authorized by the building official upon written approval of the building department. (Ord. 424 § 1 (part), 1995, Ord. 514 §1, 2008)

15.43.080 Application For Permit

A property owner who desires to construct, alter, move, remove or demolish a designated historical landmark or any structure within a designated historical district shall file an application with the building department upon a form prescribed by the city. The application shall include all necessary information required by the committee. When the application is filed, it shall be referred to the committee. (Ord. 424 § 1 (part), 1995, Ord. 514 §1, 2008)

15.43.090 Procedure On Application

A. Upon the filing of an application, the staff of the committee shall set the matter for hearing and shall give written notice to the applicant and shall cause publication of notice in a newspaper of general circulation in the city, of the date, time and place of the hearing. The committee shall hold a public hearing and shall make its decision within forty-five days from the date the application is filed with the building department. Approval of the application shall require an affirmative vote of a majority of the committee members present. If the committee fails to act within forty-five days, the application shall be considered approved unless the applicant and the committee agree to an extension of time.

B. At the conclusion of the hearing the committee shall make its decision and shall file a certificate of approval with the building official or deny the application. No person may do any work upon a designated historical landmark or any structure within a designated historical district which is a subject of an application and the building official may not issue a building permit until the committee files a certificate of approval.
C. Approved work shall be completed within one year from the date of approval unless substantially undertaken before such period has elapsed and diligently pursued thereafter. (Ord. 424 § 1 (part). 1995, Ord. 514 §1, 2008)

D. Regardless of any other action taken on the permit the applicant may proceed after 90 days with their plans including but not limited to alter, move, remove, remodel or demolition providing compliance with all other applicable portions of the municipal code. (Ord. 514 §1, 2008)

15.43.100 Criteria For Evaluating Application For Permit

In reviewing and acting upon each application for permit, the committee shall consider:

A. The historic value and significance, or the architectural value and significance, or both, of the designated historical landmark or of the structure within a designated historical district and its relation to the historic value of the surrounding area;

B. The relationship of the exterior architectural features of the structure to the rest of the structure itself and to the surrounding area;

C. The general compatibility of the exterior design, arrangement, texture and material which is proposed by the applicant;

D. Plans for structures which have little or no historical value or plans for new construction for their compatibility with surrounding structures;

E. Conformance with the guidelines and standards adopted by the committee and this chapter; and

F. Conformance with the Live Oak General Plan. (Ord. 424 § 1 (part), 1995, Ord. 514 §1, 2008)

15.43.110 Restriction To Exterior Features Only

The committee shall consider and pass upon only (i) the exterior features of a designated historical landmark unless the applicant voluntarily requests that interior features be included in the review, or (ii) new structures upon sites located within a designated historical district and may not consider interior arrangement therein. (Ord. 424 § 1 (part). 1995, Ord. 514 §1, 2008)

15.43.120 Special Considerations

A. If an application affects the exterior appearance of a structure or proposes to move, remove or demolish a structure which the committee considers will be a great loss to the city, the committee shall attempt to work out an economically feasible plan for the preservation of the structure.

B. If the committee is satisfied that the proposed construction or alteration will not materially impair the historic or architectural value of the structure, it shall approve the application for permit.

C. If the committee finds that the retention of the structure constitutes a hazard to public safety and the hazard cannot be eliminated by economic means available to the owner, the committee shall approve the application for demolition.

D. If the committee considers the structure valuable for the period of architecture it represents and important to the neighborhood in which it exists, the committee may nevertheless approve the application if any of the following circumstances exist:
1. The structure is a deterrent to a major improvement program which substantially benefits the city; and/or
2. Retention of the structure is not in the interest of the majority of inhabitants of the city.

E. The committee may approve the moving of a structure of historical or architectural value as an alternative to demolition. (Ord. 424 § 1 (part), 1995, Ord. 514 §1, 2008)

15.43.130  Limitation On Applications
No application for the same or substantially similar work may be filed within one year after the committee has rejected it. (Ord. 424 § 1 (part), 1995, Ord. 514 §1, 2008)

15.43.140  Exceptions From Regulations
The regulations contained herein which require approval by the committee do not apply to painting, routine maintenance or repair of a designated historical landmark or a structure within a designated historical district. (Ord. 424 § 1 (part), 1995, Ord. 514 §1, 2008)

15.43.150  Appeal
Any person dissatisfied with any action of the committee on a request for historical district or landmark designation may appeal the decision to the city council at any time within ten days after the rendition of the decision by the committee (unless additional time is granted by the committee). The appeal is taken by filing a notice of appeal with the staff of the committee. Upon filing of the notice of appeal and payment of a filing fee, the committee staff must, within ten days, transmit to the city manager or his designated representative all exhibits, notices, affidavits, orders and other papers and documents on file together with the finding of the committee.

The city council shall hold a hearing upon said appeal after giving written notice to the applicant and by causing a notice thereof to be published at least once in a newspaper of general circulation within the city of Live Oak at least ten days prior to said hearing by the city council.

No official action such as the issuance of a building permit, license or other type of permit shall be taken while an appeal or proceedings for designation are pending. (Ord. 424 § 1 (part), 1995)

15.43.160  Enforcement
The provisions of this chapter shall be enforced by the building official of the city with the aid of persons from such other departments as may be requested by the official. The provisions of the State Historic Building Code (California Administrative Code, Title 24, Part 8) shall be applicable in permitting repairs, alterations and additions necessary for the preservation, restoration, moving or continued use of a historical building or structure. (Ord. 424 § 1 (part), 1995, Ord. 514 §1, 2008)

15.43.170  Penalties
Any person who violates the provisions of this chapter shall be guilty of maintaining a public nuisance. The building official may mail written notice to the owner that a violation exists. The owner then shall have thirty days to remedy the violation. The notice shall state that if the violation is not corrected within the time specified, legal proceedings to abate the violation shall be instituted. (Ord. 424 § 1 (part). 1995, Ord. 514 §1, 2008)
Chapter 15.50 - DEVELOPMENT IMPACT FEES

Sections:

15.50.010 Purpose.
15.50.020 Development impact fee.
15.50.030 Limited use of development impact fees.

15.50.010 Purpose

In order to implement the goals and objectives of the Live Oak General Plan, to maintain existing levels of service, and to mitigate the impacts on city streets, parks, and governmental, police and fire facilities caused by anticipated new development within the city, certain public improvements must be constructed as development occurs. The city council of the city has determined that a development impact fee is needed to finance these necessary public improvements and to pay a fair share of acquisition and improvement costs and other costs necessary to implement the goals and objectives of the Live Oak General Plan and to maintain levels of service consistent with levels of service now enjoyed by citizens of the city. The city council has determined that the application of the fee is consistent with the city’s general plan and, pursuant to Section 65913.2 of the Government Code of the state of California, has considered the effects of the fee on meeting the city’s housing needs as established in the housing element and other elements of the city’s General Plan. (Ord. 381 § 3 (part), 1992)

15.50.020 Development Impact Fee

A. A development impact fee is established on issuance of all permits entitling construction of, or remodeling for change of use to create new residential units and new non-residential facilities within the city, to pay for costs of improvements necessitated thereby as described in Section 15.50.010. The city council shall, by ordinance, set forth the specific amount of the fee to be imposed, describe the benefit of the improvements required, list the specific public improvements to be financed, describe the estimated cost of the facilities and identify the reasonable relationship between the fee and different types of new development. After the development impact fee has been established by ordinance, the city council may from time to time adjust the development impact fee by resolution. The development impact fee shall be paid by the developer or owner prior to the issuance of a building permit. The city council may review the fees on an annual basis to determine whether the fee amounts are reasonably related to the burden of developments and whether the identified public facilities continue to be needed to serve the purposes identified in Section 15.50.010 above.

B. The development impact fees imposed by this chapter are independent of and not related to existing city capacity and connection fees or fees collected for acquisition of park land pursuant to other sections of this code.

C. The city council has determined, based on a study and analysis in accordance with Government Code Section 66000 et. seq. and following, that: a. projected new development will, create a demand for additional public improvements, facilities and equipment to serve that new development at the same level of service enjoyed by current development in the city; b. a direct relationship exists between the needed additional
public improvements, facilities and equipment and the new development and; c. estimated costs of the necessary public improvements, facilities and equipment to serve the new development are reasonable.

D. The City Council finds as follows:

1. The purpose of the development impact fees is to offset costs of remodeling, adding to or replacing existing facilities to meet the demands of additional development and growth.

2. The development impact fees will be used specifically for the purposes outlined in the attached report entitled City of Live Oak AB1600 Development Impact Fee Analysis dated March 15, 2011 as amended and attached hereto and incorporated herein by reference.

3. The development impact fees will only be applied where there is a reasonable relationship between the land use and the public improvement or facility as described in the attached report cited above.

4. The reasonable relationship between the need for the facilities to be funded by the fees and the specific development upon which the fees are imposed is as described in the attached report cited above.

5. The reasonable relationship between the amount of the fees and the cost of the public facilities or portion thereof attributable to the development affected is as described in the attached report cited above.

6. The proposed development impact fees have been considered; relative to their impact upon meeting the city’s housing needs.

7. The proposed transportation fee for the commercial category of non-residential development should be phased in to encourage commercial development. The proposed fee should be reduced by 45% from $14,197 to $7,808 for the transportation fee for the commercial category of non-residential development only. This temporary reduction may be reviewed at any time to determine if any adjustment is necessary based on the overall economic conditions of the city and the reduced fee may be adjusted from time to time by resolution of the city council.

8. The development impact fees shall be rounded up to the nearest whole dollar.

9. The development impact fees will be collected prior to the issuance of a building permit.

10. The City Council may from time to time adjust the development impact fees by resolution.

11. The development impact fees will be adjusted upward annually by the U.S. Department of Labor’s Bureau of Labor Statistics Consumer Price Index - All Urban Consumers, San Francisco All Items.
E. The development impact fees will be charged as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Transportation</th>
<th>Fire</th>
<th>Police</th>
<th>General</th>
<th>Corp Yard</th>
<th>Parks</th>
<th>Recreation</th>
<th>Community</th>
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</thead>
<tbody>
<tr>
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<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family</td>
<td>$3,011</td>
<td>$1,688</td>
<td>$610</td>
<td>$1,113</td>
<td>$636</td>
<td>$3,263</td>
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<td>Duplex (per unit)</td>
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<td>$795</td>
<td>$455</td>
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<td>$613</td>
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<tr>
<td>Multi Family (per unit)</td>
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<td>$1,085</td>
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<td>$716</td>
<td>$409</td>
<td>$2,098</td>
<td>$145</td>
<td>$552</td>
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<tr>
<td><strong>Non-Residential</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
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<td>$104</td>
<td>$190</td>
<td>$109</td>
<td>$139</td>
<td>$10</td>
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<tr>
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<td>$235</td>
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<td>$99</td>
<td>$57</td>
<td>$73</td>
<td>$5</td>
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</tbody>
</table>

15.50.030 Limited Use of Development Fees

The revenues raised by collection of development impact fees shall be placed in a separate and special account and such revenues, together with interest accrued to that account, shall be used solely to:

A. Pay for the construction of facilities described in the development impact fee analysis or resolution enacted pursuant to Section 15.50.020 above, or to reimburse the city for those facilities constructed by the city with funds advanced by the city from other sources. (Ord. 381 §3(part) 1992)
TITLE 16 - SUBDIVISIONS*

Chapters:

16.04 General Provisions
16.08 Definitions
16.11 Certificates of Compliance
16.12 Lot Line Adjustment
16.16 Tentative Map—Five or More Parcels
16.18 Vesting Tentative Map - Five or More Parcels
16.20 Final Map—Five or More Parcels
16.24 Tentative Parcel Map—Less than Five Parcels
16.28 Parcel Map—Less than Five Parcels
16.32 Design Standards
16.36 Park Land Dedications/Fees
16.40 Condominiums and Community Apartments
16.44 Exceptions
16.48 Public Improvements
16.52 Violation—Penalty

* For statutory provisions on city control of subdivisions, see Gov. Code § 66410 et seq.
Chapter 16.04 - GENERAL PROVISIONS

Sections:

16.04.010 Title
This Title shall be known as the City of Live Oak Subdivision Ordinance. (Ord. 254 § 1.2(A)—(C), 1982, Ord 539 § 1, 2011)

16.04.020 Purpose
The provisions of this Subdivision Ordinance are intended to supplement the Subdivision Map Act, Sections 66410 et seq., of the California Government Code (hereafter referred to as the “Subdivision Map Act”). This Subdivision Ordinance is not intended to replace the Subdivision Map Act, and shall be used in conjunction with the Subdivision Map Act in the preparation of subdivision applications, and the review, approval and construction of proposed subdivisions.

The regulations contained in this Title are determined to be necessary to:

A. Health and safety: Preserve the public’s health, safety and general welfare.

B. Growth and open space: Promote orderly growth and development and to promote open space, conservation and proper use of land.

C. Traffic, other services: Ensure provisions for adequate traffic circulation and other City services. (Ord. 254 § 1.2(D) and (E), 1982, Ord 539 § 1, 2011)

16.04.030 Authority
This Subdivision Ordinance is adopted in compliance with the Subdivision Map Act as a “local ordinance” as the term is used in the Subdivision Map Act. All provisions of the Subdivision Map Act and future amendments to the Subdivision Map Act not incorporated in this Subdivision Ordinance shall apply to all subdivisions and proceedings under this Subdivision Ordinance. (Ord. 254 § 3.1, 1982, Ord 539 § 1, 2011)

16.04.040 Applicability
The provisions of this Title apply to all subdivisions within the City of Live Oak and to the preparation of subdivision maps and to other maps provided for in the Subdivision Map Act and this Title. (Ord. 254 § 3.2, 1982, Ord 539 § 1, 2011)

16.04.050 Interpretation, Conflict and Separability

A. In their interpretation and application, the provisions of this Title shall be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.

B. Where the conditions imposed by any provisions of this Title are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Title or any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

C. Should any of the provisions of this Title be found to be in conflict with the Subdivision Map Act or any other law or regulation of the state, the latter law or regulation shall apply.

D. The provisions of this Title are separable. If a section, sentence, clause or phrase of this Title is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this Title. (Ord. 254 § 3.3, 1982, Ord 539 § 1, 2011)

16.04.060 Subdivisions of Land Outside City Boundaries

A. City approval outside of the City: Tentative maps and tentative parcel maps for proposed subdivisions outside the City boundaries may be reviewed and approved according to procedures and subject to standards contained in this Title, provided such approval is, among other conditions, subject to annexation of the property prior to filing of the final map or parcel map.

B. Approval by Sutter County: Any tentative map or tentative parcel map that is approved by Sutter County for which the final map or parcel map is not filed for record before the area in which it is located is annexed into the City shall be subject to all the procedures and regulations of the City as of the effective date of annexation. (Ord. 254 § 15, 1982, Ord 539 § 1, 2011)

16.04.070 Exemptions from Subdivision Approval Requirements

The following subdivisions do not require the filing or approval of tentative, parcel or final maps:

A. The subdivisions listed in the Subdivision Map Act Sections 66412, 66412.1, 66412.2 and 66412.5; and

B. Short-term leases (terminable by either party on not more than 30 days notice in writing) of a portion of the operating right-of-way of a railroad corporation as defined by Section 230 of the California Public Utilities Code, unless a showing is made in individual cases, under substantial evidence, that public policy necessitates the application of the regulations of this Subdivision Ordinance to those short-term leases. (Ord 539 § 1, 2011)

16.04.080 Fees
The City Council may establish fees for processing applications and appeals pursuant to this Title including but not limited to reviewing and processing applications, checking plans and inspecting improvements. (Ord 539 § 1, 2011)

16.04.090   Review Authorities for Subdivision Decisions

The following provides the responsibilities and decision authority for implementation of this Subdivision Ordinance:

A. **City Council**: Is designated as the “legislative body” as used in the Subdivision Map Act. As such the City Council shall act as the approval body for reversions to acreage, final maps, parcel maps, which include dedications, major amendments or correction to final maps and parcel maps, appeals and notices of violation.

B. **Planning Commission**: Is designated as the “advisory agency” as used in the Subdivision Map Act. The Commission shall either approve, conditionally approve or deny tentative maps (vesting or otherwise), tentative parcel maps, major modifications to tentative maps and tentative parcel maps, time extensions and has the authority to permit exceptions to the subdivision design standards of this Title that are in accordance with the provisions of Chapter16.48.

C. **Community Development Director and City Engineer (combined)**: Have the authority to approve lot line adjustments, approving, approving with conditions or denying certificates of compliance and minor modifications to tentative maps and tentative parcel maps, and otherwise administer and enforce the provisions of Live Oak Subdivision Ordinance and the Subdivision Map Act.

D. **City Engineer**: Responsible for processing final maps and parcel maps and reviewing and determining minor modifications to final maps and final parcel maps.

E. **Community Development Director**: Shall be responsible for providing all application forms and for processing tentative map and tentative parcel map applications. (Ord 539 § 1, 2011)

### Chapter 16.08 - DEFINITIONS

**Sections:**

- 16.08.010   General.
- 16.08.020   Definitions

#### 16.08.010   Generally

The definitions set forth in this Chapter shall be supplementary to the definitions contained in the Subdivision Map Act. For purposes of this Title, the following words and phrases shall be construed as defined in this Chapter. (Ord. 254 § 2.1 (part), 1982, Ord. 539 § 1, 2011)

#### 16.08.020   Definitions
Alley: A public way, other than a street or highway, that typically provides only a secondary means of vehicular access to abutting property.

Block: The area of land within a subdivision, which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary of a subdivision.


Certificate of compliance: A certificate issued by the City Engineer and recorded in the office of the Sutter County Recorder certifying that a lot or lots of real property comply with the provisions of this Title and the Subdivision Map Act.

Chief Building Official: The Chief Building Official of the City of Live Oak.

City: The City of Live Oak, California

City Council: The City Council of the City of Live Oak.

City Engineer: The City Engineer of the City of Live Oak or his designee.

Community apartment project: As defined in Section 11004 of the Business and Professions Code.

Community Development Director: The Community Development Director of the City of Live Oak or his designee.

Condominium: An estate in real property consisting of undivided interest in common in a portion of a property together with a separate interest in space in a residential, industrial, office or commercial building on the real property. A condominium may also include, in addition, a separate interest in other portions of real property.

County: The County of Sutter, California.

Design: - Location and size of all required easements and rights-of-way, street standards including widths, grades and alignments, curbs, gutters and sidewalks and lighting.

- Stormwater drainage, water and sanitary sewer facilities, utilities (both above and below ground), including alignments and grades.

- Lot size and configuration.

- Grading.

- Landscaping, fences and walls

- Land to be dedicated for park and recreational purposes.

- Such other physical requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure consistency with or implementation of the Live Oak General Plan, any applicable specific plan, the Zoning Regulations, the Subdivision Map Act, the Citywide Design Guidelines or the Live Oak Public Works Improvement Standards.

Final map: A map showing a subdivision for which a tentative and final map are required under the Subdivision Map Act and this Title, prepared in accordance with the provisions of the
Subdivision Map Act and this Title, and designed to be filed for recordation in the office of the Sutter County Recorder.

Flag lot: A lot that has access to public right-of-way by means of a narrow strip of land.

Frontage: The portion of a lot contiguous with an existing or future public or private street right-of-way.

General Plan: The City of Live Oak General Plan.

Improvement: Includes, but is not limited to, street work, sidewalks, curbs, gutters, driveways, storm drainage facilities, water lines and facilities, sanitary sewers and facilities, public utilities including existing overhead utilities required to be undergrounded, landscaping, fences or walls, private streets and easements, street lights and any other improvements defined by Section 66419 of the Subdivision Map Act, whether they occur on-site or off-site.

Improvement Standards: City of Live Oak Public Works Improvement Standards.

Lot: A unit of land created in conformance with applicable law. Lots include, but are not limited to, a lot created by final map, parcel map or official map recorded in the office of the Sutter County Recorder with a separate and distinct number or letter.

Lot line adjustment: An adjustment in the property line between two or more existing adjacent lots, where the land taken from one lot is added to an adjacent lot, and where a greater number of lots than originally existed is not thereby created.

Merger: The joining of two or more contiguous lots under one ownership into one lot.

Model home: A residence temporarily used to display, advertise, promote, sell or rent substantially similar residences or lots to the public in a particular residential project.

Parcel map: A map showing the division of land into less than five lots or a subdivision under the Subdivision Map Act Sections 66426(a) through (d), or a division of land creating less than five lots by means of combining lots that may have been partially or entirely subdivided previously, which is prepared in accordance with the Subdivision Map Act and this Title and which is to be recorded in the office of the Sutter County Recorder.

Planning Commission: The Planning Commission of the City of Live Oak.

Remainder: That portion of an approved tentative map which is not included within the boundary of a proposed final map authorized by the tentative map.

Specific plan: A plan for a specific portion of the City, or a plan for a specific municipal function of the City which has been acted upon by the Planning Commission and adopted by the City Council.

Stock cooperative: As provided in the California Business and Professions Code Section 11003.2 and Civil Code Section 1351.

Street, private: A way for vehicular traffic, providing access to lots, but from which the general public may be excluded, and which is not maintained by a public agency.

Street, public: A way for vehicular traffic that is dedicated for general public use and which is maintained by a public agency.
**Subdivider:** A person, firm, corporation, partnership, syndicate, trust or association or any other legal entity who proposes to divide, divides or causes to be divided, real property into a subdivision for himself/herself, except that employees and consultants of such persons or entities, acting in that capacity, are not “subdividers”.

**Subdivision:** The division of land by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized property assessment roll as a unit or as contiguous units for the purposes of sale, lease or financing, whether immediate or future. Property shall be considered contiguous units even if it is separated by roads, streets, utility easement or railroad right-of-way. “Subdivision” also includes a condominium project, as defined in Subsection (f) of Section 1351 of the Civil Code, a community apartment project as defined in subsection (d) of Section 1351 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Subsection (m) of Section 1351 of the Civil Code. Subdivision does not include those activities excluded by Section 66412 of the Subdivision Map Act.

**Subdivision Map Act:** California law currently contained in Government Code Section 66410 et seq.

**Tentative map:** A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it. Generally, a tentative map is prepared for a subdivision of five or more lots, and a **tentative parcel map** is prepared for a subdivision of four or fewer lots.

**Vesting tentative map or vesting tentative parcel map:** A tentative map or tentative parcel map that has printed conspicuously on its face the words “Vesting Tentative Map” or “Vesting Tentative Parcel Map” at the time it is filed with the City, and is processed in accordance with Chapter 16.16.

**Zoning Regulations:** The Zoning Regulations of the City of Live Oak. “City” means the city of Live Oak. (Ord. 254 § 2.1(A), 1982, Ord. 539 §, 2011)

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**Chapter 16.10 Types of Subdivision Maps**

**Sections:**

16.10.010 Purpose of this Chapter.

16.10.020 Type of Subdivision Maps Required

16.10.010 Purpose of this Chapter

This Chapter establishes the types of subdivision maps required.

16.10.020 Type of Subdivision Maps Required

A. Tentative maps and final maps required: Any subdivision or re-subdivision of land creating five or more lots shall require the filing and approval of a tentative map and final
map except as provided by Section 66426 of the Subdivision Map Act and Subsection 16.10.020.C of this ordinance.

B. **Tentative parcel maps and parcel maps required:** Tentative parcel maps and parcel maps shall be required for the division into fewer than five lots and of divisions into five or more lots that meet the exceptions provided in Section 66426 of the Subdivision Map Act and Subsection 16.10.020.C of this ordinance.

C. **Waiver of a tentative map or tentative parcel map:** Notwithstanding other requirements of this title, a tentative map or tentative parcel map shall not be required for any of the following actions:

1. **Railroad rights-of-way:** Subdivisions of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code which are created by short term leases (terminable by either party on not more than 30 days notice in writing).

2. **Government and utilities:** Land conveyed to or from a government agency, public entity, public utility or for land conveyed to a subsidiary of a public utility for conveyance to such public utility rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map.

3. **Less than five lots:** For divisions of less than five lots the City Engineer may waive the tentative parcel map requirement if the proposal complies with all City requirements as to Zoning Regulations, street improvements, flood and drainage improvements, water supply, sanitary sewer, electrical improvements, natural gas, cable and telephone improvements and dedication of all necessary rights-of-way. A waiver of a tentative parcel map under this subsection shall be subject to all City parkland dedication requirements, drainage fees, development impact fees and other City and local agency fees. Whenever a tentative parcel map is waived under this subsection it shall be subject to the same time limits and extension of time as a tentative map. A parcel map shall be submitted and approved by the City Engineer. (Ord. 539 § 1, 2011)

**Chapter 16.11 - CERTIFICATES OF COMPLIANCE**

**Sections:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>16.11.010</td>
<td>Certificates of compliance.</td>
</tr>
<tr>
<td>16.11.020</td>
<td>Application and fee.</td>
</tr>
<tr>
<td>16.11.030</td>
<td>Planning commission action.</td>
</tr>
</tbody>
</table>

**16.11.010 Certificates Of Compliance**

Certificates of compliance may be requested by property owners, or persons having interest in property, pursuant to Section 66499.35 of the Subdivision Map Act as the same is contained in the Government Code of the state of California. Such certificates are intended to establish whether a parcel was created properly under the city and state requirements for subdivision. (Ord. 383 § 1 (part), 1992)
16.11.020 Application And Fee

A. Application for a certificate of compliance shall be mailed to the city planning commission by filing an application form available from the city clerk, together with a fee as established by the city council to cover the costs of processing the application, and information necessary to adequately describe the property involved including:

1. A copy of the most recent deed for the property;
2. The assessor’s parcel number as assigned by the Sutter County assessor.

B. A finding of incomplete application shall invalidate the application and the applicant will be notified of such finding to allow necessary revisions.

C. Upon acceptance of an application for filing, the city clerk shall schedule the application for review by the city planning commission on the next regularly scheduled meeting. The application shall immediately be referred to the city engineer and the planner for review and preparation of a report to the council on the subject.

D. The planning commission shall consider the application in accord with its standards and procedures. (Ord. 383 § 1 (part), 1992)

16.11.030 Planning Commission Action

The planning commission shall consider an application for a certificate of compliance at a regular meeting and shall approve the application providing that the proposal meets the requirements in Section 16.11.010. At the conclusion of discussion and review of reports from city staff, the commission shall determine whether the property was established in accord with regulations in effect at the time such parcel was originally created or was created in violation of the laws then in effect. Based upon such finding, the commission may act to:

A. Approve a certificate of compliance on the subject property and authorize staff to provide for recordation thereof by the Sutter County recorder.

B. Approve a conditional certificate of compliance, listing conditions that should have been met at the time the parcel was created and which are required prior to the consideration of the parcel as a legal lot, and authorize staff to provide for recordation thereof by the Sutter County recorder. (Ord. 383 § 1 (part), 1992)

Chapter 16.12 TENTATIVE MAP AND TENTATIVE PARCEL MAP FORM AND CONTENT

Sections:

16.12.010 Purpose of this Chapter.
16.12.030 Tentative Map Application Content.

16.12.010 Purpose of this Chapter
This Chapter provides all the information for submittal of both tentative maps and tentative parcel maps. For purposes of this Chapter, any reference to tentative map also includes tentative parcel map. A complete application shall contain all of the information provided below:

16.12.020 Preparation and Form of a Tentative Map

The tentative map shall be clearly and legibly drawn by or under the direction of a registered civil engineer or licensed land surveyor. The scale of the map shall not be less than one inch equals 100 feet. If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly drawn on each. Each sheet shall be 18 inches by 26 inches.

Tentative map applications shall be accompanied by other forms deemed necessary by the Community Development Director as provided in Section 16.12.030 below.

16.12.030 Tentative Map Application Content

A. Application: Completed application form.
B. Title report: A preliminary title report, current within sixty days of the date of application.
C. Fees, as adopted by resolution or ordinance by the City Council.
D. Tentative map content—existing data
   1. Existing information:
      a. Date, north arrow and scale.
      b. The name, address and phone numbers for the record owner or owners.
      c. Name, address and phone number of the subdivider.
      d. A location map indicating the location of the proposed subdivision in relation to the surrounding area.
      e. Proposed subdivision name.
      f. Name, address and telephone number of the person, firm or organization that prepared the tentative map and the applicable registration or license number.
      g. A statement of the general plan designation(s) and zone district(s) that are applied to the property and any proposed changes.
      h. A list of agencies and service providers that will provide services to the subdivision including natural gas, electricity, phone, cable and schools.
      i. City limit line if occurring in the vicinity of the subdivision.
      j. Existing use of the property.

   2. Project boundary and neighboring properties: Boundaries of the property being subdivided and the property lines of the adjoining properties as well as the names and addresses of the owners of the adjoining properties.

   3. Previous subdivision data: If the property being subdivided or the lands immediately adjacent to the subdivision are a portion of a previously recorded subdivision or subdivisions, show the subdivision or subdivisions, including:
      a. Subdivision name
      b. Recorded book/page
c. Lot lines
  d. Block numbers
  e. Lot numbers

4. Existing features: Show all existing features including:
   a. Buildings
   b. Orchards (type)
   c. Trees (size and species)
   d. Light poles
   e. Utility poles and anchors
   f. Fences
   g. Underground irrigation system
   h. Wells
   i. Septic tanks
   j. Leach lines
   k. Any other existing features

5. Existing grades: Sufficient existing elevations or contours and notations indicating
direction and percent of slope to determine the general slope of the land and the high and
low point thereof.

6. Roads: All on-site, adjoining and contiguous highways, streets, ways and alleys,
including:
   a. Location
   b. Name
   c. Width of right-of-way
   d. Existing pavement (type, edge)
   e. Curb and gutter
   f. Sidewalk
   g. Bikeway

7. Utilities: On-site and adjoining existing public utilities including:
   a. Sanitary sewer, including: sewer lines (diameter), manholes, lift stations and cleanouts.
   b. Storm drainage, including: storm drains (diameter), manholes, catch basins and drop
      inlets.
   c. Domestic water supply, including: water mains (diameter), fire hydrants and valves.
   d. Electric, telephone, television utilities, including both overhead lines and underground
      lines.

8. Drainages: Existing watercourses, including their:
   a. Location
   b. Name (if any)
   c. Width
   d. Direction of flow

9. Floodplain: Any land which is subject to inundation or flooding by storm, overflow
water, or other causes, shall be indicated. The proposed filling, drainage, or other
preventative or corrective measures shall be indicated.
10. Railroad: The location of all nearby railroad rights-of-way and grade crossings.

E. Tentative map content – proposed features

1. Project boundary: Boundary of the proposed subdivision.

2. Uses: The proposed use or uses of the property.

3. Area: Acreage of the proposed tract to the nearest tenth of an acre.

4. Roads: The proposed streets and alleys including approximate dimensions, including:
   a. Location
   b. Proposed name
   c. Width of right-of-way
   d. Length of tangents
   e. Radius of curves
   f. Gutter flow line grade in percent

5. Public improvements: Typical cross-section of the proposed improvements, including:
   a. Roadway width
   b. Curb-gutter
   c. Sidewalk width
   d. Asphalt thickness
   e. Aggregate base thickness
   f. Landscape strips

6. Easements: The proposed easements, including:
   a. Approximate location
   b. Purpose
   c. Width

7. Lots: Approximate lot layout, including dimensions and area of each lot, and the number of each lot or unit of air space.

8. Public areas: The public areas proposed for schools, parks, playground, open space, schools, etc.


F. Written statements

In the event it is impossible or impracticable to place upon the tentative map any information required in Sec. 16.12.030.D and 16.12.030.E such information shall be furnished in a written statement which shall be submitted with the map.

Additionally, written statements shall be submitted with the tentative map containing the following information:

1. CC & R’s: A copy of any and all existing and proposed restrictive covenants, bylaws, or articles of incorporation.

2. Exceptions: Justification and reasons for any exceptions to provisions of this Title, as provided in Chapter 16.48.
3. **Improvements**: Improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed.

4. **Owners statement**: Statement from the owner or owners of record, if different than the subdivider, which is signed and dated, consenting to the subdivision of the owner’s land.

5. **Multiple Final Map Statements**: Written statement from the subdivider, at the time the tentative map is filed, informing the Planning Commission of the subdivider’s intention to file multiple final maps on the tentative map. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps.

Chapter 16.14 TENTATIVE MAP AND TENTATIVE PARCEL MAP PROCEDURES

Sections:

16.14.010 Purpose of this Chapter.
16.14.040 Application Referral
16.14.050 Project Evaluation Meeting
16.14.060 Staff Review
16.14.080 Appeals
16.14.100 Effective Date of Tentative Map Approval
16.14.090 Time Limit Extensions for Processing Tentative Maps
16.14.110 Amendments to Approved Tentative Maps
16.14.120 Time Limits and Expiration of Approved Tentative Maps
16.14.130 Extensions of Time

16.14.010 **Purpose of this Chapter**

This Chapter establishes requirements for the filing, processing and approval, approval with conditions or denial of tentative maps and tentative parcel maps, consistent with the requirements of the Subdivision Map Act. For purposes of this Chapter, any reference to tentative map also includes tentative parcel map and any reference to an approved tentative map also includes an approved tentative parcel map, unless otherwise provided in this Chapter or in the Subdivision Map Act. (Ord 539 § 1, 2011)

16.14.020 **Application Submittal**
The completed tentative map application and other required materials shall be submitted to the Community Development Director accompanied by the required application fees. (Ord 539 § 1, 2011)

16.14.030 Acceptance of the Application as Complete

An application and accompanying materials must be deemed complete before it is accepted for filing and review. Pursuant to Government Code Section 65943, within 30 days of receiving the application the Community Development Director shall determine whether or not a tentative map application shall be accepted as complete in that all the required information for a tentative map application has been correctly submitted including:

A. Information required pursuant to Chapter 16.12; and

B. All other information necessary to accept a complete application and to clarify, amplify, correct or supplement the application and the environmental document to be prepared for the project.

If the Community Development Director determines that the application is incomplete and additional information is required, and it is determined that a reasonable effort has not been made by the applicant to provide the additional information within six months of the letter requesting the information, then the application is deemed withdrawn. (Ord 539 § 1, 2011)

16.14.040 Application Referral

Within five days of finding the application complete, the Community Development Director shall refer copies of the tentative application to any City department, local, state or federal agency, public or private utility or other entity that the Community Development Director believes may be interested in the project. If no response is received within 21 days of the referral date, the Community Development Director shall assume that the agency or entity has no comments. Comments for the environmental document for the project may still be accepted and considered during its public review period. (Ord 539 § 1, 2011)

16.14.050 Project Evaluation Meeting

Within 10 days of finding the application complete the Community Development Director shall determine if a project evaluation meeting is needed. If the meeting is needed, it will be scheduled with the applicant, the applicant’s representatives and all City departments and other agencies having jurisdiction or providing services to the site. The purpose of the meeting will be to discuss:

A. Compliance with City standards: Compliance with the provisions of Chapters 16.24 and 16.26 of this Title, the City of Live Oak General Plan, Zoning Regulations, Improvement Standards, Citywide Design Guidelines, and other City codes or standards.

B. California Environmental Quality Act (CEQA): The preliminary environmental determination.

C. Services: The provision of services to the site.
D. **Other data:** As determined by the Community Development Director, all other relevant data and reports necessary to clarify, correct or otherwise supplement the application materials to prepare the environmental document and to prepare a recommendation to the Planning Commission. (Ord 539 § 1, 2011)

### 16.14.060 Staff Review

The City staff shall review the project and prepare a written report to the Planning Commission that addresses:

A. **Background data:** Any background data associated with the project that may be relevant to the proposal;

B. **California Environmental Quality Act (CEQA):** The environmental document prepared for the project;

C. **Compliance with City codes:** Compliance and consistency with Chapters 16.24 and 16.26 of this Title, the City of Live Oak General Plan, any relevant specific plan, Zoning Regulations, Citywide Design Guidelines, Improvement Standards, the Subdivision Map Act and any other data or standards that may be relevant to the project;

D. **Conditions of approval:** Conditions necessary for the tentative map to comply with the above requirements;

E. **Findings:** Findings for approval, approval with conditions or denial; and

F. **Recommendation:** A recommendation for approval, approval with conditions or denial. (Ord 539 § 1, 2011)

### 16.14.070 Planning Commission Review

A. **Scheduling of the hearing and action:** In compliance with the Subdivision Map Act Section 66452.1, the public hearing on a tentative map shall be scheduled, and action shall be taken, within 50 days after:

   1. **Completeness:** The tentative map application has been deemed complete; and

   2. **CEQA:** An environmental impact report has been certified, a negative declaration has been adopted or the project has been determined to be exempt from CEQA.

B. **Notice and hearing:** Upon completion of the review by City staff, proper notice of a public hearing before the Planning Commission shall be provided as required by California Government Code Sections 65090 through 65095, and by other such means as the Planning Commission may require.

C. **Decision:** After considering the recommendations of the Community Development Director and other agencies, and comments by the public, and following the conclusion of the public hearing, or at a later time determined by the Planning Commission, the Planning Commission shall approve, approve with conditions or deny the tentative map.

D. **Findings for approval:** The Planning Commission may approve a tentative map only when it first finds that the proposed subdivision, together with the provisions for its design and improvements, is consistent with the City of Live Oak General Plan and any applicable
specific plan (Subdivision Map Act Section 66473.5), the Improvement Standards and the Citywide Design Guidelines, and that none of the findings for denial in Subsection 16.14.070.E can be made.

E. Findings for denial: A tentative map may only be denied if the Planning Commission makes one or more of the following findings:

1. City standards: The proposed subdivision including design and improvements is not consistent with the City of Live Oak General Plan, any applicable specific plan, Zoning Regulations, the Improvement Standards, the Citywide Design Guidelines, or any portions of the City of Live Oak Municipal Code or its standards and specifications, or the Subdivision Map Act;

2. Physical suitability: The site is not physically suitable for the type or proposed density of development;

3. CEQA: The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;

4. Public health and safety: The design of the subdivision or type of improvements is likely to cause serious public health or safety problems; or

5. Easements: The design of the subdivision or type of improvements would conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.

F. Time limits inapplicable with legislative actions: The time limits specified in this Chapter for processing tentative map applications shall not apply to the tentative map application until the effective date of a related legislative action including, but not limited to, a general plan amendment, rezoning, development agreement or easement abandonment. (Ord 539 § 1, 2011)

16.14.080 Appeals

A. Decision of the City Engineer or Community Development Director: Any applicant or person claiming to be adversely affected by any action of the City Engineer or Community Development Director in carrying out the provisions of this Title may, within 10 days after such action, file a written appeal to the Planning Commission and shall be accompanied by the payment of any fee adopted by the City Council. The filing of an appeal shall stay the issuance of any permit in connection with the action pending a decision from the Planning Commission.

B. Decision of the Planning Commission: Any applicant or person claiming to be adversely affected by any action of the Planning Commission in carrying out the provisions of this Title, any City Council person or the City Manager may, within 10 days after such action, file a written appeal to the City Council. Such appeal shall be filed with the City Clerk and shall be accompanied by the payment of any fee adopted by the City Council. The filing of an appeal shall stay the issuance of any permit in connection with the action pending a decision from the City Council. (Ord 539 § 1, 2011)

16.14.090 Time Limit Extensions for Processing Tentative Maps
The time limits specified in this Title and the Subdivision Map Act for reporting on and acting on tentative maps may be extended by mutual consent of the subdivider and the City. (Ord 539 § 1, 2011)

16.14.100 Effective Date of Tentative Map Approval

Approval of a tentative map shall become effective for purposes of filing a final map or parcel map, including compliance with conditions of approval, on the day following the end of the appeal period or, in the case of an appeal, the date of the City Council decision on the appeal. (Ord 539 § 1, 2011)

16.14.110 Amendments to Approved Tentative Maps

A. Minor amendments: The Community Development Director or City Engineer may approve minor amendments to an approved tentative map or the conditions of an approved tentative map provided that the amendments:
   1. Do not create any additional parcels;
   2. The amendments are consistent with the intent of the approved tentative map; and
   3. There are no resulting violations of the Live Oak Municipal Code.

B. Other amendments: All other amendments to approved tentative maps shall be approved by the Planning Commission, as provided in Section 16.14.070. (Ord 539 § 1, 2011)

16.14.120 Time Limits and Expiration of Approved Tentative Maps

A. Time Limit: An approved tentative map is valid for 24 months after its effective date, as provided in Section 16.14.100 above, except as otherwise provided by the Subdivision Map Act (Section 66452.6).

B. Statutory extensions of time: When multiple final maps are utilized, as authorized in Section 66456.1 of the Subdivision Map Act, and the subdivider is required to construct, improve or finance public improvements outside of the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property, and which are reasonably related to the development of the property, and the cost of the public improvements exceeds the amount specified in Section 66452.6(a)(1) of the Subdivision Map Act, each filing of a final map shall extend the expiration of the approved or conditionally approved tentative map as provided in Section 66452.6(a)(1) of the Subdivision Map Act. (Ord 539 § 1, 2011)

16.14.130 Extensions of Time

A. Requests for extensions of time

   1. Filing: When a subdivider has not filed a final map or parcel map prior to the expiration date of an approved tentative map or tentative parcel map, the subdivider may file a written request for an extension of the expiration date for an approved or conditionally
approved tentative map or tentative parcel map on a form provided by the Community Development Director together with the required filing fee. The request shall be submitted to the Community Development Director prior to expiration of the tentative map. Once the request is submitted the map shall automatically be extended for another 60 days. Failure to request an extension of time prior to the expiration of the approved tentative map will cause the tentative map to expire.

2. **Approval**: The Planning Commission may grant the extension in increments it deems necessary, provided the total of the extensions do not exceed five years, or as otherwise provided by the Subdivision Map Act, after finding that:

   a. **General Plan consistency**: There have been no changes to the General Plan or any specific plan or precise road plan to which the tentative map would no longer be in conformity.

   b. **City codes**: There have been no changes to City codes to which the tentative map would no longer be in conformity.

   c. **Availability of services**: The capacity of community infrastructure, including but not limited to water supply, sewage treatment capacity, schools or roads remains sufficient to serve the project.

3. **Appeals**: The decision of the Planning Commission may be appealed to the City Council within 10 days of the Planning Commission’s decision. (Ord 539 § 1, 2011)

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**Chapter 16.16 - VESTING TENTATIVE MAPS AND VESTING TENTATIVE PARCEL MAPS**

**Sections:**

- **16.16.010** Purpose of this Chapter.
- **16.16.020** Consistency.
- **16.16.030** Application.
- **16.16.040** Filing and Processing.
- **16.16.050** Expiration – Request for Time Extension.
- **16.16.060** Development Rights.
- **16.16.070** Duration of Vested Rights.
- **16.16.080** Written Statements.
- **16.16.090** Preliminary Conference.
- **16.16.095** Oversizing Improvements - Reimbursements
- **16.16.100** Submittal Of Map
- **16.16.110** Checking Fee.
- **16.16.120** Distribution.
16.16.010  Purpose of this Chapter

This Chapter establishes a local procedure to implement provisions of the Subdivision Map Act for vesting tentative maps or vesting tentative parcel maps commencing with Section 66498.1 which addresses the development rights conferred upon the approval or conditional approval of “vesting tentative maps,” as required by section 66498.8 of the Subdivision Map Act. For purposes of this Chapter, any reference to a vesting tentative map also includes vesting tentative parcel map and any reference to an approved vesting tentative map also includes an approved vesting tentative parcel map, unless otherwise provided in this Chapter or in the Subdivision Map Act.

To accomplish this purpose, the regulations outlined in this Chapter are determined to be necessary for the preservation of the public’s health, safety and general welfare and for the promotion of orderly growth and development in the community. (Ord. 254 § 5.1, 1982, Ord. 539 § 1, 2011)

16.16.020  Consistency

No land shall be subdivided or developed pursuant to a vesting tentative map for any purpose which is inconsistent with the City of Live Oak General Plan and any applicable specific plan or that is not permitted by the City of Live Oak Zoning Regulations, Citywide Design Guidelines, Improvement Standards or other applicable provisions of the City codes or standards. (Ord. 254 § 5.2, 1982, Ord. 539 § 1, 2011)

16.16.030  Application

A. Whenever the Subdivision Map Act and this Title require the filing of a tentative map for residential or non-residential development, a vesting tentative map may instead be filed, in accordance with the provisions of this Chapter.

B. If a subdivider does not seek the rights conferred by this vesting tentative map statute, the filing of a vesting tentative map is not a prerequisite to any tentative map approval, permit for construction or work preparatory to construction. (Ord. 254 § 5.3(A), 1982, Ord. 539 § 1, 2011)

16.16.040  Filing and Processing

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 with the same fees as set forth in this Title for a tentative map (Chapters 16.12 and 16.14), except as follows.
A. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “Vesting Tentative Map.”

B. At the time a vesting tentative map is filed, the applicant shall also provide the following information regarding the project. An application shall not be deemed complete unless accompanied by all of the following:

1. **Boundary survey:** Boundary survey map prepared by a registered civil engineer or licensed land surveyor;

2. **Improvement plans:** Detailed improvement plans for all roads in the subdivision including the location, names, exact widths, curve radii and grades, typical sections and an indication as to whether the street will be public or private. Details of curbs, gutters, sidewalks, street lighting and other improvements shall be shown and shall be of such scale as to clearly show all details thereof;

3. **Drainage plans:** Precise drainage plans including any needed offsite drainage improvements;

4. **Water and sewer:** Precise sizes and locations of all water lines and sanitary sewer lines and related improvements, including any needed offsite improvements;

5. **Grading plans:** Final grading plans showing existing and proposed grades. Contours shall have one foot intervals. All grades and elevations shall be based on datum and benchmark data provided by the City Engineer. The scale shall be sufficiently large to clearly show the details of the plan;

6. **Public areas:** Location and boundary lines of all public areas;

7. **Landscaping plans:** Landscaping plans for any public areas to be landscaped as part of the project (landscape strips, parks, etc). The landscape plans shall include plant species and size, and irrigation and maintenance plans;

8. **Soils report:** A soils report prepared in accordance with Section 16.24.060 which demonstrates that the proposed site grading and street structural section conform to City standards, and that foundations are in accordance with building code requirements and all other City standards;

9. **Utilities plan:** Provisions for utilities including electrical, natural gas, telephone and cable; and

10. **Condominiums:** In the case of a tentative map creating residential or commercial condominiums or condominium conversions, or mobilehome park conversions or where otherwise determined by the Community Development Director, the additional relevant materials as required in Chapters 16.38 through 16.44 shall be provided.

11. **Other:** All other applicable design information which may be required by other sections of this Title, applicable City standards, codes or regulations or as determined by the City Engineer. (Ord. 254 § 5.3(B), 1982, Ord. 539 § 1, 2011)

16.16.050  Expiration – Request for Time Extension
Vesting tentative map expiration and requests for extensions of time shall be pursuant to Sections 16.14.120 and 16.14.130. Failure to file a final map within the time limits described shall terminate all proceedings and no final map for all or any property included within the vesting tentative map shall be filed without first processing a new tentative map or vesting tentative map under this Title. (Ord. 254 § 5.3(C), 1982, Ord. 539 § 1, 2011)

16.16.060 Development Rights

A. Vesting rights: 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 Section 66498.1 of the Subdivision Map Act.

B. Fees: Fees charged for land use and building permits, filed after the approval of a vesting tentative map shall be required at the time the subsequent permit applications are filed, including any related utility or development impact fees (e.g., sewer/water hookup fees, traffic mitigation fees, park impact fees, etc.). Land use or building permit application contents shall comply with City requirements in effect at the time the subsequent application is filed. (Ord. 254 § 5.3(D), 1982, Ord. 539 § 1, 2011)

16.16.070 Duration of Vested Rights

The development rights vested by this Chapter shall expire if a final map or parcel map is not approved before expiration of the vesting tentative map in compliance with Section 16.16.050. If the final map or parcel map is approved and recorded, the development rights shall be vested for the following periods of time.

A. An initial period of 12 months from the date of recordation of the final or parcel 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.

B. The initial 12 months shall be automatically extended by any time used for processing a complete application for a grading permit or for design review, if processing exceeds 30 days from the date the application is accepted as complete.

C. The developer may apply for a 12 month extension to the vesting rights at any time before the initial 12 months expires. Application for an extension shall be submitted to the Community Development Director and shall be accompanied by the required fee. The Planning Commission shall approve or deny any request for an extension, based on the provisions of Section 16.14.130.

D. If the developer submits a complete application for a building permit during the periods of time specified in subsections A, B and C of this Section, the vested rights for that building permit shall continue until the expiration of the building permit, or any extension of that permit. (Ord. 301 § 3 (part), 1986; Ord. 254 § 5.3(E), 1982, Ord. 539 § 1, 2011)

16.16.080 Written Statements

In the event it is impossible or impracticable to place upon the tentative map any information required in Sections 16.16.030 through 16.16.070, such information shall be furnished in a written statement which shall be submitted with the map.
Additionally, written statements shall be submitted with the tentative map containing the following information:

A. A copy of any and all existing and proposed restrictive covenants, bylaws, or articles of incorporation proposed shall be attached to the owner’s statement as required;

B. Justification and reasons for any exceptions to provisions of this title, or for any requests for changes to the zoning ordinance of the city in conjunction with the subdivision proposed;

C. Improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed;

D. Statement from owner of record, if different than subdivider, consenting to division of land by subdivision;

E. Statement giving name and address of individual designated to receive all official communications regarding the subdivision. (Ord. 254 § 5.3(F), 1982)

16.16.090 Preliminary Conference

Prior to the submittal of a tentative map, the subdivider is encouraged to consult with the officials of the city for technical advice and procedural instructions. Preliminary sketches of the subdivision may be submitted and discussed. The preliminary sketch should be to a scale and detail sufficient to indicate the essential characteristics of the subdivision including the number, size and design of lots; the location and width of streets; the location of any important reservations or easements; the relation of the subdivision to significant surrounding lands and any other detail necessary to enable preliminary review. The director or his authorized representative may schedule a conference with subdivider and appropriate city departments to discuss the preliminary map and make recommendations concerning the submittal of a tentative map. (Ord. 254 § 5,4(A), 1982)

16.16.095 Oversizing Improvements - Reimbursements

As a condition of approval of a tentative map, it may be required that improvements installed by the subdivider for the benefit of the subdivision be of a supplemental size, capacity, or number for the benefit of property not within the subdivision, and that said improvements are dedicated to the public. If such conditions is imposed, provision for reimbursement to the subdivider shall be provided in the manner set forth in the Subdivision Map Act. (Ord. 478, 2004)

16.16.100 Submittal Of Map

A. Twenty-six copies of a tentative map and a statement of the proposed divisions of any land and the information required by the director or his authorized representative pertaining to the environmental impact of the proposed division of land shall be submitted by the subdivider or its agent to the city clerk. The clerk shall examine the tentative map for conformance with this chapter as to form, data, information and other matters required to be shown thereon or furnished therewith. Tentative maps which are found to be incomplete shall be returned to the subdivider with an itemized list of the missing data. if found to be complete the city clerk shall stamp or write on each copy of the tentative map the date of receipt.

B. An application with date and information for an environmental assessment shall be submitted in accordance with the city environmental assessment guidelines, (Ord. 383 § 3, 1992: Ord. 254 § 5.4(B), 1982)
16.16.110 Checking Fee
At the time of acceptance of a tentative map for distribution, the subdivider or its agent shall pay a map checking fee in an amount established by resolution of the city council. (Ord. 254 § 5.4(C), 1982)

16.16.120 Distribution
Within five working days after the required number of completed copies of the tentative map and the accompanying data have been submitted in the office of the city clerk, the city clerk shall transmit a copy of the completed tentative map and the accompanying data to each member of the planning commission, the director, the city engineer, service utilities and other officials who, by law or in the clerk’s opinion, should be furnished the tentative map, together with a request for a written report of its findings and recommendations within ten days. If a reply is not received within the time allowed, it will be assumed that the map conforms to the requirements of the public agency or utility company concerned. Copies of the reports shall be made available to the subdivider and representative at least five days prior to planning commission consideration of the map. (Ord. 301 § 1(D), 1986: Ord. 254 § 5.4(D), 1982)

16.16.130 Planning Commission Action
A. The planning commission shall consider the tentative map and approve, conditionally approve or deny the tentative map within forty-five days after the completed tentative map and accompanying data and reports are deemed filed and received by the city clerk unless such time period is waived by the subdivider or representative.

B. The planning commission shall not conditionally approve the tentative map unless its design and improvement are found to be:

1. Consistent with the city’s general plan, or any specific plan;
2. Consistent with the requirements of this title and all other applicable city ordinances.

C. The planning commission shall deny the tentative map if it makes any of the following findings:

1. That the proposed map is not consistent with the city’s general plan and subsequent amendments thereto, or any specific plan;
2. That the design or improvement of the proposed subdivision is not consistent with the city’s general plan and subsequent amendments thereto, or any specific plan;
3. That the site is not physically suitable for the type of development;
4. That the site is not physically suitable for the proposed density of development;
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
6. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;
7. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate
easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

D. The city engineer shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the proposed waste discharge would result in or add to violation of requirements of such board, the commission shall disapprove the tentative map or maps of the subdivision. (Ord. 301 § 1(E), 1986: Ord. 254 § 5.4(E), 1982)

16.16.140 Planning Commission Report

The planning commission shall produce a written report on its action on the tentative map to the city council at the council’s next regular meeting. The commission action shall be transmitted to the subdivider and representative within five days. (Ord. 301 § 1(F), 1986: Ord. 254 § 5.4(F), 1982)

16.16.150 Appeals

The subdivider or any interested person adversely affected may appeal any action of the planning commission with respect to a tentative map to the city council in conformance with Section 66452.5 of the Subdivision Map Act. (Ord. 301 § 1(G), 1986: Ord. 254 § 5.4(G), 1982)

16.16.160 Time Limit

If no action is taken by the city council within the time limits specified in this chapter or any authorized extension thereof by mutual consent of the subdivider and the city council, the tentative map as filed shall be deemed to be approved insofar as it complies with other applicable requirements of this chapter and it shall be the duty of the city clerk to certify such approval. (Ord. 254 § 5.4(H), 1982)

Chapter 16.18 - FINAL MAPS

Sections:
16.18.010 Purpose of this Chapter.
16.18.020 Phasing – Multiple Final Maps
16.18.030 Survey Requirements.
16.18.040 Form of the Final Map
16.18.050 Content of the Final Map
16.18.060 Data to Accompany the Final Map
16.18.070 Submittal of the Final Map
16.18.080 Fees
16.18.090 Effect of Failure to Record
16.18.100 Action on a Final Map by the City Engineer
16.18.110 Filing Certificate Regarding a Tax Lien
16.18.120 Approval by the City Council
16.18.130 Disapproval by the City Council
16.18.140 Public Improvement Agreement
16.18.150 Type of Improvement Security Allowed
16.18.160 Bonded Security
16.18.170 General Conditions for Security and Insurance
16.18.180 Recordation

16.18.010 Purpose of this Chapter

This Chapter establishes standards for the submittal and approval of final maps. (Ord. 539 § 1, 2011)

16.18.020 Phasing – Multiple Final Maps

A. Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if:
   1. The subdivider, at the time the tentative map is filed, informs the Planning Commission of the subdivider’s intention to file multiple final maps on such tentative map; or
   2. After filing of the tentative map, the City and subdivider concur in the filing of multiple final maps.

B. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any portion of such tentative map.

C. Each such final map shall be given a separate subdivision number and all of the requirements for approval of a final map shall apply to approval of such final map filed on a portion of an approved or conditionally approved tentative map, and the subdivision agreement required of the subdivider shall provide for the construction of such improvements as may be necessary to constitute a logical and orderly development of the whole subdivision. (Ord. 539 § 1, 2011)

16.18.030 Survey Requirements

A. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor in accordance with the approved tentative map, the provisions of this Title and the Subdivision Map Act.
B. The final map shall be based on an accurate survey of the land and conform with the Land Surveyor’s Act, except when the final map is for the purpose of effecting a reversion to acreage. (Ord. 539 § 1, 2011)

16.18.040 Form of the Final Map

A. Material: The final map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

B. Size: The size of each sheet shall be 18 inches by 26 inches.

C. Margin: A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch.

D. Scale: The scale of the map shall be large enough to show all details clearly with enough sheets used to accomplish this end. In no case shall the scale be greater than one inch equals 100 feet nor less than one inch equals 50 feet. (Ord. 539 § 1, 2011)

16.18.050 Content of the Final Map

A. Numbered sheets: The particular number of each sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown by a small key map on the first sheet.

B. Basic information: Each map sheet shall show the name of the engineer or surveyor, the date of the survey, north point, written or graphic scale and other information as necessary.

C. Location map: A location map relating the subdivision to the general layout of the City shall be placed on the first map sheet, rather than the certificate sheets.

D. Title and subtitle: The title of each sheet of such final map shall consist of the approved name and unit number of the tract, if any, at the lower right corner of the sheet, followed by the words “City of Live Oak.” Maps filed for the purpose of reverting to acreage for previously subdivided land shall be conspicuously marked with the words “Reversion to acreage.” The title sheet shall also contain a subtitle giving a general description of the property being subdivided by reference to maps which have been previously recorded, or by reference to the plat of any United States survey. Each reference in such description to any tract or subdivision shall be spelled out and worded identically with the original record thereof and reference to book and page of record must be complete.

E. Basis of bearings: The final map shall show the basis of bearings.

F. Coordinate system: Wherever the City Engineer has established a system of coordinates, the survey shall be tied into such system.

G. Adjoining lots: All adjoining lots shall be identified by lot, block and block numbers, subdivision name and place of record, or other proper designation.
H. Subdivision boundary: An accurate and complete boundary survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract and of each block when computed from field measurements on the ground shall close within a limit of one foot to 10,000 feet. The exterior boundary of the land included within the subdivision shall be indicated on the final map by distinctive symbols and be clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

I. Dimensions, bearing and curve data: The final map shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines thereon, including bearings and distances of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of the centers of the curves and ties to existing monuments used to establish the subdivision boundaries. The linear dimensions shall be expressed in feet and decimals of a foot.

J. Lots and blocks: All lots and blocks and all parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication other than for streets and easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block and of every lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two or more sheets and, whenever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with the numeral “1” and continue consecutively throughout the tract, with no omissions or duplications.

K. Streets: The final map shall show the name and right-of-way lines of each street, the width of any portion being dedicated and widths of any existing street dedications. The widths and locations of adjacent streets and other public properties within 50 feet of the subdivision shall be shown. If any street in the subdivision is a continuation or an approximate continuation of any existing street, the conformity or the amount of nonconformity of such street to the existing street shall be accurately shown. Whenever the centerline of a street has been established or recorded, the data shall be shown on the final map. In the case of branching streets, the line of departure from one street to another shall be indicated.

L. Building setback lines: When building setback lines differ from the Zoning Regulations show the building setback lines on all streets by long, thick dashed lines regulations on an additional map sheet to be recorded simultaneously with the final map.

M. Easements: All easements shall be clearly labeled and identified. The side lines of all easements including utility and new access easements shall be shown by fine dashed lines. If any easement already of record cannot be definitively located, a statement of its existence, the nature thereof and its recorded reference shall appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement shall be narrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The widths of all easements and sufficient ties thereto to definitively locate the same with respect to the subdivision shall be shown. If an easement is being dedicated by the map, it shall be set out in the owner’s certificate of dedication.
N. **High water line:** When the subdivision includes or is adjacent to areas subject to periodic inundation or other waters, on an additional map sheet to be recorded simultaneously with the final map, show the line of mean high water with a fine continuous line. The use of such area may be required to be restricted by a covenant of restrictions.

O. **City boundaries:** If City boundaries cross or adjoin the subdivision they shall be clearly designated and located in relation to adjacent lot or block lines on an additional map sheet to be recorded simultaneously with the final map.

P. **Area of lots:** The area of each lot created by the subdivision shall be shown to the nearest square foot, or one thousandth of an acre.

Q. **Relinquishment of access rights:** The map sheet shall acknowledge and indicate all access rights’ relinquishment required as a condition of approval. The map sheet shall show the relinquishment by cross hatching.

R. **Monuments**

1. **Shown on final map:** The final map shall fully and clearly show the existing monuments, stakes or other evidence that was used to determine the location of the boundaries of the subdivision and where such monuments are located on the ground. Each adjacent subdivision corner and ties to parts of subdivisions shall be shown. Such subdivisions shall be identified by proper record data. The map shall show ties to original survey locations such as section and quarter section corners, including proper references thereto. Any monument or benchmark as required by this Section that is disturbed or destroyed before acceptance of all improvements shall be shown on the final map. If any points were reset by ties, that fact shall be stated.

2. **Monuments in paved areas:** Standard concrete well monuments shall be set depressed below the street grade with cast iron ring and cover on all paved streets, alleys or other public areas at the following locations:
   a. At the intersections of street right-of-way centerlines;
   b. At the beginning of curves and end of curves;
   c. At the tract boundary corners and angle points, if such points are within paved areas;
   d. At all section and quarter section corners, if such points are within paved areas; and
   e. At the intersection of a tract boundary with a street or ally centerline.

   Standard monuments as required above may be eliminated when the distance between such monuments is less than 200 feet, except that standard monuments will be required at all street intersections and tract boundary corners and angle points in paved areas.

3. **Monuments outside of paved areas:** Minimum 1 ¼ inch by 24 inch iron pipe with the appropriate identification of the land surveyor or licensed civil engineer shall be set in a minimum of 12 inches of concrete along boundary lines and at all angle points which fall outside of a paved area.

4. **Monuments for individual lots:** A minimum ¾ inch by 24 inch iron pipe or 1 5/8 inch by 18 inch deformed iron bar with the appropriate identification of the licensed land surveyor or registered civil engineer shall be placed at the following locations:
a. Along lot lines;
b. Angle points;
c. Beginning of curves; and
d. End of curves.

5. **City approval of monuments**: All monuments shall be subject to inspection and approval by the City Engineer before filing of the final map with the City Clerk, unless their installation has been deferred, as hereinafter provided.

6. **Deferment**: In the event any of the monuments required to be set are to be set subsequent to the recording of the final map, the engineer or surveyor shall certify on the final map that the monuments will be set on or before a specified later date and the subdivider shall furnish adequate security, in accordance with Section 16.18.130 guaranteeing the payment of the cost of setting such monuments. In all cases, at least one exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the map is recorded.

S. **Certificates, statements and acknowledgements**: The following certificates, statements and acknowledgements shall appear on the title sheet of the final map. Certificates, statements and acknowledgements may be combined where appropriate.

1. **Owners statement**: A statement signed and acknowledged by all parties having record title interest in the subdivided real property, consenting to the preparation and recordation of the final map, in accordance with the Subdivision Map Act.

2. **Dedications**: Dedications of or offers to dedicate interests in real property for specified public purposes shall be made on the final map, signed and acknowledged by those parties having any record title interest in the real property being subdivided, in accordance with the Subdivision Map Act. Dedications or offers of dedications of streets shall include a waiver of direct access rights to any such street from any property shown on the final map as abutting thereon, when such waiver of direct access rights is required by the City.

3. **Engineer or surveyor statement**: A statement by the engineer or surveyor responsible for the survey and final map is required, in accordance with the Subdivision Map Act.

4. **City Engineer statement**: A certificate or statement by the City Engineer shall be placed on the final map, in accordance with the Subdivision Map Act.

5. **City Clerk statement**: A certificate or statement for execution by the City Clerk, in accordance with the Subdivision Map Act.

6. **City Planner statement**: A statement for execution by the Community Development Director.

7. **County Recorder**: A certificate for execution by the Sutter County Recorder.

8. **Tax Collector**: A certificate for execution by the Sutter County Tax Collector.

9. **Other**: The title sheet shall also contain such other affidavits, certificates, acknowledgements and enforcements as are required by law. (Ord. 539 § 1, 2011)
16.18.060  Data to Accompany the Final Map


B. Traverse sheets: Calculation and traverse sheets in a form approved by the City Engineer giving bearings, distances, lot areas and coordinates of the boundary of the subdivision and blocks, lots and streets herein on the final map, and traverse sheets of time to find stakes, monuments or other evidence used to determine the boundaries of the subdivision.

C. Utility easements: A statement or map from the utility companies showing required easements to provide their service.

D. Public improvement plans and specifications: The subdivider shall grade and improve all land dedicated or to be dedicated for streets, highways, public ways and easements, and all private streets and private easements required as conditions of approval of the tentative map. The original tracings of detailed plans, cross-sections and profiles of all improvements required to be installed by the provisions of this Title and all other improvements proposed to be installed by the subdivider in, on, over or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including estimated cost thereof, shall be submitted to the City Engineer for approval and signature. All such plans shall be prepared in accordance with the requirements of the City Engineer. Plan sheets shall be 24 inches by 36 inches with a two inch left margin.

E. Design data: All design data, assumptions and computations for proper analysis that is in accordance with sound engineering practice.

F. Report and guarantee of clear title: The final map shall be accompanied by a current report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map and for dedication of streets, alleys and other public places shown on the final map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to such subdivision. At the time of recording the final map, following approval by the City Council, there shall be filed with the Sutter County Recorder, a guarantee executed by a duly authorized title company showing that the persons (naming them) consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all persons necessary to pass clear title to such subdivision and the dedications shown thereon.

G. Security: Public improvement agreement and bonds as specified in Sections 16.18.120 through 16.18.150

H. Deed restrictions, bylaws and/or articles of incorporation: Two copies of all deed restrictions, bylaws and articles of incorporation.

I. Governing documents: For a cooperative apartment project, condominium, stock cooperative or conversion, the proposed declaration of covenants, conditions and restrictions containing the provisions described in Section 1353 of the Civil Code and all other governing documents for the subdivision, as are appropriate pursuant to Section 1363 of the Civil Code.

(Ord. 539 § 1, 2011)
16.18.070 Submittal of the Final Map

Four copies of the final map and the data to accompany the final map shall be submitted to the City Clerk for checking. (Ord. 539 § 1, 2011)

16.18.080 Fees

A. Map and plan check fees: At the time of submittal, the subdivider shall pay a map checking fee for checking the final map and a plan checking and inspection fee for checking improvement plans and specifications, checking contract arrangements and inspecting improvements. The fees shall be in amounts fixed by resolution or ordinance of the City Council.

B. Sewer and water extension fees: At the time of filing the final map, the subdivider shall pay all extension fees for both sewer and water in the amounts previously fixed by resolution or ordinance of the City Council or as otherwise determined and fixed under the terms of a standard subdivision improvement agreement entered into between the City and the subdivider.

C. Recording fees: At the time of filing the final map the subdivider shall pay a recording fee as established by the Sutter County Recorder. (Ord. 539 § 1, 2011)

16.18.090 Effect of Failure to Record

Subdivider’s failure to record a final map within a period of 24 months after the approval or conditional approval of the tentative map and any extensions of time granted in accordance with the provisions of Chapter 16.14 of this Title shall terminate all proceedings. Before a final map may thereafter be recorded, a new tentative map shall be submitted. (Ord. 539 § 1, 2011)

16.18.100 Action on a Final Map by the City Engineer

Upon receipt of the final map the City Engineer shall examine such to determine that the subdivision is shown substantially the same as it appeared on the tentative map, any approved alteration thereof, and any conditions of approval thereof, that all provisions of this Title and the Subdivision Map Act have been complied with, and that the map is technically correct. If the City Engineer determines that the final map is not in full conformity with the tentative map, the subdivider shall be advised of the changes or additions that must be made to make such conformity, and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer determines that full conformity therein has been made, it shall be so stated on the final map and transmitted to the City Clerk, together with any documents which may have been filed therewith for presentation to the City Council. (Ord. 539 § 1, 2011)

16.18.110 Filing Certificate Regarding a Tax Lien

Prior to filing the final map with the City Council, the subdivider shall file the certificate and documents relating to taxes and assessments, as required by the Subdivision Map Act commencing with Section 66492 and any amendments thereto. (Ord. 539 § 1, 2011)
16.18.120 Approval by the City Council

The City Council shall, at the meeting at which it receives the final map or, at its next regular meeting after the meeting at which it receives the final map, approve the final map if it conforms to all of the requirements of this Title and the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereafter. If the final map does not conform the City Council shall deny the final map, as provided in Section 16.18.110. The meeting at which the City Council receives the final map shall be the date on which the City Clerk receives the map. At the time the City Council approves a final map, the Council may also accept, accept subject to improvements or reject any offer of dedication. The City Clerk shall certify on the final map the action by the City Council. (Ord. 539 § 1, 2011)

16.18.130 Disapproval by the City Council

The City Council shall deny the final map if the final map fails to meet or perform any of the requirements or conditions imposed by this Title or the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereafter, specifying the requirements or conditions which have not been met or performed. The City Clerk shall advise the subdivider of such disapproval. Within 30 days after the City Council has disapproved any final map, the subdivider may file with the City Clerk a map altered to meet the approval of the City Council. In such a case the City Engineer shall review the altered map for conformance with the requirements of the City Council and then shall submit the altered map to the City Council for its approval along with a statement that the altered final map is technically correct. No final map shall have any force or effect until the same has been approved by the City Council and no offer of dedication shall be accepted until the City Clerk has recorded the final map with the Sutter County Recorder. The provisions of this Section may be waived when the failure of the final map is a result of a technical error which, in the determination of the City, does not materially affect the validity of the final map. (Ord. 539 § 1, 2011)

16.18.140 Public Improvement Agreement

If at the time of approval of the final map by the City Council, any public improvements required by the City pursuant to the provisions of this Title have not been completed and accepted in accordance with City standards applicable at the time of approval of the tentative map, the City Council, as a condition precedent to the approval of the final map, shall require the subdivider to enter into an agreement with the City upon mutually agreeable terms to thereafter complete the improvements at the subdivider’s expense. Such agreement shall be secured by improvement security. The agreement may, at the option of the City, be recorded. (Ord. 539 § 1, 2011)

16.18.150 Type of Improvement Security Allowed

A. Types of security permitted: Whenever this Title authorizes or requires the furnishing of security in connection with the performance of any act or agreement, such security shall be one of the following at the option of and subject to approval by the City:
1. **Bond:** A bond or bonds by one or more duly authorized, California admitted corporate sureties with a minimum Best Rating of “A”;

2. **Cash deposit:** A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, or money or negotiable bonds of the kind approved for securing deposits of public moneys;

3. **Instrument of credit:** An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are in deposit and guaranteed for payment;

4. **Property lien:** A lien upon the property to be divided, created by a contract between the owner and the City, if the City finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after recordation of the map; or

5. **Real property interest:** A security interest in real property in an amount determined by the City not to exceed a portion of the value of the property as determined by the City. The security interest instrument would be of a form approved by the City, and would be recorded by the Sutter County Recorder. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in the amount necessary to complete the agreed improvements. The recorded contract or security document shall be indexed in the grantor index to the names of all record owners of the real property and in the grantee index to the City of Live Oak.

**B. Release of security:** The City may at anytime release all or any portion of the property subject to any lien or security interest created by this subdivision or subordinate the lien or security interest to other liens or encumbrances if it determines that security for performance is sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the completion of the agreed upon improvements. (Ord. 539 § 1, 2011)

**16.18.160 Bonded Security**

**A. Form:**

1. A bond or bonds by one or more duly authorized, California admitted corporate sureties with a minimum A rating to secure faithful performance shall be in substantially the following form:

   Whereas, the City Council of the City of Live Oak, State of California, and _______________________ (hereinafter designated as “principal”) have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated ______________, 20__, and identified as project ______________, is hereby referred to and made a part of; and

   Whereas, said principal is required under the terms of said agreement to furnish a bond for the faithful performance of said agreement.

   Now, therefore, we, the principal and ________________________, as surety, are held and firmly bound unto the City of Live Oak (hereinafter called the “City”), in the penal
sum of __________________ dollars ($____________) lawful money of the United States, for the payment of which sum and well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bounded principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Live Oak, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney’s fees, incurred by the City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications.

The surety’s obligations to the City arise immediately upon the default of the principal, without demand or notice. The surety waives the provisions of California Civil Code Section 2845 and, in light of such waiver, the City shall not be required to proceed against the principal, nor shall the City be required to pursue any other remedy in the City’s power. In light of such waiver, the City may proceed directly against the Surety upon default of the principal, and it shall not be a defense to the City’s claims against the surety that the City has failed to proceed against the principal (or any other person whom the surety believes might be responsible for the breach of the principal) or to pursue any other remedy in the City’s power. In addition to the foregoing, the surety waives any rights or defenses it may have in respect to its obligations as a surety by reason of any election of remedies by the City.

To the extent that the principal’s obligations are secured by real property or an estate for years, the surety waives all rights and defenses that it may have because the principal’s obligation is so secured. This means, among other things: (1) the City may collect from the surety without first foreclosing on any real or personal property collateral pledged by the principal; (2) if the City forecloses on any real property collateral pledged by the principal: (A) the amount of the obligation may be reduced only by the price for which the collateral is sold at the foreclosure sale, even if the collateral is worth more than the sale price (B) the City may collect from the surety even if the City, by foreclosing on the real property collateral has destroyed any rights the surety may have to collect from the principal. This is an unconditional and irrevocable waiver of any rights and defenses that the surety may have because the principal’s obligation is secured by real property. These
The rights and defenses include, but are not limited to, any rights or defenses based upon Section 1080a, 1080b, 1080d or 726 of the Code of Civil Procedures.

The surety waives all rights and defenses arising out of an election of remedies by the City, even though that election of remedies, such as a non-judicial foreclosure with respect to security for a guaranteed obligation has destroyed the sureties rights of subrogation and reimbursement against the principal by the operation of Section 580d of the Code of Civil Procedure, or otherwise.

Because the surety’s obligations to the City are absolute and unconditional upon default of the principal, it shall be no defense to the surety’s obligations to the City that the principal is or has become insolvent or that the project which is the subject of the principal’s obligations is or has become economically infeasible. In that regard, doctrines such as "Frustration of Purpose" or "Commercial Frustration" or "Illegal Forfeiture" or similar doctrines shall not defeat the surety’s absolute and unconditional obligation to the City upon the default of the principal. The surety has specifically undertaken the risks that the principal may be or become insolvent or that the project which is subject of the principal’s obligation may presently or in the future, lack commercial viability.

In the event the principal defaults in the performance of its obligations, the surety may elect, either directly or through appropriate contractors to perform in the place of the principal. If the surety elects to proceed in this fashion, it shall provide written notice of such election to the City within thirty (30) days after surety becomes aware of the principal’s default. If the surety elects to complete the obligations of the principal (as opposed to paying money damages to the City occasioned by such breach) the surety shall cause the obligations of the principal to be performed as soon as is reasonably possible, but in no event later than nine (9) months following knowledge of the breach by the principal. In the event the surety elects to perform the principal’s obligations, the City shall be entitled to compel the surety, by way of specific performance, to perform such obligations.

If the surety does not elect to perform the principal’s obligations, the surety shall deposit with the City a sum equal to the cost of the uncompleted portion of the work which comprises the principal’s obligation. The City’s City Engineer shall determine the estimated cost of the uncompleted portion of the work and the surety shall make such deposit with the City within five (5) days of receipt of the City Engineer’s estimate. The City shall not be required to expend any of its own funds to complete the work nor to incur “out of pocket” damages inasmuch as the City’s damages are measured by the value of its unfulfilled right, namely the costs of completing the obligations of the principal by installing the bargained-for improvements. Upon deposit of the estimated cost of completion with the City, the City may proceed to bid the remainder of the work as a public project pursuant to the Public Contract Code and the surety shall be obligated to continue to deposit such additional funds as may be necessary from time-to-time until the improvements are complete and accepted by the City or until the surety has exhausted the penal sum of the bond. Should the surety deposit more funds than are necessary to satisfy the principal’s obligation, then the City shall refund any balance remaining upon final acceptance of the improvements. No interest shall be paid on any deposits made with the City.
Underwriting assumptions and cost estimates of the Surety shall not have any bearing, whatsoever, on the Surety’s liability under this bond. By way of example, if, when making underwriting decisions regarding issuing this bond, a cost estimate was prepared regarding the principal’s obligations to the City, the fact that an item was omitted from the cost estimate (which item was an obligation of the principal to the City), shall in no way defeat or diminish the Surety’s obligation to the City with respect to this omitted item. By way of further example, if the underwriting decision to issue this bond included a cost estimate of items and a particular item was estimated at a cost significantly less than the amount actually required to perform such item, this fact shall in no way defeat or diminish the Surety’s obligation to the City. Namely, the Surety shall be obligated to the full amount of the penal sum of the bond, with respect to all matters which are the principal’s obligation to the City, whether such items are actually included in any cost estimate (or if so included, are estimated at a cost far less than the actual cost to perform such items). Likewise, the adequacy and amount of any premium (and whether or not such premium was sufficient for the risk assumed by Surety) shall have no bearing on surety’s absolute and unconditional obligation to the City upon the principal’s default of its obligation under this bond.

In witness whereof, this instrument has been duly executed by the principal and surety above named, on ________________, 20__. 

2. A bond or bonds by one or more duly authorized, California admitted corporate sureties with a minimum A rating for the security of laborers and material men shall be substantially the form prescribed by the Subdivision Map Act.

B. Amount:

1. **Performance:** For faithful performance the amount of improvement security shall be based upon the total estimated cost of the improvements as determined by the City Engineer. Improvement security securing faithful performance of all work, including sufficient funds to insure construction staking and contract administration by the subdivider’s consulting engineer shall be an amount equal to 100 percent of the estimated cost of improvement. All improvement security shall be maintained in full force and effect for a period of 12 months following acceptance of all improvements by the City to assure the proper completion or maintenance of the work; provided that substitution or partial release of security may be authorized by the City Engineer if in the City Engineer’s opinion such substitution or partial release is consistent with the proper completion or maintenance of the work and protection of possible lien holder, and further provided, that the amount of the continuing security shall in no case be less than 25 percent of the amount of the original security.

2. **Labor and material:** For labor and material the improvement security securing payment to the contractor, their subcontractor and persons furnishing labor, materials and equipment to them for the improvement of the performance of the required act shall be an amount equal to 100 percent of the total estimated cost of the improvement, except if the security is in the form of a cash deposit, deposits or instrument of credit or security interests, the amount shall be equal to 50 percent of the total estimated cost of the improvement. (Ord. 539 § 1, 2011)
A. **General Conditions:** Bonds, deposits, instruments of credit, property liens and security interest in real property shall conform to the following conditions:

1. **Liability of security:** Any liability upon security given for the faithful performance of any act or agreement shall be limited to the condition prescribed by the Subdivision Map Act.

2. **Additional secured costs:** As a part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorney’s fees, incurred by the City in successfully enforcing the obligation secured.

3. **Release of security:** Improvement security may be released in whole or in part in the manner prescribed by the Subdivision Map Act and in accordance with any such rules prescribed by the City Council.

B. **Insurance:** The subdivider shall, at their sole cost and expense, obtain and maintain in full force and effect comprehensive general public liability and property damage insurance in the following amounts:

- Comprehensive liability: $2,000,000 per person
- $5,000,000 per occurrence
- Property Damage: $2,000,000

The required insurance shall be obtained from one or more insurance companies licensed to do business in the State of California and having a financial rating in Best’s Insurance Guide of at least “A”, which insure the City, City boards and commissions and members thereof and City officers, employees and agents against any liabilities arising out of the subdivider’s construction and installation of the improvements required as a condition of approval of the final map. All such insurance shall be in the form or forms approved by the City’s attorney, and shall name the City of Live Oak, the City’s boards and commissions and members thereof, and its officers, employees and agents as additional insureds under the coverage afforded. In addition such insurance shall be primary and non-contributing with respect to any other insurance available to the City and shall include a severability of interests (cross liability) clause. To evidence such coverages, a copy of the insurance policy or policies required herein shall be delivered to the City for approval as to form and sufficiency. Said policy or policies will provide that the City will receive a minimum of 30 days advance notice of any cancelation, material reduction or termination of insurance. Subdivider shall provide a disclosure of and City shall approve any deductibles with respect to such insurance. Said policy shall further provide that the City’s failure to comply with any reporting requirements will not affect coverage. The subdivider shall (and the policy of insurance shall) waive any claims or rights of subrogation against the City or any of the City’s insurers. All deductibles must be declared and approved by the City. The required insurance shall be obtained prior to execution of a subdivision improvement agreement when required under Section 16.18.120 or prior to commencement of construction if no subdivision improvement agreement is required. (Ord. 539 § 1, 2011)
When the City Council shall have approved the final map as set forth in this Chapter, the City Clerk shall transmit the map to the Sutter County Recorder in accordance with Section 66464 of the Subdivision Map Act. After the map has been recorded, the subdivider shall provide the City Engineer with accurate, legible photographic duplicates on single matte, reproducible, polyester film. (Ord. 539 § 1, 2011)

Chapter 16.20 - PARCEL MAPS

Sections:

16.20.010 Purpose of this Chapter
16.20.020 Survey Requirements
16.20.030 Form of the Parcel Map
16.20.040 Data to Accompany the Parcel Map
16.20.050 Data to Accompany the Parcel Map
16.20.060 Submittal of the Parcel Map
16.20.070 Fees
16.20.080 Effect of Failure to Record
16.20.090 Action on a Parcel Map by the City Engineer
16.20.100 Filing Certificate Regarding a Tax Lien
16.20.110 Approval by the City Council
16.20.120 Disapproval by the City Council
16.20.130 Public Improvement Agreement
16.20.140 Type of Improvement Security Allowed
16.20.150 Bonded Security
16.20.160 General Conditions for Security and Insurance
16.20.170 Recordation

16.20.010 Purpose of this Chapter

This Chapter establishes standards for the submittal and approval of parcel maps. (Ord. 254 § 6.1, 1982, Ord. 539 § 1, 2011)

16.20.020 Survey Requirements

A. The parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor in accordance with the tentative map, the provisions of this Title and the Subdivision Map Act.
B. The parcel map shall be based on an accurate survey of the land and conform with the Land Surveyor’s Act, except when the final map is for the purpose of effecting a reversion to acreage. (Ord. 254 § 6.2(A), 1982, Ord. 539 § 1, 2011)

16.20.030  Form of the Parcel Map

A. **Material:** The parcel map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legally stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

B. **Size:** The size of each sheet shall be 18 inches by 26 inches.

C. **Margin:** A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch.

D. **Scale:** The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. In no case shall the scale be greater than one inch equals 100 feet nor less than one inch equals 50 feet. (Ord. 254 § 6.2(B), 1982, Ord. 539 § 1, 2011)

16.20.040  Data to Accompany the Parcel Map

A. **Numbered sheets:** The particular number of each sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown by a small key map on the first sheet.

B. **Basic information:** Each map sheet shall show the name of the engineer or surveyor, the date of the survey, north point, written or graphic scale and other information as necessary.

C. **Location map:** A location map relating the parcel map to the general layout of the City shall be placed on the first map sheet, rather than the certificate sheets.

D. **Title and subtitle:** The title of each sheet of such parcel map shall consist of the approved name and unit number of the tract, if any, at the lower right corner of the sheet, followed by the words “City of Live Oak.” Maps filed for the purpose of reverting to acreage for previously subdivided land shall be conspicuously marked with the words “Reversion to Acreage.” The title sheet shall also contain a subtitle giving a general description of the property being subdivided by reference to maps which have been previously recorded, or by reference to the plat of any United States survey. Each reference in such description to any tract or subdivision shall be spelled out and worded identically with the original record thereof and reference to book and page of record must be complete.

E. **Basis of bearings:** The parcel map shall show the basis of bearings.

F. **Coordinate system:** Wherever the City Engineer has established a system of coordinates, the survey shall be tied into such system.

G. **Adjoining lots:** All adjoining lots shall be identified by lot, block and block numbers, subdivision name and place of record, or other proper designation.
H. Subdivision boundary: An accurate and complete boundary survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract and of each block when computed from field measurements on the ground shall close within a limit of one foot to 10,000 feet. The exterior boundary of the land included within the subdivision shall be indicated on the parcel map by distinctive symbols and be clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

I. Dimensions, bearing and curve data: The parcel map shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines thereon, including bearings and distances of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of the centers of the curves and ties to existing monuments used to establish the subdivision boundaries. The linear dimensions shall be expressed in feet and decimals of a foot.

J. Lots: All lots and blocks and all parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Lots offered for dedication other than for streets and easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block and of every lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two or more sheets and, whenever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with the numeral “1” and continue consecutively throughout the tract, with no omissions or duplications.

K. Streets: The parcel map shall show the name and right-of-way lines of each street, the width of any portion being dedicated and widths of any existing street dedications. The widths and locations of adjacent streets and other public properties within 50 feet of the subdivision shall be shown. If any street in the subdivision is a continuation or an approximate continuation of any existing street, the conformity or the amount of nonconformity of such street to the existing street shall be accurately shown. Whenever the centerline of a street has been established or recorded, the data shall be shown on the parcel map. In the case of branching streets, the line of departure from one street to another shall be indicated.

L. Building setback lines: When building setback lines differ from the Zoning Regulations show the building setback lines on all streets by long, thick dashed lines regulations on an additional map sheet to be recorded simultaneously with the final map.

M. Easements: All easements shall be clearly labeled and identified. The side lines of all easements including utility and new access easements shall be shown by fine dashed lines. If any easement already of record cannot be definitively located, a statement of its existence, the nature thereof and its recorded reference shall appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement shall be narrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The widths of all easements and sufficient ties thereto to definitively locate the same with respect to the subdivision shall be shown. If an easement is being dedicated by the map, it shall be set out in the owner’s certificate of dedication.
N. **High water line:** When the parcel map includes or is adjacent to areas subject to periodic inundation or other waters, on an additional map sheet to be recorded simultaneously with the parcel map, show the line of mean high water with a fine continuous line. The use of such area may be required to be restricted by a covenant of restrictions.

O. **City boundaries:** If City boundaries cross or adjoin the subdivision they shall be clearly designated and located in relation to adjacent lot or block lines on an additional map sheet to be recorded simultaneously with the parcel map.

P. **Area of lots:** The area of each lot created by the subdivision shall be shown to the nearest square foot, or one thousandth of an acre.

Q. **Relinquishment of access rights:** The map sheet shall acknowledge and indicate all access rights’ relinquishment required as a condition of approval. The map sheet shall show the relinquishment by cross hatching.

R. **Monuments**

1. **Shown on parcel map:** The parcel map shall fully and clearly show the existing monuments, stakes or other evidence that was used to determine the location of the boundaries of the subdivision and where such monuments are located on the ground. Each adjacent subdivision corner and ties to parts of subdivisions shall be shown. Such subdivisions shall be identified by proper record data. The map shall show ties to original survey locations such as section and quarter section corners, including proper references thereto. Any monument or benchmark as required by this section that is disturbed or destroyed before acceptance of all improvements shall be shown on the parcel map. If any points were reset by ties, that fact shall be stated.

2. **Monuments in paved areas:** Standard concrete well monuments shall be set depressed below the street grade with caste iron ring and cover on all paved streets, alleys or other public areas at the following locations:
   a. At the intersections of street right-of-way centerlines;
   b. At the beginning of curves and end of curves;
   c. At the tract boundary corners and angle points, if such points are within paved areas;
   d. At all section and quarter section corners, if such points are within paved areas; and
   e. At the intersection of a tract boundary with a street or ally centerline.

   Standard monuments as required above may be eliminated when the distance between such monuments is less than 200 feet, except that standard monuments will be required at all street intersections and tract boundary corners and angle points in paved areas.

3. **Monuments outside of paved areas:** Minimum 1 ¼ inch by 24 inch iron pipe with the appropriate identification of the land surveyor or licensed civil engineer shall be set in a minimum of 12 inches of concrete along boundary lines and at all angle points which fall outside of a paved area.
4. **Monuments for individual lots:** A minimum ¾ inch by 24 inch iron pipe or 5/8 inch by 18 inch deformed iron bar with the appropriate identification of the licensed land surveyor or registered civil engineer shall be placed at the following locations:
   a. Along lot lines;
   b. Angle points;
   c. Beginning of curves; and
   d. End of curves.

5. **City approval of monuments:** All monuments shall be subject to inspection and approval by the City Engineer before filing of the parcel map with the City Clerk, unless their installation has been deferred, as hereinafter provided.

6. **Deferment:** In the event any of the monuments required to be set are to be set subsequent to the recording of the parcel map, the engineer or surveyor shall certify on the parcel map that the monuments will be set on or before a specified later date and the subdivider shall furnish adequate security, in accordance with Section 16.20.12 guaranteeing the payment of the cost of setting such monuments. In all cases, at least one exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the map is recorded.

S. **Certificates, statements and acknowledgements:** The following certificates, statements and acknowledgements shall appear on the title sheet of the parcel map. Certificates, statements and acknowledgements may be combined where appropriate.

1. **Owners statement:** A statement signed and acknowledged by all parties having record title interest in the subdivided real property, consenting to the preparation and recordation of the parcel map, in accordance with the Subdivision Map Act.

2. **Dedications:** Dedications of or offers to dedicate interests in real property for specified public purposes shall be made on the parcel map, signed and acknowledged by those parties having any record title interest in the real property being subdivided, in accordance with the Subdivision Map Act. Dedications or offers of dedications of streets shall include a waiver of direct access rights to any such street from any property shown on the parcel map as abutting thereon, when such waiver of direct access rights is required by the City.

3. **Engineer or surveyor statement:** A statement by the engineer or surveyor responsible for the survey and parcel map is required, in accordance with the Subdivision Map Act.

4. **City Engineer statement:** A certificate or statement by the City Engineer shall be placed on the parcel map, in accordance with the Subdivision Map Act.

5. **City Clerk statement:** A certificate or statement for execution by the City Clerk, in accordance with the Subdivision Map Act.

6. **City Planner statement:** A statement for execution by the Community Development Director.

7. **County Recorder:** A certificate for execution by the Sutter County Recorder.

8. **Tax Collector:** A certificate for execution by the Sutter County Tax Collector.
9. **Other:** The title sheet shall also contain such other affidavits, certificates, acknowledgements and enforcements as are required by law. (Ord. 254 § 6.2(C), 1982, Ord. 539 § 1, 2011)

16.20.050  **Data to Accompany the Parcel Map**

A. **Preliminary soils report:** A preliminary soils report prepared in accordance with Section 16.24.060.

B. **Traverse sheets:** Calculation and traverse sheets in a form approved by the City Engineer giving bearings, distances, lot areas and coordinates of the boundary of the subdivision and blocks, lots and streets herein on the parcel map, and traverse sheets of time to find stakes, monuments or other evidence used to determine the boundaries of the subdivision.

C. **Utility easements:** A statement or map from the utility companies showing required easements to provide their service.

D. **Public improvement plans and specifications:** The subdivider shall grade and improve all land dedicated or to be dedicated for streets, highways, public ways and easements, and all private streets and private easements required as conditions of approval of the tentative map. The original tracings of detailed plans, cross-sections and profiles of all improvements required to be installed by the provisions of this Title and all other improvements proposed to be installed by the subdivider in, on, over or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including estimated cost thereof, shall be submitted to the City Engineer for approval and signature. All such plans shall be prepared in accordance with the requirements of the City Engineer. Plan sheets shall be 24 inches by 36 inches with a one and one half inch left margin.

E. **Design Data:** All design data, assumptions and computations for proper analysis that is in accordance with sound engineering practice.

F. **Report and guarantee of clear title:** The parcel map shall be accompanied by a current report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map and for dedication of streets, alleys and other public places shown on the parcel map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to such subdivision. At the time of recording the parcel map, following approval by the City Council, there shall be filed with the Sutter County Recorder, a guarantee executed by a duly authorized title company showing that the persons (naming them) consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all persons necessary to pass clear title to such subdivision and the dedications shown thereon.

G. **Security:** Public improvement agreement and bonds as specified in Sections 16.20.110 through 16.20.140

H. **Deed restrictions, bylaws and/or articles of incorporation:** Two copies of all deed restrictions, bylaws and articles of incorporation. (Ord. 254 § 6.2(D), 1982, Ord. 539 § 1, 2011)

16.20.060  **Submittal of the Parcel Map**
Four copies of the parcel map and the data to accompany the parcel map shall be submitted to the City Clerk for checking. (Ord. 254 § 6.2 (E), 1982, Ord. 539 § 1, 2011)

16.20.070 Fees

A. Map and plan check fees: At the time of submittal, the subdivider shall pay a map checking fee for checking the parcel map and a plan checking and inspection fee for checking improvement plans and specifications, checking contract arrangements and inspecting improvements. The fees shall be in amounts fixed by resolution or ordinance of the City Council.

B. Sewer and water extension fees: At the time of filing the parcel map, the subdivider shall pay all extension fees for both sewer and water in the amounts previously fixed by resolution or ordinance of the City Council or as otherwise determined and fixed under the terms of a standard subdivision improvement agreement entered into between the City and the subdivider.

C. Recording fees: At the time of filing the parcel map the subdivider shall pay a recording fee as established by the Sutter County Recorder. (Ord. 254 § 6.2(F), 1982, Ord. 539 § 1, 2011)

16.20.080 Effect of Failure to Record

Subdivider’s failure to record a parcel map within a period of 24 months after the approval or conditional approval of the tentative parcel map and any extensions of time granted in accordance with the provisions of Chapter 16.14 of this Title shall terminate all proceedings. Before a parcel map may thereafter be recorded, a new tentative parcel map shall be submitted and approved, as provided in Chapter 16.14. (Ord. 254 § 6.2(G), 1982, Ord. 539 § 1, 2011)

16.20.090 Action on a Parcel Map by the City Engineer

Upon receipt of the parcel map the City Engineer shall examine such to determine that the parcel map is shown substantially the same as it appeared on the tentative parcel map, any approved alteration thereof, and any conditions of approval thereof, that all provisions of this Title and the Subdivision Map Act have been complied with, and that the map is technically correct. If the City Engineer determines that the parcel map is not in full conformity with the tentative parcel map, the subdivider shall be advised of the changes or additions that must be made to make such conformity, and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer determines that full conformity therein has been made, it shall be so stated on the parcel map and transmitted to the City Clerk, together with any documents which may have been filed therewith for presentation to the City Council. (Ord. 254 § 6.2(H), 1982, Ord. 539 § 1, 2011)

16.20.100 Filing Certificate Regarding a Tax Lien

Prior to filing the parcel map with the City Council, the subdivider shall file the certificate and documents relating to taxes and assessments, as required by the Subdivision Map Act commencing with Section 66492 and any amendments thereto. (Ord. 254 § 6.2(I), 1982, Ord. 539 § 1, 2011)
16.20.110 Approval by the City Council

The City Council shall, at the meeting at which it receives the parcel map or, at its next regular meeting after the meeting at which it receives the parcel map, approve the parcel map if it conforms to all of the requirements of this Title and the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereafter. If the parcel map does not conform the City Council shall deny the parcel map, as provided in Section 16.20.100. The meeting at which the City Council receives the parcel map shall be the date on which the City Clerk receives the map. At the time the City Council approves a parcel map, it may also accept, accept subject to improvements or reject any offer of dedication. The City Clerk shall certify on the parcel map the action by the City Council.  

(Ord. 254 § 6.2(J), 1982, Ord. 539 § 1, 2011)

16.20.120 Disapproval by the City Council

The City Council shall disapproval the parcel map if the parcel map fails to meet or perform any of the requirements or conditions imposed by this Title or the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereafter, specifying the requirements or conditions which have not been met or performed. The City Clerk shall advise the subdivider of such disapproval. Within 30 days after the City Council has disapproved any parcel map, the subdivider may file with the City Clerk a map altered to meet the approval of the City Council. In such a case the City Engineer shall review the altered map for conformance with the requirements of the City Council and then shall submit the altered map to the City Council for its approval along with a statement that the altered final map is technically correct. No parcel map shall have any force or effect until the same has been approved by the City Council and no offer of dedication shall be accepted until the City Clerk has recorded the parcel map with the Sutter County Recorder. The provisions of this Section may be waived when the denial of the parcel map is a result of a technical error which, in the determination of the City, does not materially affect the validity of the parcel map. (Ord. 254 § 6.2(K), 1982, Ord. 539 § 1, 2011)

16.20.130 Public Improvement Agreement

If at the time of approval of the parcel map by the City Council, any public improvements required by the City pursuant to the provisions of this Title have not been completed and accepted in accordance with City standards applicable at the time of approval of the tentative map, the City Council, as a condition precedent to the approval of the parcel map, shall require the subdivider to enter into an agreement with the City upon mutually agreeable terms to thereafter complete the improvements at the subdivider’s expense. Such agreement shall be secured by improvement security. The agreement may, at the option of the City, be recorded. (Ord. 254 § 6.2(L), 1982, Ord. 539 § 1, 2011)

16.20.140 Type of Improvement Security Allowed
A. Types of security permitted: Whenever this Title authorizes or requires the furnishing of security in connection with the performance of any act or agreement, such security shall be one of the following at the option of and subject to approval by the City:

1. Bond: A bond or bonds by one or more duly authorized, California admitted corporate sureties with a minimum Best Rating of “A”,

2. Cash deposit: A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, or money or negotiable bonds of the kind approved for securing deposits of public moneys;

3. Instrument of credit: An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are in deposit and guaranteed for payment;

4. Property lien: A lien upon the property to be divided, created by a contract between the owner and the local agency, if the City finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after recordation of the map; or

5. Real property interest: A security interest in real property in an amount determined by the City not to exceed a portion of the value of the property as determined by the City. The security interest instrument would be of a form approved by the City, and would be recorded by the Sutter County Recorder. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in the amount necessary to complete the agreed improvements. The recorded contract or security document shall be indexed in the grantor index to the names of all record owners of the real property and in the grantee index to the City of Live Oak.

B. Release of security: The City may at anytime release all or any portion of the property subject to any lien or security interest created by this parcel map or subordinate the lien or security interest to other liens or encumbrances if it determines that security for performance is sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the completion of the agreed upon improvements. (Ord. 254 § 6.2(M), 1982, Ord. 539 § 1, 2011)

16.20.150 Bonded Security

A. Form:

1. A bond or bonds by one or more duly authorized, California admitted corporate sureties with a minimum A rating to secure faithful performance shall be in substantially the following form:

   Whereas, the City Council of the City of Live Oak, State of California, and _______________ (hereinafter designated as “principal”) have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated _______________, 20__, and identified as project _______________, is hereby referred to and made a part of; and
Whereas, said principal is required under the terms of said agreement to furnish a bond for the faithful performance of said agreement.

Now, therefore, we, the principal and ________________________, as surety, are held and firmly bound unto the City of Live Oak (hereinafter called the “City”), in the penal sum of __________________ dollars ($____________) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bounded principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Live Oak, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney’s fees, incurred by the City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications.

The surety’s obligations to the City arise immediately upon the default of the principal, without demand or notice. The surety waives the provisions of California Civil Code Section 2845 and, in light of such waiver, the City shall not be required to proceed against the principal, nor shall the City be required to pursue any other remedy in the City’s power. In light of such waiver, the City may proceed directly against the Surety upon default of the principal, and it shall not be a defense to the City’s claims against the surety that the City has failed to proceed against the principal (or any other person whom the surety believes might be responsible for the breach of the principal) or to pursue any other remedy in the City’s power. In addition to the foregoing, the surety waives any rights or defenses it may have in respect to its obligations as a surety by reason of any election of remedies by the City.

To the extent that the principal’s obligations are secured by real property or an estate for years, the surety waives all rights and defenses that it may have because the principal’s obligation is so secured. This means, among other things: (1) the City may collect from the surety without first foreclosing on any real or personal property collateral pledged by the principal; (2) if the City forecloses on any real property collateral pledges by the principal: (A) the amount of the obligation may be reduced only by the price for which the collateral is sold at the foreclosure sale, even if the collateral is worth more than the sale price (B) the City may collect from the surety even if the City, by foreclosing on the real
property collateral has destroyed any rights the surety may have to collect from the principal. This is an unconditional and irrevocable waiver of any rights and defenses that the surety may have because the principal’s obligation is secured by real property. These rights and defenses include, but are not limited to, any rights or defenses based upon Section 1080a, 1080b, 1080d or 726 of the Code of Civil Procedures.

The surety waives all rights and defenses arising out of an election of remedies by the City, even though that election of remedies, such as a non-judicial foreclosure with respect to security for a guaranteed obligation has destroyed the sureties rights of subrogation and reimbursement against the principal by the operation of Section 580d of the Code of Civil Procedure, or otherwise.

Because the surety’s obligations to the City are absolute and unconditional upon default of the principal, it shall be no defense to the surety’s obligations to the City that the principal is or has become insolvent or that the project which is the subject of the principal’s obligations is or has become economically infeasible. In that regard, doctrines such as “Frustration of Purpose” or “Commercial Frustration” or “Illegal Forfeiture” or similar doctrines shall not defeat the surety’s absolute and unconditional obligation to the City upon the default of the principal. The surety has specifically undertaken the risks that the principal may be or become insolvent or that the project which is subject of the principal’s obligation may presently or in the future, lack commercial viability.

In the event the principal defaults in the performance of its obligations, the surety may elect, either directly or through appropriate contractors to perform in the place of the principal. If the surety elects to proceed in this fashion, it shall provide written notice of such election to the City within thirty (30) days after surety becomes aware of the principal’s default. If the surety elects to complete the obligations of the principal (as opposed to paying money damages to the City occasioned by such breach) the surety shall cause the obligations of the principal to be performed as soon as is reasonably possible, but in no event later than nine (9) months following knowledge of the breach by the principal. In the event the surety elects to perform the principal’s obligations, the City shall be entitled to compel the surety, by way of specific performance, to perform such obligations.

If the surety does not elect to perform the principal’s obligations, the surety shall deposit with the City a sum equal to the cost of the uncompleted portion of the work which comprises the principal’s obligation. The City’s City Engineer shall determine the estimated cost of the uncompleted portion of the work and the surety shall make such deposit with the City within five (5) days of receipt of the City Engineer’s estimate. The City shall not be required to expend any of its own funds to complete the work nor to incur “out of pocket” damages inasmuch as the City’s damages are measured by the value of its unfulfilled right, namely the costs of completing the obligations of the principal by installing the bargained-for improvements. Upon deposit of the estimated cost of completion with the City, the City may proceed to bid the remainder of the work as a public project pursuant to the Public Contract Code and the surety shall be obligated to continue to deposit such additional funds as may be necessary from time-to-time until the improvements are complete and accepted by the City or until the surety has exhausted the penal sum of the bond. Should the surety deposit more funds than are necessary to satisfy the principal’s obligation, then the City shall refund any balance remaining upon final
acceptance of the improvements. No interest shall be paid on any deposits made with the City.

Underwriting assumptions and cost estimates of the Surety shall not have any bearing, whatsoever, on the Surety’s liability under this bond. By way of example, if, when making underwriting decisions regarding issuing this bond, a cost estimate was prepared regarding the principal’s obligations to the City, the fact that an item was omitted from the cost estimate (which item was an obligation of the principal to the City), shall in no way defeat or diminish the Surety’s obligation to the City with respect to this omitted item. By way of further example, if the underwriting decision to issue this bond included a cost estimate of items and a particular item was estimated at a cost significantly less than the amount actually required to perform such item, this fact shall in no way defeat or diminish the Surety’s obligation to the City. Namely, the Surety shall be obligated to the full amount of the penal sum of the bond, with respect to all matters which are the principal’s obligation to the City, whether such items are actually included in any cost estimate (or if so included, are estimated at a cost far less than the actual cost to perform such items). Likewise, the adequacy and amount of any premium (and whether or not such premium was sufficient for the risk assumed by Surety) shall have no bearing on surety’s absolute and unconditional obligation to the City upon the principal’s default of its obligation under this bond.

In witness whereof, this instrument has been duly executed by the principal and surety above named, on ________________, 20__.

2. A bond or bonds by one or more duly authorized, California admitted corporate sureties with a minimum A rating for the security of laborers and material men shall be substantially the form prescribed by the Subdivision Map Act.

B. Amount:

1. Performance: For faithful performance the amount of improvement security shall be based upon the total estimated cost of the improvements as determined by the City Engineer. Improvement security securing faithful performance of all work, including sufficient funds to insure construction staking and contract administration by the subdivider’s consulting engineer shall be an amount equal to 100 percent of the estimated cost of improvement. All improvement security shall be maintained in full force and effect for a period of 12 months following acceptance of all improvements by the City to assure the proper completion or maintenance of the work; provided that substitution or partial release of security may be authorized by the City Engineer if in the City Engineer’s opinion such substitution or partial release is consistent with the proper completion or maintenance of the work and protection of possible lien holder, and further provided, that the amount of the continuing security shall in no case be less than 25 percent of the amount of the original security.

2. Labor and material: For labor and material the improvement security securing payment to the contractor, their subcontractor and persons furnishing labor, materials and equipment to them for the improvement of the performance of the required act shall be an amount equal to 100 percent of the total estimated cost of the improvement, except if the security is in the form of a cash deposit, deposits or instrument of credit or security
interests, the amount shall be equal to 50 percent of the total estimated cost of the improvement. (Ord. 254 § 6.2 (N), 1982, Ord. 539 § 1, 2011)

16.20.160 General Conditions for Security and Insurance

A. General conditions: Bonds, deposits, instruments of credit, property liens and security interest in real property shall conform to the following conditions:

1. Liability of security: Any liability upon security given for the faithful performance of any act or agreement shall be limited to the condition prescribed by the Subdivision Map Act.

2. Additional secured costs: As a part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorney’s fees, incurred by the City in successfully enforcing the obligation secured.

3. Release of security: Improvement security may be released in whole or in part in the manner prescribed by the Subdivision Map Act and in accordance with any such rules prescribed by the City Council.

B. Insurance: The subdivider shall, at their sole cost and expense, obtain and maintain in full force and effect comprehensive general public liability and property damage insurance in the following amounts:

- Comprehensive liability: $2,000,000 per person
  $5,000,000 per occurrence
- Property Damage: $2,000,000

The required insurance shall be obtained from one or more insurance companies licensed to do business in the State of California and having a financial rating in Best’s Insurance Guide of at least “A”, which insure the City, City boards and commissions and members thereof and City officers, employees and agents against any liabilities arising out of the subdivider’s construction and installation of the improvements required as a condition of approval of the final map. All such insurance shall be in the form or forms approved by the City’s attorney, and shall name the City of Live Oak, the City’s boards and commissions and members thereof, and its officers, employees and agents as additional insureds under the coverage afforded. In addition such insurance shall be primary and non-contributing with respect to any other insurance available to the City and shall include a severability of interests (cross liability) clause. To evidence such coverages, a copy of the insurance policy or policies required herein shall be delivered to the City for approval as to form and sufficiency. Said policy or policies will provide that the City will receive a minimum of 30 days advance notice of any cancelation, material reduction or termination of insurance. Subdivider shall provide a disclosure of and City shall approve any deductibles with respect to such insurance. Said policy shall further provide that the City’s failure to comply with any reporting requirements will not affect coverage. The subdivider shall (and the policy of insurance shall) waive any claims or rights of subrogation against the City or any of the City’s insurers. All deductibles must be declared and approved by the City. The required insurance shall be obtained prior to execution of a subdivision improvement agreement when required under
Section 16.20.110 or prior to commencement of construction if no subdivision improvement agreement is required. (Ord. 254 § 6.2(0), 1982, Ord. 539 § 1, 2011)

16.20.170 Recordation

When the City Council shall have approved the parcel map as set forth in this Chapter, the City Clerk shall transmit the map to the Sutter County Recorder in accordance with Section 66464 of the Subdivision Map Act. After the map has been recorded, the subdivider shall provide the City Engineer with accurate, legible photographic duplicates of each sheet on single matte, reproducible, polyester film. (Ord. 254 § 6.2(P), 1982, Ord. 539 § 1, 2011)

Chapter 16.22 - Amendments to Recorded Maps

Sections:

16.22.010 Purpose of this Chapter

16.22.020 Amending Final Maps and Parcel Maps

16.22.030 Application

16.22.040 Form and Contents

16.22.050 Examination by the City Engineer

16.22.060 Public Hearing

16.22.070 Filing with the Sutter County Recorder

16.22.010 Purpose of this Chapter

This Chapter provides for the correction or amendment of recorded final maps or parcel maps other than those corrections or amendments described in Section 66469 of the Subdivision Map Act.

16.22.020 Amending Final Maps and Parcel Maps

After a final map or parcel map is filed in the office of the Sutter County Recorder, such a recorded map may be amended by a certificate of correction or an amending map, at the discretion of the City Council, if the City Council finds that:

A. There are changes in circumstances which make any or all of the conditions of the map no longer appropriate or necessary; and

B. The modifications do not impose any additional burden on the fee owners of real property; and

C. The modifications do not alter any right, title or interest in the real property reflected on the recorded map; and
D. The map as modified conforms to the requirements for such maps imposed by this Title and by state law.

16.22.030 Application

The subdivider shall apply for an amendment under this Chapter by filing an application with the Community Development Director setting forth all of the amendments proposed to be made and addressing specifically all of the findings set forth above. The City Council may, by resolution, set fees to be charged for this application pursuant to Government Code Section 66451.2.

16.22.040 Form and Contents

The amending map or certificate of correction shall be prepared by a registered civil engineer or licensed land surveyor. The form and contents of the amending map shall conform to the requirements of Section 16.18.040 through .050 of this Title for final maps and Section 16.20.030 through .040 for parcel maps. The amending map or certificate of correction shall set forth in detail the amendments or corrections made and show the names of the fee owners of the real property affected by the amendment, correction or omission on the date of the filing or recording of the original recorded map.

16.22.050 Examination by the City Engineer

Upon receipt of the amending map or certificate of correction the City Engineer shall examine such to determine that all provisions of this Title and the Subdivision Map Act have been complied with, and that the amending map or certificate of correction is technically correct. If the City Engineer determines that the amending map or certificate of correction is not in full conformity with this Title and the Subdivision Map Act, the subdivider shall be advised of the changes or additions that must be made to make such conformity, and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer determines that full conformity therein has been made, it shall be so stated on the amending map or certificate of correction and transmitted to the City Clerk, together with any documents which may have been filed therewith for presentation to the City Council.

16.22.060 Public Hearing

Upon approval of the modified map or certificate of correction by the City Engineer, the proposed modification shall be set for a public hearing at the next City Council meeting allowing compliance with the notice provisions of Section 66451.3 of the Subdivision Map Act.

16.22.070 Filing with the Sutter County Recorder

The amending map or certificate of correction that is approved by the City Council shall be filed in the office of the Sutter County Recorder. Thereupon the original final map or parcel map shall be deemed to have been conclusively so corrected and thereafter shall impart constructive notice of all such corrections in the same manner as set forth upon the final map or parcel map.
Chapter 16.24 - Subdivision Design Standards

Sections:

16.24.010 Purpose of this Chapter
16.24.020 Improvements Required
16.24.030 Title and Subtitle
16.24.040 Key Or Location Map
16.24.050 Construction and Installation Standards
16.24.060 Soils Report
16.24.070 Lot and Block Design Standards
16.24.080 Streets and Highways
16.24.090 Utilities
16.24.100 Drainage
16.24.110 Domestic Water Supply
16.24.120 Sanitary Sewer
16.24.130 Survey Monuments
16.24.140 Street Trees
16.24.150 Lighting
16.24.160 Signs and Posts

16.24.010 Purpose of this Chapter
This Chapter provides standards for the design and improvement of all subdivisions. (Ord. 254 § 7.1, 1982, Ord. 539 §, 2011)

16.24.020 Improvements Required
A. The subdivider shall construct or install improvements in streets, alleys, pedestrian ways, channels, easements, bike ways and other rights-of-way as are necessary for the general use of residents or business of the subdivision, whether created by parcel map or final map, and meet all local traffic and drainage needs in accordance with the provisions of this Chapter.
B. All improvements shall be designed and constructed in accordance with the most current version of the Improvement Standards. (Ord. 254 § 7.2, 1982, Ord. 539 §, 2011)

16.24.030 Preparation of Improvement Plans
A. Improvement plans shall be prepared by or under the direction of a registered civil engineer and shall show full details of all improvements required to be installed by the provisions of this Title and of all other improvements proposed to be installed by the subdivider within any
street, alley, pedestrian way, channel, easement, bike way or other public area or right-of-way. Full details include all cross sections, profiles, estimated costs and specifications.

B. The form, layout, scale and other particulars of the plans and the number of copies provided shall be in accordance with the requirements of the City Engineer. (Ord. 254 § 7.3(A), 1982, Ord. 539 §, 2011)

16.24.040 Approval of Improvement Plans by the City Engineer

Improvement plans, estimated costs and specifications shall be approved by the City Engineer prior to commencement of construction or installation of any improvements within or to be within any future street, alley, pedestrian way, channel, easement, bike way, or other public area or right-of-way. (Ord. 254 § 7.3(8), 1982, Ord. 539 §, 2011)

16.24.050 Construction and Installation Standards

Improvements shall be constructed and installed to permanent line and grade in accordance with the approved plans and specifications, and the most current version of the Improvement Standards to the satisfaction of the City Engineer. (Ord. 254 § 7.3(C), 1982, Ord. 539 §, 2011)

16.24.060 Soils Report

A. Preliminary soils report: For every subdivision a preliminary soils report shall be prepared by a civil engineer registered in this state that specializes in soils engineering, and shall be based upon adequate test borings. The preliminary report shall be submitted to the City Engineer for review, unless the City Engineer advises the subdivider in writing that he is sufficiently familiar with the characteristics and quality of the soils within the proposed subdivision to dispense with this requirement. The City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate or unsatisfactory.

B. Soils report: If the preliminary soils report indicates the presence of critically expansive soils, rocks or liquids containing deleterious chemicals, or other soil irregularities which, if uncorrected, could conceivably cause structural damage to buildings or other structures proposed to be erected within the subdivision, or cause construction materials such as concrete, steel and ductile or cast iron to corrode or deteriorate, a soils investigation of every potentially affected lot within the division of land shall be undertaken. The investigation shall be conducted by a civil engineer registered in this state who specializes in soils engineering who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where the soils problem exists. A formal report of the investigation shall be filed with the City Engineer. Additionally, a geologist’s report may be required in such cases where, in the opinion of the City engineer, information contained in the preliminary or formal report or other materials indicates the need for such a report in terms of geological hazards of the area proposed for subdivision.

C. Issuance of building permits: If a soils report and/or a geologist’s report is required, the Chief Building Official shall not issue building permits in respect to buildings and other structures proposed to be built within the subdivision unless he determines:

1. That the corrective measures recommended therein are sufficient to obviate the possibility of structural damage; or
2. Any building permits thus issued shall be conditioned upon the incorporation of approved corrective measures in the building and the soils of the lot to which it relates.

D. Soils report information to be recorded with the map: When a soils report has been prepared, this fact shall be noted, together with the date of the report and the name of the engineer making the report, on an additional map sheet or on a separate document to be recorded simultaneously with the final or parcel map. (Ord. 254 § 7.3(D), 1982, Ord. 539 §, 2011)

16.24.070 Lot and Block Design Standards

A. Buildable lots: All subdivisions shall result in lots which are developable and capable of being built upon. No subdivision shall create lots which are impractical for improvement due to size or shape, location of watercourses, problems of sewage or driveway grades or other physical conditions.

B. Zoning Regulations: All lots within a proposed subdivision shall comply with the Live Oak Zoning Regulations.

C. Lot side lines: The side lines of all lots, so far as possible, shall be at right angles to the street on which the lot fronts or approximately radial to the center of curvature if such street is curved. When a lot fronts on a cul-de-sac the side lines of the lot shall be approximately radial to the center of curvature of the cul-de-sac.

D. Lots at boundary lines: No lot shall be divided by a City boundary line, nor any boundary between parcels registered under separate ownership. Each such boundary line shall be made a lot line.

E. Flag lots: Flag lots may be allowed by the Planning Commission for subdivisions when the shape of the lot and the length of public street frontage of the lot prior to subdividing makes conformance to these design standards impractical. Flag lots shall conform to the following requirements:

1. Accessway size: Accessways which serve not more than two residential lots or dwelling units shall have a minimum width of 20 feet with a 16 foot wide roadway surface. Accessways which serve any commercial or industrial lots or more than two residential lots or dwelling units shall have a minimum width of 32 feet with a 28 foot wide driveway surface.

2. All weather surface: All accessways shall be all-weather roadways constructed with a minimum of four inches of aggregate base and two inches of asphaltic concrete constructed to City standards or equivalent as approved by the Planning Commission.

F. Division into large lots: Whenever land is divided into lots which average one acre or more, blocks shall be designed to provide for the opening of streets at intervals sufficient to permit the subsequent subdivision of any such lot into smaller sized lots.

G. Block lengths: Blocks shall have a length of not more than 900 feet between street centerlines unless the design of the blocks adjacent to the proposed subdivision or other special conditions justifies departure from this requirement.

H. Double frontage: Lots having double frontage shall not be approved except where necessitated by unusual conditions. The width of each block shall be sufficient for an
ultimate layout of two tiers of lots unless the general layout in the vicinity, lines of ownership, type of use or topographical conditions or locations of major streets or freeways justify or make necessary a variation from this requirement.

I. Remnants: No remnants of property shall be left in a subdivision which do not conform to lot requirements or are not required for a private utility or public purpose. (Ord. 301 § 3 (part), 1986; Ord. 254 § 7.3(E), 1982, Ord. 539 §, 2011)

16.24.080 Streets and Highways

A. Design conformance: Street and highway design shall conform both in width and alignment to the Live Oak General Plan, any adopted specific plan and any adopted plan line and shall meet the requirements of the Improvement Standards or any individual standard adopted by the City Council or Planning Commission.

B. Dedication of real property for public streets: Those strips of land which comprise the proposed public streets within and contiguous with a subdivision shall be dedicated or irrevocably offered for dedication to the City for public street purposes, including any land required to provide the necessary supplemental width to an existing City street to conform to the width and alignment requirements in Section 16.24.080.A.

C. Street patterns: The street pattern in a subdivision shall generally provide for the most advantageous development of adjoining areas, neighborhoods or districts.

1. Alignment with existing streets: So far as practicable, street intersections shall be in alignment with existing adjacent streets by continuation of the centerlines thereof, or by adjustment by curves. Wherever streets are not in alignment, their centerlines shall be offset by not less than 100 feet.

2. Intersections of streets: Street centerlines shall be required to intersect one another at an angle as near to a right angle as is practicable by tangents in accordance with the Improvement Standards.

3. Access to adjoining lands: Where necessary to give access to or permit the satisfactory subdivision of adjoining land, proposed streets shall be extended to the boundary of the subdivision and the resulting dead end street may be approved without a turnaround. A temporary turnaround may be approved which may have a radius of 40 feet. In all other cases, a turnaround shall have the minimum dimensions shown below for cul-de-sacs.

4. Cul-de-sacs: Cul-de-sacs shall include a turning circle with a minimum radius of 40 feet at the face of curb and 50 feet at the property line, except that in industrial subdivisions cul-de-sacs shall have a minimum radius of 50 feet at the face of curb and 60 feet at the property line. Residential cul-de-sacs shall not exceed a length of 700 feet, measured from the center of the turning circle to the centerline of the intersecting street, unless there are physical conditions that justify a longer length. Cul-de-sacs in all other zone districts shall not exceed 400 feet unless topography or other special conditions warrant a longer cul-de-sac.

5. Long, straight streets discouraged: Excessively long, straight standard subdivision streets, which are conducive to high speed traffic, are discouraged.

D. Street Access:
1. **Access on public streets:** All lots created by a subdivision shall have frontage on a public street unless otherwise determined in Subsection 16.24.080.D.2, below.

2. **Access by private streets:** If the Planning Commission determines that it is logical to develop land with lots that have access to private streets, such development may be approved. The subdivider shall submit a development plan showing the alignment, width, grade and material specifications of any proposed private street and the means of access to each lot and the water supply, sewerage and drainage of each lot served by the private streets. Private streets shall meet the current public street standards for materials specifications and standards for construction methods. The subdivider shall be required to provide a feasible method for the maintenance of such private streets and the liability for taxes thereon. Non-access strips at the end of streets or at the boundaries of subdivisions shall be dedicated to the City when required by the City.

**E. Design Adjacent to Major Streets**

1. **Street intersections:** The number of intersecting streets along a state highway or major street shall be kept to a minimum.

2. **Driveways:** Residential driveways should be prohibited from direct access onto a major street.

3. **Waiver of access rights:** When the side or rear lot lines of residential lots abut a major street the subdivider may be required to execute an instrument waiving the right of ingress to and egress from such lots across those side or rear lot lines. The subdivider may also be required to dedicate and improve a landscape strip and wall adjacent thereto.

**F. Relation to Adjacent Street System**

Streets within a subdivision are to relate in the following ways to the adjacent street system:

1. **Preexisting streets:** Alignment of streets shall conform to and provide for the continuation of the principal adjacent preexisting streets or to their proper projected location where the adjoining property has not been developed.

2. **Street width:** Width of streets shall conform to the requirements of the Improvement Standards.

3. **Future access and street patterns:** Streets shall be situated in such a way as to accommodate rational future access and street patterns. Whenever a tentative map or tentative parcel map indicates that an unfinished street, or half street, within the subdivision abuts adjacent land, and it is the intention of the City that the street eventually will be competed upon the adjacent land, the subdivider may be required to dedicate to the City in fee a one foot strip along the perimeter portion of the unfinished street or half street which abuts the adjacent land for the purpose of controlling access to the street from the adjacent land.

**G. Service roads:** When proposed lots front on a major street or highway the subdivider may be required to dedicate and improve a parallel service road to provide ingress and egress to and from each lot.

**H. Curbs and gutters:** Curbs and gutters shall be required on public streets and shall comply with the design requirements of the Improvements Standards.
I. Sidewalks: Sidewalks shall be required on public streets and shall be located within the street right-of-way. Sidewalks shall comply with the design requirements of the Improvement Standards.

J. Pedestrian ways: Other pedestrian ways outside of the street right-of-way may be required for access to schools, parks, playgrounds, shopping centers, transportation facilities or other community facilities.

K. Bikeways: All subdivisions shall be designed to include rights-of-way for bicycle movement, which rights-of-way may be required to be separate from streets. The location and improvement of these rights-of-way shall be designed in such a way as to maximize (1) convenience of movement throughout the subdivision, (2) access to community facilities, and (3) safety of persons using the pedestrian and bikeways. (Ord. 254 § 7.3(F), 1982, Ord. 539 §, 2011)

16.24.090 Utilities

Unless otherwise approved by the Planning Commission, utilities within a subdivision shall be subject to the following provisions:

A. Easements: All utilities shall be placed in right-of-way dedicated to the public. Whenever it is necessary for the installation, operation and maintenance of utilities and utility accessories, easements shall be provided along any front, side or rear lot line, or across lots as may be required by the City Engineer. Widths of easements for utility companies and agencies shall be determined by the company or agency.

B. Utility crossing of a state highway or railroad: When any storm drain, sanitary sewer or domestic water line crosses a state highway or railroad, a permit from the responsible agency shall first be obtained.

C. Undergrounding utilities:

1. Required undergrounding and exceptions: Electric, communication or similar or associated utility distribution facilities installed in and for the purpose of supplying service to each lot within the subdivision, and any existing overhead utility facilities located within the subdivision or on those portions of streets which abut the subdivision, shall be placed underground in accordance with the utilities rules and regulations on file with the California Public Utilities Commission. The following facilities are excepted from the provisions of this subsection:

   a. Municipal facilities: Any City facilities or equipment that are excepted by the City Engineer;

   b. Lighting: Poles or electroliers used exclusively for street lighting;

   c. Over 34,500 volts: Poles, overhead wires and associated overhead structures used for transmission of electric energy at nominal voltages in excess of 34,550 volts;

   d. Antenna installation: Antennae, associated equipment and supporting structures used by a utility for furnishing communication services;

   e. Underground appurtenances: Equipment appurtenant to underground facilities such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts; and
f. **Temporary facilities:** Temporary poles, temporary overhead wires and associated temporary overhead structures used or to be used during the course of construction in conjunction with a construction project.

2. **Waiver of undergrounding for difficult physical conditions:** The Planning Commission may waive the requirement that existing overhead utility facilities that are located within the subdivision, or on those portions of streets which abut the subdivision, be relocated to underground if it finds that topographical, soil or other physical conditions make the undergrounding as otherwise required by this subsection, unreasonable or impracticable.

3. **Subdivider responsibility:** The subdivider is responsible for complying with the requirements of this subsection and shall make the necessary arrangements with the utility companies involved for the installation of the facilities.

4. **Grading:** Public rights-of-way and easements where utilities are to be placed underground shall be graded to within six inches of the final grade prior to installation of those utilities. Grades of curbs shall be determined and staked before utilities are installed underground. (Ord. 254 § 7.4(A), 1982, Ord. 539 §, 2011)

16.24.100 **Drainage**

A. **Existing ditches or natural channels:** The subdivider shall dedicate right-of-way for storm drainage conforming substantially with the lines of any ditch or natural watercourse that traverses through or adjacent to the subdivision, or, at the option of the City Engineer, the subdivider shall provide by further dedication or sufficient easements or constructions or both, to dispose of such surface and storm water. The diversion of natural channels or existing ditches will be allowed only within the limits of the proposed improvement. All natural drainage must leave the improved area on the original horizontal and vertical alignment unless special arrangements and agreements are made with adjoining property owners. All existing natural channels or ditches shall be replaced with underground closed conduits. Open channels will only be considered for the conveyance of drainage if the peak storm water discharge is large enough to render a closed conduit infeasible due to physical constraints where slope, width and depth renders a closed conduit unable to meet horizontal and vertical alignment requirements stated herein. This open ditch exception applies only to regional storm water conveyance systems and then only upon the approval of the City Engineer. The design of such structures will be reviewed on an individual basis.

B. **Stormwater drainage design:** The design of storm drainage facilities, including storm drainage detention facilities, shall be in accordance with the Improvement Standards.

C. **Lot grading:** The ground surface of each lot shall be graded to channel storm drainage runoff from each lot into the street gutter or into an approved underground storm drainage conduit. (Ord. 383 § 4, 1992: Ord. 254 § 7.4(B), 1982, Ord. 539 §, 2011)

16.24.110 **Checking Fee**

At the time of acceptance of a tentative parcel map for distribution, the subdivider or its agent shall pay a map checking fee in an amount established by resolution of the city council. (Ord. 254 § 7.4(C), 1982, Ord. 539 §, 2011)

16.24.120 **Sanitary Sewer**
A. **Sanitary sewer design:** Design of sanitary sewer facilities shall be in accordance with the City’s public sewer construction ordinance and the improvement standards.

B. **Connection to the existing sewer system:** The City shall direct the contractor’s representative in the procedures, methods and timing of any connection to the City’s existing sewer mains, manholes and appurtenances. The contractor’s representative shall then direct his forces in accordance with the City’s instructions. (Ord. 301 § 2(D), 1986; Ord. 254 § 7.4(D), 1982, Ord. 539 §, 2011)

16.24.130 **Survey Monuments**

The developer shall provide for the placement of standard street survey monuments in accordance with the provisions of Chapters 16.18 and 16.20. (Ord. 301 § 2(E) 1986; Ord. 254 § 7.4(E), 1982, Ord. 539 §, 2011).

16.24.140 **Street Trees**

Trees shall be planted along all streets and public ways included within and bordering the subdivision in accordance with the Improvement Standards. Tree species shall be selected from the master tree list in the Improvement Standards. The trees shall be kept watered by the subdivider or the subsequent owners of the lots on which the trees front. (Ord. 301 § 2(F), 1986: Ord. 254 § 7.4(F), 1982, Ord. 539 §, 2011)

16.24.150 **Lighting**

All lighting on dedicated rights-of-way shall be installed in accordance with the Improvement Standards. (Ord. 301 § 2(G), 1986: Ord. 254 § 7.4(G), 1982, Ord. 539 §, 2011)

16.24.160 **Signs and Posts**

Street signs and posts shall be installed as required by the City Engineer.

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**Chapter 16.26 PUBLIC IMPROVEMENTS**

**Section**

- **16.26.010** Purpose of this Chapter
- **16.26.020** Improvement Plans Required
- **16.26.030** Minimum Required Improvements
- **16.26.040** Inspection
- **16.26.050** Time of Completion
- **16.26.060** “As built” Plans
- **16.26.070** Acceptance of Improvements
- **16.26.080** Utility Fees
16.26.010  Purpose of this Chapter

This Chapter sets forth the minimum improvements a subdivider shall make or agree to make, at the cost of the subdivider, prior to approval of a final map or parcel map.  (Ord. 539 § 1, 2011)

16.26.020  Improvement Plans Required

Improvement plans and specifications for all work shall be prepared in accordance with the provisions of Chapter 16.24.  No improvement work shall be commenced until the improvement plans, and specifications have been approved by the City Engineer and, if necessary, a public improvement agreement has been concluded between the subdivider and the City.  (Ord. 539 § 1, 2011)

16.26.030  Minimum Required Improvements

The subdivider shall improve, or agree to improve, all streets, alleys, pedestrian ways, channels, easements, bikeways and other rights-of-way within the subdivision and adjacent thereto as required to serve the subdivision and as required by the conditions of approval of the tentative map.  The minimum improvements the subdivider shall make or agree to make, shall include the following:

A. Grading: Streets shall be graded to the width set forth in this Title and approved by the City Engineer and the Planning Commission.  Lot grading shall conform to the approved plans.

B. Street improvements: Subdivision streets and off-site streets required to be improved shall be paved and meet all City improvement standards.  The subdivider shall also be responsible for resurfacing existing streets which are substantially disturbed or degraded in the process of utility construction.

C. Sidewalks, pedestrian ways, bikeways: Sidewalks, pedestrian ways, wheelchair ramps and bikeways shall be installed on all subdivision streets.

D. Domestic water distribution system: Water mains and fire hydrants connecting to the City water system shall be installed with sufficient size to furnish an adequate water supply for each lot in the subdivision and to provide adequate fire protection.

E. Wastewater collection system: Sanitary sewer facilities connecting with the existing City wastewater collection system shall be installed to serve the subdivision with a separate private lateral for each lot.

F. Drainage: Curbs, gutters, stormwater drains and other drainage structures shall be installed in all subdivision streets for the proper use and drainage of streets, pedestrian and bikeways and adjacent property and for the public’s safety.

G. Signs: Warning, regulatory, guide and street name signs shall be provided and placed as required by the City Engineer.

H. Monuments: Concrete monuments and iron pins shall be placed as specified in Chapter 16.18 and Chapter 16.20.
I. **Traffic safety:** Barricades, warning, safety and traffic devices shall be placed and maintained as required by the current “Manual on Uniform Traffic Control Devices for Streets and Highways” issued by the California Department of Transportation.

J. **Street lights:** Street lighting facilities shall be provided in accordance with the recommendations of the City Engineer. Lighting shall be adequate to allow proper policing of the subdivision.

K. **Underground utilities:** All new utility facilities, including but not limited to electric, communication and cable lines extended to and installed within the subdivision shall be placed underground as required by the Public Utilities Code. If required as a condition of approval of the tentative map, other on-site or off-site utilities may also be required to be undergrounded.

L. **Utility connections:** All underground utilities, sanitary sewers and storm drains installed in streets or alleys shall be constructed prior to the surfacing of such street or alleys. Connections for all underground utilities and sanitary sewers shall be laid to such lengths as will obviate the necessity for disturbing the street or alley improvements when service connections are made.

M. **Dry conduit:** Where necessary, dry conduit shall be installed for future underground utility crossings.

N. **Tree planting:** Street trees shall be planted. (Ord. 539 § 1, 2011)

16.26.040  **Inspection**

A. **Construction staking, testing, supervision:** The subdivider shall furnish all engineering for construction staking, density testing, construction supervision and administration for the construction as the work progresses.

B. **City Engineer inspection:** The City Engineer will check contract arrangements, inspect improvements and check “as built” plans. In the event the subdivider does not provide sufficient construction staking, density testing and construction supervision and administration of the work, the City may provide for the work and the subdivider shall pay the actual costs incurred as a result of such additional work. (Ord. 539 § 1, 2011)

16.26.050  **Time of Completion**

A. **Approval of time of completion:** The duration of the construction contract for subdivision public improvements in terms of calendar days shall be approved by the City.

B. **Additional inspection costs:** In the event the contractor does not finish the construction work in the amount of time set forth in the agreement with the City, the subdivider shall pay the actual costs of additional inspection incurred by the City. (Ord. 539 § 1, 2011)

16.26.060  **“As built” Plans**

A complete set of improvement plans “as built” shall be filled with the City Engineer upon completion of the improvements. The “as built” plans shall be drawn on photographic duplicates
of the original tracings on single matte, reproducible, polyester film. The plans shall be certified as to accuracy and completeness by the subdivider’s licensed contractor or engineer.

16.26.070  Acceptance of Improvements

Upon receipt and acceptance of the “as built” plans, the City Engineer shall recommend to the City Council formal acceptance of the improvements by the City. (Ord. 539 § 1, 2011)

16.26.080  Utility Fees

The subdivider shall be required to pay all regular extension fees and connection fees for the extension of and connection to water lines, sewer lines and storm drain facilities in an amount fixed by resolution or ordinance of the City Council. The fees shall be made payable prior to the filing of the final map except in such cases where the building density is not determined, in which case sewer and water connection fees may be deferred by the City Council upon recommendation of the City Engineer until application for a building permit is filed. (Ord. 539 § 1, 2011)

Chapter 16.28 - SUPPLEMENTAL IMPROVEMENT CAPACITY

Sections:

16.28.010  Purpose of this Chapter

This Chapter provides for the public improvements installed by a subdivider to contain supplemental size, capacity, number or length for the benefit of property not within the subdivision. (Ord. 254 § 8.1, 1982, Ord. 539 § 1, 2011)

16.28.020  Standards for Supplementing Capacity

As a condition of approval of a tentative map or a tentative parcel map, there may be imposed a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public. However, when such supplemental size, capacity, number or length is solely for the benefit of property not within the subdivision, the City shall, subject to the provisions of Sections 66486 and 66487 of the Subdivision Map Act, enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements. (Ord. 254 § 8.2(A), 1982, Ord. 539 § 1, 2011)
16.28.030 Method of Reimbursement

The City Council shall determine the method for payment of the costs required by a reimbursement agreement, which may include, but shall not be limited to, the following:

A. The collection from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, of a reasonable charge for such use.

B. The contribution to the subdivider of that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and the levy of a charge upon the real property benefited to reimburse the City for such costs, together with interest thereon, if any, paid to the subdivider.

C. The establishment and maintenance of local benefit districts for the levy and collection of such charge or cost from the property benefitted.  (Ord. 254 § 8.2(B), 1982, Ord. 539 § 1, 2011)

Chapter 16.30 - STREET NAMING

Section

16.30.010 Purpose of this Chapter.

16.30.020 Naming New Streets

16.30.030 Street Renaming

16.30.010 Purpose of this Chapter

This Chapter provides a process for the naming of streets and renaming of streets. The process provided below shall be used for both public and private streets.

16.30.020 Naming New Streets

A. Submittal of proposed names: All proposed names for new public or private streets shall be submitted as part of a tentative map, tentative parcel map or submitted separately to the Community Development Director.

B. Street naming criteria: Street names shall meet the following criteria:

1. No duplicates: Street names shall not duplicate the spelling or phonetic sound of any existing street name within the City and the County area contiguous to the City.

2. Name length: Street names shall not exceed 12 letters.

3. Naming street extensions: A street which is an extension of an existing street shall have the same name as an existing street.

4. Easily pronounced: Street names shall be easily pronounced and spelled as nearly possible to the phonetic sound.
5. **Naming after a person**: If a street is named after a person it shall only be the first or last name, unless specifically authorized by the City Council.

6. **Three or fewer addresses**: Streets with three or fewer potential addresses shall not have separate names.

C. **Agency review**: All proposed street names shall be circulated to the Fire Department, Police Department and post office in order to avoid name conflicts and duplications.

D. **Planning Commission approval**: The Planning Commission shall approve or reject the proposed street names. The decision of the Planning Commission may be appealed to the City Council within 10 days of the Planning Commission decision.

E. **Expiration of names**: Approved street names shall expire if the streets are not constructed prior to the expiration of any tentative map or tentative parcel map.

16.30.030  **Street Renaming**

A. **How to initiate**: A request to rename an existing street or to rename a street or streets on an approved tentative map or an approved tentative parcel map shall be submitted in writing to the Community Development Director. Requests to rename existing streets may be initiated by the following:

1. A petition signed by 60 percent of the property owners fronting on the street.
2. By motion of the Planning Commission.
3. By motion of the City Council.

B. **Process for renaming existing streets**: Upon receipt of a request to rename an existing street, the Planning Commission shall hold a public hearing. Written notice of the time and place of such hearing shall be given 10 days in advance of the hearing to all property owners abutting the street proposed to be renamed as shown on the latest assessment roll of Sutter County. The notice shall state the existing and proposed street names. At the conclusion of the hearing the Planning Commission shall approve or deny the request to rename the street.

C. **Appeal**: The decision of the Planning Commission may be appealed to the City Council. Upon an appeal the City Council shall hold a public hearing. Preceding the hearing, written notice of the time and place of such hearing shall be given 10 days in advance of the hearing to all property owners abutting the street proposed to be renamed as shown on the latest assessment roll of Sutter County. The notice shall state the existing and proposed street names. At the conclusion of the hearing or at a time determined by the City Council the City Council shall approve or deny the request to rename the street.

D. **Process for renaming proposed streets**: A request to rename streets on an approved tentative map or tentative parcel map shall be approved by the Planning Commission. No public hearing is required.
Chapter 16.32 - LOT LINE ADJUSTMENTS

Sections:

16.32.010  Purpose of this Chapter
This Chapter provides for the adjustment of the size and configuration of lots through lot line adjustments where:

- No more lots are created than originally existed;
- The lot line adjustment does not result in the creation of a substandard lot, nor in a decrease in size of an existing substandard lot; and
- Four or fewer lots are involved.

This Chapter includes the procedures for the preparation, filing, processing and approval or denial of lot line adjustment applications, consistent with the Subdivision Map Act Section 66412(d). (Ord. 254 § 9.1, 1982, Ord. 539 § 1, 2011)

16.32.020  Application and Processing

A. Application content: A lot line adjustment application shall include all of the information required by the Community Development Director and City Engineer and the required fee.

B. Ministerial action: A lot line adjustment is a ministerial action that is not subject to the California Environmental Quality Act. (Ord. 539 § 1, 2011)

16.32.030  Decision

The Community Development Director and City Engineer shall determine whether the lots resulting from the adjustment will conform with the applicable provisions of this Chapter and other City codes. The lot line adjustment shall be approved if it is determined to be in compliance with this Chapter and other City codes. (Ord. 254 § 9.3(A). 1982, Ord. 539 § 1, 2011)

16.32.040  Findings for Denial

The lot line adjustment shall be denied if the Community Development Director or City Engineer find any of the following:
A. The lot line adjustment will have the effect of creating a greater number of lots than originally existed.

B. Any lots resulting from the adjustment will be in conflict with any provisions of this Chapter or other City Codes;

C. The adjustment will result in an increase in the number of nonconforming lots; or

D. The adjustment will decrease the size of an existing substandard lot. (Ord. 254 § 9.3(B), 1982, Ord. 539 § 1, 2011)

16.32.050 Conditions of Approval

In approving a lot line adjustment the Community Development Director and City Engineer shall adopt conditions only as necessary to:

A. Conform the adjustment and proposed lots to the requirements of the City of Live Oak Municipal Code.

B. Require the prepayment of real property taxes prior to the approval of the lot line adjustment; or

C. Facilitate the relocation of existing utilities, infrastructure or easements. (Ord. 254 § 9.3(C), 1982, Ord. 539 § 1, 2011)

16.32.060 Authorization

Upon approval of the lot line adjustment application, the applicant shall submit for review and approval by the City Engineer and be recorded with the Sutter County Recorder within one year grant deeds, deeds of trust or revised deeds. Said approval is rescinded if no response is received within one year, unless prior to that time an extension of time is requested of and granted by the Community Development Director. (Ord. 254 § 9.3(D), 1982, Ord. 539 § 1, 2011)

Chapter 16.34 - Reversion to Acreage

Section

16.34.010 Purpose of this Chapter

16.34.020 Initiation of Proceedings

16.34.030 Contents of the Petition

16.34.040 Procedure

16.34.010 Purpose of this Chapter

This Chapter provides for reversion of subdivided real property, including both final maps and parcel maps, to acreage pursuant to the provisions of the Subdivision Map Act. Subdivided lands may be merged and re-subdivided without reverting to acreage pursuant to Section 66499.20 ½ of the Subdivision Map Act. (Ord. 539 § 1, 2011)
16.34.020  Initiation of Proceedings

A. By the owners: Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the real property within the subdivision. The petition shall be on a form prescribed by the Community Development Director.

B. By the City Council: The City Council, or on its own motion may, by resolution, initiate proceedings to revert property to acreage. The City Council shall direct the Community Development Director to obtain the necessary information to initiate and conduct proceedings. (Ord. 539 § 1, 2011)

16.34.030  Contents of the Petition

The petition shall contain, but not be limited to, the following:

A. Title to property: Adequate evidence of title to the real property within the subdivision.

B. Owners signature(s): A dated signature of all the owners having interest in the property within the subdivision, authorizing the processing of the petition.

C. Data for findings: Sufficient data to enable the City Council to make all the determinations and findings required in Subsection 16.34.040.F.

D. Final or parcel map: A final map, prepared in conformance with the provisions of Chapter 16.18 which delineates dedications which will not be vacated and dedications which are required as conditions of reversion. The map shall have printed conspicuously on its face the following: “Reversion to acreage.” A parcel map prepared in accordance with the provisions of Chapter 16.20 may be filed for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership.

E. Other: Other pertinent information the Community Development Director or City Engineer deems reasonable and necessary to permit adequate review and consideration of the application.

F. Fee: The petition shall be accompanied by the appropriate fees, as approved by the City Council. (Ord. 539 § 1, 2011)

16.34.040  Procedure

A. Petition referral: Within five days of finding the application complete, the Community Development Director shall refer copies of the tentative application to any City department, local, state or federal agency, public or private utility or other group that the Community Development Director believes may be interested in the project. If no response is received within 21 days of the referral date, the Director shall assume that the agency or group has no comments. Comments for the environmental document for the project may still be accepted and considered during its public review period.

B. Meeting with applicant: Within 30 days of finding the application complete the Community Development Director will determine if a project evaluation meeting is needed to discuss the project. If the meeting is needed, it will be scheduled with the applicant, the applicant’s
representatives and all City departments and other agencies having jurisdiction or providing services to the site.

C. **Processing the petition:** City staff shall review the project for compliance with the Subdivision Map Act and City standards as well as prepare the appropriate environmental document as required by the California Environmental Quality Act, and prepare a report to the City Council.

D. **Notice and hearing:** Upon completion of the review by City staff, proper notice of a public hearing before the City Council shall be provided as required by California Government Code Sections 65090 through 65095, and by other such means as the City Council may require.

E. **Decision:** Following the close of the public hearing or at a time thereafter determined by the City Council, the Council shall approve, approve with conditions or deny the reversion to acreage. The decision of the City Council is final.

F. **Necessary findings:** Subdivided real property may be reverted to acreage only if the City Council finds that:

1. Dedications and offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

2. Either:
   a. All owners of an interest in the real property within the subdivision have consented to reversion; or
   b. None of the improvements required to be made have been made within two years from the date of the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
   c. No lots shown on the final map or parcel map have been sold within five years from the date such map was filed for record.

G. **No tax bond required:** A tax bond shall not be required in reversion proceedings.

H. **Recording the final map or parcel map:** Following approval or conditional approval by the City Council, the final map or parcel map shall be recorded with the Sutter County Recorder. The reversion to acreage shall be effective upon the final map or parcel map being filed for record by the Sutter County Recorder. Upon this filing the dedications and offers of dedication not shown on the final map shall be of no further force and effect. (Ord. 539 § 1, 2011)

Chapter 16.36 - MERGERS OF CONTIGUOUS PARCELS UNDER COMMON OWNERSHIP

Sections:

- **16.36.010** Purpose of this Chapter
- **16.36.020** Certificate of Merger
- **16.36.030** Application
16.36.010  Purpose of this Chapter

This Chapter is intended to enable the merger of contiguous parcels under common ownership pursuant to the authority provided by Section 66499.20 ¾ of the Subdivision Map Act where the Community Development Director and the City Engineer have determined that requirements for on-site and off-site improvements have been satisfied or will be imposed as a condition of a future entitlement for use of the subject lot(s). (Ord. 254 § 10.1(A), 1982, Ord 539 § 1, 2011)

16.36.020  Certificate of Merger

A merger of contiguous lots under common ownership may be accomplished by the recordation or certificate of merger where the following conditions are met:

A. All parcels are under common ownership and title is held in the exact manner for each lot; and

B. There are no easements held by a governmental agency or public or private utility on the lots to be merged or all agencies or utilities owning an easement on the lots to be merged have indicated in writing either that they have no objection to the merger or that they will have no objection to the merger if the easement they own is vacated or relocated. (Ord. 254 § 10.1(B), 1982, Ord 539 § 1, 2011)

16.36.030  Application

An application for a certificate of merger shall be filed with the Community Development Director and shall include all of the information required by the Community Development Director and City Engineer and be accompanied by all of the following:

A. Title to property: Adequate evidence of title to the real property indicating the lots to be merged are under common ownership;

B. Record maps: A copy of a filed final or parcel map, if applicable;

C. Legal descriptions: Legal descriptions of the lots to be merged;

D. Easements: Evidence that all agencies or utilities owning any easement on the lots to be merged either have no objection to the merger or will have no objection to the merger if the easement they own is abandoned or relocated;

E. Owners signature(s): The signature of the owner(s) of the lots to be merged; and

F. Fees: The application is accompanied by the appropriate fees, as approved by the City Council. (Ord. 364 § 1 (part), 1991: Ord. 254 § 10.2, 1982, Ord 539 § 1, 2011)
16.36.040   Issuance of a Certificate of Merger

The Community Development Director shall approve or deny the application for a certificate of merger. If the Community Development Director denies the application, he/she shall notify the applicant of that action within five days. The applicant may appeal the Community Development Director’s denial to the Planning Commission by filing an appeal of that action with the Community Development Director within 15 days of the Community Development Director’s notice of denial. The appeal hearing shall be held by the Planning Commission within 30 days. (Ord. 364 § 1 (part), 1991; Ord. 254 § 10.3, 1982, Ord 539 § 1, 2011)

16.36.050   Recording the Certificate of Merger

Upon approval of an application for a certificate of merger by the Community Development Director, or by the Planning Commission upon an appeal, and receipt of the applicable county recording fees from the applicant, the Community Development Director shall record a certificate of merger at the office of the Sutter County Recorder provided that:

A. The abandonment or relocation of any easement, required by any government agency or public or private utility as a condition of its consent to the merger, has been accomplished and evidence of such abandonment or relocation has previously been recorded in the office of the Sutter County Recorder; and

B. The applicant has submitted a legal description of the merged lot to the Community Development Director. (Ord. 364 §1 (part), 1991; Ord. 254 §10.4, 1982, Ord 539 § 1, 2011)

Chapter 16.38 - RESIDENTIAL CONDOMINIUMS

Section

16.38.010   Purpose of this Chapter

Residential condominium projects differ from other residential subdivisions in numerous respects, particularly as to development standards and ownership of individual units and jointly held common areas. The purpose of this Chapter is to address the special attributes of condominium subdivisions and to adopt development standards which will protect both the community and the purchasers of residential condominium units. The conversion of existing
apartments to condominiums is governed by Chapter 16.40, Residential Condominium conversions. (Ord. 539 § 1, 2011)

16.38.020 Application Content

In addition to the information needed for tentative maps (Chapter 16.12), the following shall also be submitted as part of a residential condominium tentative map:

A. Site plan: A site plan of the project including location and size of structures, parking layout, access areas and open space;

B. Elevations: Exterior building elevations;

C. Landscaping: A preliminary landscaping plan indicating types and sizes of landscaping materials and permanent irrigation facilities;

D. Lighting: A preliminary lighting plan of the project indicating location and nature of lighting and lighting fixtures in common areas;

E. CC & Rs: The proposed condominium documents, including portions of the covenants, conditions and restrictions that apply to the conveyance of units, the assignment of parking and the management and maintenance of common areas and improvements; and

F. Other information: Such other information which the City determines is necessary to evaluate the proposed project. Ord. 539 § 1, 2011

16.38.030 Tentative Map Procedures

Under Subdivision Map Act Section 66426 a residential condominium is treated as a subdivision. As such, residential condominium projects shall be processed as provided in Chapter 16.14. Ord. 539 § 1, 2011

16.38.040 Development Standards

A residential condominium project may be approved, conditionally approved or denied, based upon evaluation of the proposed condominium plan in relation to the following criteria:

A. Architectural and site design: The architectural and site design meets the City adopted design and development standards for multiple family residences.

B. Parking: Parking facilities shall have the required number of parking spaces and shall meet all parking lot design standards, as determined by the zone district in which the condominium is located. All parking shall be held in common.

C. Landscaping: Landscaping shall conform to the standards of the zone district in which the project is located.

D. Lighting: Lighting standards that conform to the standards of the zone district in which the condominium project is located.

E. Lot coverage: Lot coverage shall conform to the standards of the zone district in which the condominium project is located.
F. **Open Space:** Total usable open space on a site having three or more dwelling units shall be at least 200 square feet per residence. This requirement shall be met by providing private open space, common open space or a combination of the two.

1. **Private open space:** This shall consist of a patio or balcony, within which a horizontal rectangle inscribed within it, has no dimension less than six feet.

2. **Common open space:** This open space shall be designed to be used by all residents of the project. It shall be designed such that a horizontal rectangle inscribed within it has no dimension less than 10 feet. Common open space may include, but is not limited to, a club house, courts, game rooms, swimming pools and patios, lawn area, garden roofs, saunas and play lots. It does not include parking areas and driveways, or required front or street-side yards.

G. **Trash enclosures:** Trash enclosures shall conform to the standards of the zone district in which the condominium project is located.

H. **Utilities:**

1. **Utility meters:** Each residence shall be separately metered for gas and electricity.

2. **Water meters:** Each residence shall have its own water meter or sub-meter billed through the homeowners association.

3. **Screening:** All roof mounted utilities and mechanical units shall be screened from public view.

4. **Undergrounding:** The developer shall underground all overhead utilities in conformance with the standards of this Title.

I. **Laundry facilities:** A laundry area shall be provided for each residence unless a common laundry area is approved. If a common laundry area is approved, it shall consist of not less than one automatic washer and dryer for each eight residences or fraction thereof.

J. **Walkways:** Walkways that conform to the regulations for the zone district in which the condominium project is located.

K. **Storage space:** If residences are proposed that do not have an enclosed garage, a minimum 200 cubic foot enclosed storage space shall be provided to each residence. Such space shall have a minimum 25 square foot horizontal surface area. Ord. 539 § 1, 2011

16.38.050 **Final Map Procedures**

In addition to the final map requirements provided in Chapter 16.18, before submitting the final map, the subdivider shall request an inspection of the premises by the City for conformance with Section 16.38.040 and other conditions of approval of the tentative map. Upon completion of the inspection, a deficiency list shall be provided to the subdivider. All deficiencies must be corrected (or security posted to the satisfaction of the City, if appropriate) prior to filing of the final map. Ord. 539 § 1, 2011
Chapter 16.40 - RESIDENTIAL CONDOMINIUMS CONVERSIONS

Sections:

16.40.010 Purpose of this Chapter.
16.40.020 Map tiling and form.
16.40.030 Design standards.
16.40.040 Planning commission action on tentative map.
16.40.050 Standards for Condominium Conversions
16.40.060 Final Map Procedures

16.40.010 Purpose of this Chapter

A. Establish criteria for the conversion of existing multiple family rental housing to residential condominiums;

B. Ensure that converted housing achieves a quality, well maintained appearance, is safe and is consistent with the goals of the City of Live Oak;

C. Minimize the impact of conversion to residents in rental housing who may be required to relocate due to the conversion of multiple family residences to condominium residences by providing procedures for notification and adequate time and assistance for each relocation; and

D. Assure that purchasers of converted housing have been properly informed as to the physical condition of the structures in which the units offered for purchase are located. Ord. 254 § 11.1, 1982, Ord. 539 § 2, 2011)

16.40.020 Application Content

In addition to the information needed for tentative maps (Chapter 16.12) the following shall also be submitted as part of a residential condominium conversion tentative map.

A. Physical elements report: A report on the physical condition of each structure and facility. The purpose of the report is to provide notice to guide the City in establishing conditions of approval and to provide notice to future residents of the condition of the property. Each report shall include a cover page with a title, name and address of the property, date of preparation and the name and title of the preparer. Each report shall also state on the cover “This report was not prepared by the City and does not reflect the City’s judgment regarding the condition of the property.” The report shall include but not be limited to the following:

1. Condition of the structures: A report detailing the structural condition of each element of the property including foundation, electrical, plumbing, walls, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances. Regarding each element, the report shall state, to the best knowledge or estimate of the applicant, when the element was constructed or installed, when the element was last replaced, the approximate date upon which the element will require replacement, the cost of replacing the element, and any variation in
the physical condition of the element from the zoning and building codes in effect on the date the last building permit was issued for the structure. The report shall include a chronological history of building permits issued for the structure. The report shall identify each known defective or unsafe element and set forth the proposed corrective measures to be employed;

2. **Pest control:** A report from a licensed structural pest control operator on each structure and each unit within the structure;

3. **Common areas:** A report on the condition of the common area improvements, including landscaping, lighting, utilities, streets, parking and recreation areas; and

4. **Proposed repairs and improvements:** The subdivider’s statement of repairs and improvements to be made to refurbish and restore the project to achieve a quality, well-maintained appearance.

B. **Site plan:** A site plan of the project, including the location and sizes of the structures, parking layout and access areas, sewer, water and storm drains, landscaping and irrigation improvements, exterior lighting, on-site or fronting public right-of-way improvements and any other information required by the Community Development Director.

C. **CC&Rs:** At the City’s request, a declaration of covenants, conditions and restrictions which would be recorded and would apply to each owner of a condominium unit within the project. The declaration shall include, but not be limited to, pertinent information regarding the conveyance of units and the assignment of parking; an agreement for common area maintenance, including facilities and landscaping, together with an estimate of any initial assessment fees anticipated for such maintenance; and an indication of appropriate responsibilities for maintenance of all improvements and utility systems for each unit. The City has the right to review and approve the CC&Rs for the limited purpose of ensuring that, when applicable for conditions that apply over a period of time: (1) the appropriate conditions of approval are included in them, and (2) those provisions reflecting the City’s conditions may not be amended without City approval.

D. **Project characteristics:** Specific information concerning the characteristics of the project, including, but not limited to, the following:

1. A floor plan showing square footage and number of bedrooms and bathrooms in each unit.
2. Name and mailing address of each tenant.

E. **Signed tenant notices:** A signed copy from each tenant of the receipt of the notice of intention to convert (as specified in Subsection 16.40.040.A) or evidence that a certified letter of notification was sent to each tenant for whom a signed copy of the notice is not submitted. (Ord. 254 § 11.2, 1982, Ord. 539 § 2, 2011)

16.40.030 Tentative Map Procedures

A. **Process:** Under Subdivision Map Act Section 66426 a residential condominium conversion is treated as a subdivision. As such, residential condominium conversions shall be processed as provided in Chapter 16.14.
B. Completeness: In addition to other information required by this Title, the tentative map application shall not be deemed complete until the physical elements report is received by City staff as complete. The physical elements report shall be available for public review as part of the City’s project file.

C. Appeal: An appeal shall be processed in conformance with Section 66452.5 of the Subdivision Map Act. (Ord. 254 § 11.3, 1982, Ord. 539 § 2, 2011)


A. Notice of intention: Beginning at least 60 days before the filing of a tentative map, the subdivider shall give notice of intention to convert to each tenant and prospective tenant as provided in Sections 66427.1, 66452.8 and 66452.9 of the Subdivision Map Act. Evidence of receipt by each tenant and prospective tenant shall be submitted with the tentative map. The form of the notice shall be approved by the Community Development Director and shall contain not less than the following:

1. The information required by Subdivision Map Act Sections 66452.8 and 66452.9;
2. Name and address of the current owner;
3. Approximate date on which the tentative map is proposed to be filed;
4. Approximate date on which the final or parcel map is expected to be filed;
5. Tenants’ rights to purchase;
6. Tenants right of notification to vacate; and
7. Other information deemed necessary by the Community Development Director.

B. Tenants’ rights

1. To purchase: As provided in the Subdivision Map Act Sections 66427.1(a)(2)(F) and 66459, a present tenant of a unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least 90 days from the date of issuance of the subdivision public report or beginning of sales, whichever is later.

2. To notice before vacating the unit: Each non-purchasing tenant, not in default under the rental agreement or lease, shall have not less than 120 days from the receipt of notification from the subdivider of the intent to convert, or from the filing date of the final map or parcel map, whichever date is later, to find substitute housing and to relocate.

3. Remodeling: No remodeling, planned as part of the conversion, shall be performed in a unit still occupied by a non-purchasing tenant, without written permission from the tenant. (Ord. 539 § 2, 2011)

16.40.050 Standards for Condominium Conversions

All of the conditions of approval for the tentative map, relevant building code, and other public improvement standards must be satisfied (or security posted to the satisfaction of the City) and
relevant building design standards as provided in the City’s adopted Design Guidelines and site improvement standards provided in the Zoning Regulations shall be meet to the extent feasible (as determined by the Planning Commission) before the final map is approved. (Ord. 539 § 2, 2011)

16.40.060 Final Map Procedures

In addition to the final map requirements provided in Chapter 16.18, before submitting the final map, the subdivider shall request an inspection of the premises by the City for conformance with Section 16.40.050 and other conditions of approval of the tentative map. Upon completion of the inspection, a deficiency list shall be provided to the subdivider. All deficiencies must be corrected (or security posted to the satisfaction of the City, if appropriate) prior to filing of the final map. (Ord. 539 § 2, 2011)

Chapter 16.42 - Commercial Condominiums

Section

16.42.010 Purpose of this Chapter

This Chapter addresses the special attributes of commercial condominium subdivisions, particularly to ownership of individual units and jointly held common areas. This Chapter adopts commercial condominium development standards with the intent of protecting both the community and the purchasers of condominium units. This Chapter applies to commercial, office and industrial condominiums. If a commercial condominium is proposed in combination with a residential condominium the requirements of this Chapter and Chapter 38 shall be read together, with the relevant requirements applying to portions of the project. If a proposed project is for the conversion of an existing commercial, office or industrial building into condominiums, Chapter 16.44 of this Title applies. (Ord. 539 § 1, 2011)

16.42.020 Application Requirements

In addition to the information needed for tentative maps (Chapter 16.12), the following shall also be submitted as part of a commercial condominium tentative map:

A. Site plan: A site plan of the project, including the location and sizes of the structures, parking layout and access areas, sewer, water and storm drains, landscaping and irrigation improvements, exterior lighting, on-site or fronting public right-of-way improvements and any other information required by the Community Development Director;
B. **Building elevations:** Building and structural elevations that meet City design standards for commercial or industrial buildings;

C. **Signage:** Proposed allocation of signage;

D. **Declaration:** The proposed declaration, including those portions that apply to the conveyance of units, the prohibition of the assignment of parking and a proposed mechanism for resolving parking issues and the management and maintenance of common areas and improvements; and

E. **Other information:** Such other information which the Community Development Director determines is necessary to evaluate the proposed project. (Ord. 539 § 1, 2011)

**16.42.030 Tentative Map Procedures**

Under Subdivision Map Act Section 66426 a commercial condominium is treated as a subdivision. As such, commercial condominiums shall be processed as provided in Chapter 16.14. (Ord. 539 § 1, 2011)

**16.42.040 Development Standards**

A commercial condominium project may be approved, conditionally approved or denied, based upon evaluation of the proposed condominium plan in relation to the following criteria:

A. **Architectural and site design:** Architectural and site design shall meet the adopted development and design standards for commercial, office or industrial buildings.

B. **Parking:** Parking facilities shall have the required number of parking spaces and shall meet all parking lot design standards, as determined by the zone district in which the condominium is located. All required parking shall be held in common.

C. **Landscaping:** Landscaping shall conform to the standards of the zone district in which the condominium project is located.

D. **Lighting:** Lighting shall conform to the standards of zone district in which the condominium project is located.

E. **Trash enclosures:** Trash enclosures shall conform to the standards of the zone district in which the condominium project is located.

F. **Signage:** All signs shall conform to the sign standards of the zone district in which the condominium project is located.

G. **Utilities:**

   1. **Utility meters:** Each unit shall be separately metered for gas and electricity.
   2. **Water meters:** Each unit shall have its own water meter or sub-meter billed through the property owners association.
   3. **Screening:** all roof mounted utilities and mechanical units shall be screened from public view.
4. **Undergrounding:** The developer shall underground all overhead utilities in conformance with the standards contained in this Title. (Ord. 539 § 1, 2011)

16.42.050 Final Map Procedures

In addition to the final map requirements provided in Chapter 16.18, before submitting the final map, the subdivider shall request an inspection of the premises by the City for conformance with Section 16.42.040 and other conditions of approval of the tentative map. Upon completion of the inspection, a deficiency list shall be provided to the subdivider. All deficiencies must be corrected (or security posted to the satisfaction of the City, if appropriate) prior to filing of the final map. (Ord. 539 § 1, 2011)

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**Chapter 16.44 - COMMERCIAL CONDOMINIUM CONVERSIONS**

Sections:

- **16.44.010** Purpose of this Chapter
- **16.44.020** Application Requirements
- **16.44.030** Tentative
- **16.44.040** Development Standards
- **16.44.050** Final Map Procedures

16.44.010 Purpose of this Chapter

This Chapter addresses the special attributes of commercial condominium conversions, particularly to ownership of individual units and jointly held common areas. This Chapter adopts commercial condominium development standards with the intent of protecting both the community and the purchasers of condominium units. This Chapter applies to commercial, office and industrial condominiums. (Ord. 254 § 12.1, 1982, Ord. 539 § 1, 2011)

16.44.020 Application Requirements

In addition to the information needed for tentative maps (Chapter 16.12), the following shall also be submitted as part of a commercial condominium conversion tentative map:

A. **Site plan:** A site plan of the project, including the location and sizes of the structures, parking layout and access areas, sewer, water and storm drains, landscaping and irrigation improvements, exterior lighting, on-site or fronting public right-of-way improvements and any other information required by the Community Development Director;

B. **Building elevations:** Building and structural elevations;

C. **Signage:** Proposed allocation of signage;
D. Declaration: The proposed declaration, including those portions that apply to the conveyance of units, the prohibition of the assignment of parking and a proposed mechanism for resolving parking issues and the management and maintenance of common areas and improvements; and

E. Other information: Such other information which the Community Development Director determines is necessary to evaluate the proposed project. (Ord. 254 § 12.2, 1982, Ord. 539 § 1, 2011)

16.44.030 Tentative Map Procedures

A. Under Subdivision Map Act Section 66426 a commercial condominium conversion is treated as a subdivision. As such, commercial condominium conversions shall be processed as provided in Chapter 16.14.

B. In addition to all other public hearing notices required by in Section 16.14.070, hearing notice shall also be provided to all existing business owners within the project area in the same manner. (Ord. 254 § 12.3, 1982, Ord. 539 § 1, 2011)

16.44.040 Development Standards

A commercial condominium conversion may be approved, conditionally approved or denied, based upon evaluation of the proposed condominium plan in relation to the following criteria:

A. Architectural and site design: Architectural and site design shall meet the adopted development and design standards for commercial, office or industrial buildings, to the extent feasible, as determined by the Planning Commission.

B. Parking: To the extent feasible as determined by the Planning Commission, parking facilities shall conform to all parking lot design standards, of the zone district in which the condominium is located. All required parking shall be held in common.

C. Landscaping: Landscaping shall conform to the standards of the zone district in which the condominium project is located, to the extent feasible, as determined by the Planning Commission.

D. Lighting: Lighting standards shall conform to the regulations for the zone district in which the condominium project is located.

E. Trash enclosures: Trash enclosures shall conform to the regulations for the zone district in which the condominium project is proposed.

F. Signage: All signs shall meet the sign standards for the zone district in which the condominium project is located.

G. Utilities:
   1. Utility meters: Each unit shall be separately metered for gas and electricity.
   2. Water meters: Each unit shall have its own water meter or sub-meter billed through the property owners association.
3. **Screening:** All roof mounted utilities and mechanical units shall be screened from public view.

4. **Undergrounding:** The developer shall underground all overhead utilities in conformance with the standards contained in this Title.  (Ord. 539 § 1, 2011)

**16.44.050 Final Map Procedures**

In addition to the final map requirements provided in Chapter 16.18, before submitting the final map, the subdivider shall request an inspection of the premises by the City for conformance with Section 16.44.040 and other conditions of approval of the tentative map.  Upon completion of the inspection, a deficiency list shall be provided to the subdivider.  All deficiencies must be corrected (or security posted to the satisfaction of the City, if appropriate) prior to filing of the final map.  (Ord. 539 § 1, 2011)

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**Chapter 16.48 - EXCEPTIONS**

**Sections:**

- **16.48.010**  Purpose of this Chapter
- **16.48.020**  Application
- **16.48.030**  Referral
- **16.48.040**  Findings

**16.48.010 Purpose of this Chapter**

Whenever the land involved in any subdivision is of such size or shape, is subject to such title limitations of record, is affected by such topographical conditions or is devoted to such use that it is impossible, impractical or undesirable in a particular case for the subdivider to fully conform to the regulations contained in this Title, the Planning Commission may make exceptions thereof, as reasonably necessary if the exceptions are in conformity with the spirit and purpose of the Subdivision Map Act, the Live Oak General Plan and this Title.  (Ord. 254 § 13.1, 1982, Ord. 539 § 1, 2011)

**16.48.020 Application**

An application for any such exception shall be made in writing by the subdivider, stating fully the grounds of the application and the facts relied upon by the subdivider.  The request may be filed with the tentative map submittal or after acceptance of the tentative map.  (Ord. 254 § 13.2, 1982, Ord. 539 § 1, 2011)

**16.48.030 Referral**
Each proposed exception shall be referred to the City department under whose jurisdiction the regulation comes and the department shall transmit to the Planning Commission its written recommendation. (Ord. 254 § 13.3, 1982, Ord. 539 § 1, 2011)

16.48.040  Findings

The Planning Commission must make the following findings of fact prior to approving the proposed exceptions:

A. Circumstances: There are exceptional or extraordinary circumstances or conditions applicable to the property such as topography, fixed rights-of-way, unique location of easements, etc; and

B. Character of the subdivision: Because of the unique nature of a particular subdivision design innovations are needed to meet functional standards of the zoning and subdivision regulations without strict adherence to the requirements of this Title; and

C. Preservation of property rights: That the exception is necessary for the preservation and enjoyment of a substantial property right of the subdivider, and that the exception does not result in a special privilege that is not available to others in the same circumstance; and

D. Public welfare and safety: That the granting of the exception will not be detrimental to the public welfare or safety, or be injurious to other property in the vicinity in which the property is located. (Ord. 254 § 13.4, 1982, Ord. 539 § 1, 2011)

Chapter 16.50 - PARKLAND DEDICATION/FEES IN-LIEU

Section

16.50.010  Purpose of this Chapter
16.50.020  Requirements
16.50.030  Limitations on Application of this Chapter
16.50.040  Park Acreage Standard
16.50.050  Requirements for Subdivision Approval
16.50.060  Formula for the Dedication of Land
16.50.070  Improvements Required for Land Dedication
16.50.080  Formula for Fees In Lieu of Land Dedication
16.50.090  Use and Basis for In-lieu Fees
16.50.100  Requirement for a Combination of Land Dedication and Fees
16.50.110  Credit for Private Facilities

16.50.010  Purpose of this Chapter
This Chapter is enacted pursuant to the authority granted by Section 66477 of the Subdivision Map Act, known as the Quimby Act, for the purpose implementing the Parks and Recreation Element of the Live Oak General Plan, by providing for the acquisition of park land for neighborhood and community parks or payment of fees in lieu thereof, or a combination of both, and the development of park and recreation facilities. (Ord. 539 § 1, 2011)

16.50.020 Requirements

As a condition of approval of a final map or parcel map, the subdivider shall dedicate land or pay a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes according to the standards and formula contained in this Chapter. (Ord. 539 § 1, 2011)

16.50.030 Limitations on Application of this Chapter

A. 50 lots or less: In subdivisions containing 50 lots or less, the City shall require only the payment of fees and shall not require the dedication of land. However, nothing in this Section shall prohibit the dedication and acceptance of land for park and recreation purposes in a subdivision of 50 lots or less where the subdivider proposes such dedication voluntarily and the land is acceptable to the City.

B. Less than 5 lots: Subdivisions of less than five lots and not intended for residential purposes shall be exempted from the requirements of this Chapter provided, however, that a condition shall be placed on the approval of such tentative parcel map that if a building permit is requested for construction of a residence or residences on one or more of the lots, the fee may be required to be paid as a condition of the permit.

C. Non-residential subdivisions: The provisions of this Chapter do not apply to commercial or industrial subdivisions, nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing building which is more than five years old when no new residences are added. (Ord. 539 § 1, 2011)

16.50.040 Park Acreage Standard

In accordance with the Parks and Recreation Element of the Live Oak General Plan and subsequent amendments thereto, it is found and determined that the public interest, convenience, health, welfare and safety require that five acres of land for each 1,000 residents within the City be devoted to park and recreational facilities. (Ord. 539 § 1, 2011)

16.50.050 Requirements for Subdivision Approval

As a condition of approval for any final map or parcel map, except as provided in Section 16.50.030, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes according to the following standards:

A. Dedication of land: Where a park or recreation facility is designated in the General Plan and the park or facility is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall
be required to dedicate land for park and recreational facilities. The amount of land to be provided shall be determined pursuant to the standards set forth in this Chapter.

B. Fees in lieu of land dedication: If there is no park or recreational facility designated or required in whole or part within the proposed subdivision, and the proposed subdivision is within one mile of a proposed park or recreational facility, the subdivider shall be required to pay a cash payment in lieu of the land equal to the value of the land as determined by the provisions of this Chapter.

C. Land dedication and in-lieu fees required: In certain subdivisions a combination of land dedication and fee payment may be required in accordance with Section 16.50.100. (Ord. 539 § 1, 2011)

16.50.060 Formula for the Dedication of Land

Where the dedication of land is a condition of a final map, the amount of such land to be dedicated per residence shall be based on the following:

Where the average number of persons per residence in the City of Live Oak is 3.43 (based on the 2000 U.S. Census; newer Census data may be used as it becomes available).

Where acres per person required is 0.005 (from Section 16.50.040).

Therefore:

3.43 X 0.005 = 0.017 acre of land dedication is required per residence.

(Ord. 539 § 1, 2011)

16.50.070 Improvements Required for Land Dedication

In addition to the land dedication prescribed in Section 16.50.060 the subdivider shall provide:

A. Public improvements: Utility line extensions and street improvements including curbs, gutters, sidewalks, street paving and street lights to land which is dedicated pursuant to this Chapter; and

B. Other improvements: Other improvements which the City determines to be essential to the acceptance of the land for park or recreational purposes. (Ord. 539 § 1, 2011)

16.50.080 Formula for Fees In Lieu of Land Dedication

A. General formula: If there is no park or recreation facility designated in the General Plan to be located in whole or part within the proposed subdivision, or the subdivision consists of 50 or fewer lots, the developer, in lieu of land, shall pay a fee equal to the value of that land plus 20 percent towards the cost of public improvements, as described in Section 16.50.070.

B. Calculation of in-lieu fees: The amount of in-lieu fees shall be based upon the fair market value of the amount of land which would otherwise be required for dedication, as determined by the City Council. The amount to be paid shall be a sum calculated pursuant to the following formula:
A x V = M

Where A = the amount of land required for dedication as determined in Section 16.50.060.

Where V = the fair market value (per acre) of the property to be subdivided as established by the City Council.

Where M = the number of dollars to be paid in lieu of dedication of land, to which shall be added 20 percent for the public improvements.

(Ord. 539 § 1, 2011)

16.50.090 Use and Basis for In-lieu Fees

The money collected pursuant to this Chapter is to be used only for the purpose of providing park or recreational facilities to serve the subdivision from which the fees are collected. These fees shall be used to purchase land, equipment or to construct improvements to neighborhood and community parks or recreational facilities serving the subdivision. (Ord. 539 § 1, 2011)

16.50.100 Requirement for a Combination of Land Dedication and Fees

A combination of dedication of land and payment of in-lieu fees may be required when the following exists:

A. When only a portion of the land proposed for a park or recreation site is within the subdivision or is acceptable to the City as a site for a park or recreation facility, such portion shall be dedicated for park or recreation purposes, and a fee computed pursuant to the provisions of this Chapter shall be paid for the value of any additional land that would have been required to be dedicated pursuant to this Chapter.

B. When a part of a park or recreation site has already been acquired by the City and only a portion of the land is needed from the subdivision to complete the site, such remaining portion shall be dedicated; and a fee computed pursuant to the provisions of this Chapter shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated pursuant to this Chapter. (Ord. 539 § 1, 2011)

16.50.110 Credit for Private Facilities

Where private open space usable for park or recreational purposes is provided in a planned development, real estate development, stock cooperative and community apartment project, as defined in Sections 11003, 11003.1, 11003.2, 11003.4 and 11004, respectively of the Business and Professions Code, and condominiums, as defined in Section 783 of the Civil Code, partial credit, not to exceed 50 percent, shall be given against the requirement of land dedication or payment of fees in-lieu thereof if the Planning Commission finds that it is in the public’s interest to do so and that all of the following standards are met:

A. Consistent with the General Plan: The facilities proposed are in substantial conformance with the Parks and Recreation Element of the Live Oak General Plan and any implementing park studies; and
B. **Not in required open space:** Yards and other open areas required by the zoning and building regulations shall not be included in the computation of such private open space; and

C. **Homeowners association:** The private park and recreation facilities shall be owned by an owners association composed of all property owners in the subdivision and being an incorporated nonprofit organization capable of dissolution only by a 75 percent affirmative vote of the membership and approved by the City, operated under recorded land agreements through which each lot owner on the project is automatically a member, and each lot is subject to a charge for a proportionate share of the expenses for maintaining the facilities; and

D. **Minimum size:** The private park or recreation area against which credit will be given shall be at least two acres in size. (Ord. 539 § 1, 2011)

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**Chapter 16.52 - ELEMENTARY SCHOOL DEDICATION**

**Sections:**

- **16.52.010** Purpose of this Chapter
- **16.52.020** School Site Dedication
- **16.52.030** Procedure
- **16.52.040** Payments to the Subdivider for School Site Dedication
- **16.52.050** Exemptions

**16.52.010 Purpose of this Chapter**

This Chapter is enacted pursuant to the authority granted by Section 66478 of the Subdivision Map Act for the purpose of obtaining elementary school sites to assure residents of the new subdivision adequate public school service. (Ord. 539 § 1, 2011)

**16.52.020 School Site Dedication**

As a condition of approval of a tentative map or tentative parcel map within the Live Oak Unified School District the subdivider shall dedicate to the school district such lands as the City deems to be necessary for the purpose of constructing thereon an elementary school to assure residents of the subdivision adequate public school service, provided that the dedication does not require the amount of land which would make development of the remaining land held by the subdivider economically unfeasible or would exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board. (Ord. 539 § 1, 2011)

**16.52.030 Procedure**

If within 30 days after the requirement of dedication is imposed by the City, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication,
the requirement will be automatically terminated. The required dedication may be made any
time before, concurrently or up to 60 days after the filing of the final map or parcel map. (Ord.
539 § 1, 2011)

16.52.040 Payments to the Subdivider for School Site Dedication

The school district shall, if it accepts the dedication, repay the subdivider or his or her successors
the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the
following amounts:

A. Improvement costs: The cost of any improvements to the dedicated land since acquisition
by the subdivider;

B. Taxes: The taxes assessed against dedicated land from the date of the school district’s offer
to enter into the binding commitment to accept the dedication.

C. Other: Any other costs incurred by the subdivider in maintenance of such land, including
interest costs incurred on any loan covering such land. (Ord. 539 § 1, 2011)

16.52.050 Exemptions

The provisions of this Section are not applicable to a subdivider who has owned the land being
subdivided for more than 10 years prior to filing of the tentative map or tentative parcel map.
(Ord. 254 § 3.4, 1982, Ord. 539 § 1, 2011)

Chapter 16.54 - RESERVATIONS OF LAND FOR PUBLIC USES

Section

16.54.010 Purpose of this Chapter
16.54.020 Standards and Formula for Reservation
16.54.030 Procedure
16.54.040 Payment to Subdivider
16.54.050 Termination

16.54.010 Purpose of this Chapter

This Chapter provides a procedure for the City to reserve land for public purposes such as
libraries, fire and police facilities, parks and recreational facilities and other public facilities, as
provided in Section 66479 of the Subdivision Map Act. (Ord. 539 § 1, 2011)

16.54.020 Standards and Formula for Reservation
Where a park, recreation facility, fire station, library or other public facility is shown in the Live Oak General Plan or an adopted specific plan, the subdivider may be required by the City to reserves sites as determined by the City in accordance with the policies and standards contained in the General Plan or adopted specific 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 developing the remaining land held by the subdivider economically infeasible. The reserved area shall be consistent with the General Plan or the adopted specific plan and shall be in such multiples of streets and lots as to permit an efficient subdivision of the reserved area in the event that it is not acquired within the prescribed period. (Ord. 539 § 1, 2011)

16.54.030 Procedure

The City or other 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 area within two years after the completion and acceptance of all public improvements, unless the period of time is extended by mutual agreement. (Ord. 539 § 1, 2011)

16.54.040 Payment to Subdivider

The purchase price for the reserved area shall be the market value thereof at the time of the filing of the tentative map or tentative parcel map, plus the taxes against the reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of the reserved area. (Ord. 539 § 1, 2011)

16.54.050 Termination

If the City or other public agency for whose benefit an area has been reserved does not enter into a binding agreement in accordance with this Chapter, the reservation shall automatically terminate. (Ord. 539 § 1, 2011)
Chapter 16.56 - ENFORCEMENT

Section

16.56.010  Prohibition

A. No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, or allow occupancy thereof, for which a final or parcel map is required by the Subdivision Map Act or this Title, until such a final or parcel map, in full compliance with the provisions of the Subdivision Map Act and this Title, has been filed for record by the Sutter County recorder.

B. Conveyances of any part of a division of property for which a final or parcel map is required by the Subdivision Map Act or this Title shall not be made by parcel or block number, letter or other designation, unless and until such final or parcel map has been filed for record by the Sutter County Recorder.

C. Subsections A. and B. of this Section do not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this Title, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

D. Nothing contained in Subsection A. of this Section shall be deemed to prohibit an offer or contract to sell, lease or finance real property or to construct improvements thereon where such sale, lease or financing, or the commencement of construction, is expressly conditioned upon the approval and filing of a final map or parcel map, as required under the Subdivision Map Act or this Title.

E. Nothing in Subsections A. to D. of this Section, inclusive, shall in any way modify or affect the provisions of Section 11018.2 of the Business and Professions Code.

F. For purposes of this Section, the limitation period for commencing an action, either civil or criminal, against the subdivider or owner of record at the time of a violation of the Subdivision Map Act or this Title, shall be tolled for any time period during which there is no constructive notice of the transaction constituting the violation, because the owner of record, at the time of the violation or at any time thereafter, failed to record a deed, lease or financing document with the Sutter County Recorder. (Ord. 539 § 1, 2011)

16.56.020  Violations and Penalties

Each violation of the Subdivision Map Act and this Title by a person who is the subdivider or an owner of record at the time of the violation, of property involved in the violation shall be
punishable by imprisonment in the county jail not exceeding one year or in the state prison, by a fine not exceeding $10,000, or by both that fine and imprisonment. Every other violation of the Subdivision Map Act and this Title is a misdemeanor. (Ord. 539 § 1, 2011)

16.56.030 Remedies

A. Any deed of conveyance, sale or contract to sell real property which has been divided or which has resulted from a division in violation of the provisions of the Subdivision Map Act or this Title, is voidable at the sole option of the grantee, buyer or person contracting to purchase, his/her heirs, personal representative or trustee in insolvency or bankruptcy within one year after the date of discovery of such violation but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his or her assignee, heir or devisee.

B. Any grantee, or successor in interest thereof, of real property which has been divided, or which has resulted from a division, in violation of the provisions of the Subdivision Map Act or this Title may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages suffered by reason of such division of property. The action may be brought against the person who so divided the property and against any successors in interest who have actual or constructive knowledge of such division of property.

C. The provisions of this Section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed pursuant to Section 16.56.040 of this Chapter or identified in a recorded final map or parcel map, from and after the date of recording.

D. The provisions of this Chapter shall not limit or affect, in any way, the rights of a grantee or successor in interest under any provision of law.

E. The Subdivision Map Act does not bar any legal or equitable or summary remedy to which the City or other public agency, or any person, firm or corporation may otherwise be entitled, and the City or other public agency, or such person, firm or corporation may file a suit in the superior court to restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in violation of the Subdivision Map Act or this Title.

F. The City shall not issue a permit or grant any approval necessary to develop any real property which has been divided or which resulted from a division, in violation of the provisions of the Subdivision Map Act or this Title, if it finds that development of such real property is contrary to the public’s health or safety. The authority to deny such a permit or such approval shall apply whether the applicant therefore was the owner of record at the time of such violation or whether the applicant therefore is either the current owner of record or a vendee thereof pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in such real property.

G. If the City issues a permit or grants approval for the development of any real property which has been divided or which resulted from a division, in violation of the provisions of the Subdivision Map Act or this Title, the City may impose those conditions which would have
been applicable to the division of the property at the time the applicant acquired interest in such real property. If the applicant was the owner of record at the time of the initial violation, the City may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record in accordance with the provisions of Section 16.56.040, only those provisions stipulated in that certificate shall be applicable. (Ord. 539 § 1, 2011)

16.56.040 Certificate of Compliance

This Section provides procedures for the processing of certificates of compliance, consistent with the requirements of the Subdivision Map Act Section 66499.35. (Ord. 539 § 1, 2011)

A. Applicability: A certificate of compliance is a document recorded by the Sutter County Recorder, which acknowledges that the lot is considered by the City of Live Oak to be a legal lot of record. Any person owning real property, or a purchaser of the property in a contract of sale of the property, may request a certificate of compliance.

B. Application contents: A certificate of compliance application shall include the form provided by the City, the required filing fee, a chain of title, consisting of copies of all deeds beginning before the division and thereafter, unless the lots were created through a recorded subdivision map.

C. City Engineer review

1. Upon making a determination that the real property complies with the provisions of the Live Oak Municipal Code and the Map Act, the City Engineer shall cause a certificate of compliance to be filed for record with the Sutter County Recorder. The certificate of compliance shall identify the real property and shall state that the division of land complies with applicable provisions of the City of Live Oak Municipal Code and the Subdivision Map Act.

2. If the City Engineer determines that the real property does not comply with the provisions of the City of Live Oak Municipal Code or Subdivision Map Act, the City Engineer may, as a condition to granting a certificate of compliance, impose conditions. Upon making a determination and establishing conditions, the City Engineer shall file a conditional certificate of compliance for record with the County Recorder. The certificate shall serve as a notice to the property owner who has applied for the certificate or a purchaser of the property, that the fulfillment and implementation of the conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.

3. Compliance with the conditions shall not be required until a permit or other grant of approval for development of the property is issued.

D. Form of certificate: The certificate of compliance shall identify the real property, shall state that the division complies with the provisions of the Subdivision Map Act and this Title, and shall include all information required by the Subdivision Map Act Section 66499.35.

E. Effective date of certificate of compliance: A certificate of compliance shall not become final until the document has been recorded by the Sutter County Recorder.
F. Recorded final or parcel map: A recorded final or parcel map shall constitute a certificate of compliance with respect to the lots of real property described in the final or parcel map. (Ord. 539 § 1, 2011)

16.56.050 Notice of Violation

Whenever the City has knowledge that real property has been divided in violation of the Subdivision Map Act or this Title, a notice of intention to file a notice of violation shall be mailed by certified mail to the current owner of record. The notice shall describe the property in detail, name the owners, describe the violation and state that the owner will be given the opportunity to present evidence. The notice shall also contain an explanation as to why the subject parcel is not lawful under Section 66412.6(a) of the Subdivision Map Act. The notice shall specify the date, time and place for a meeting at which the owner may present evidence to the Planning Commission why a notice of violation should not be recorded.

The meeting shall be held no sooner than 30 days and no later than 60 days from the date of mailing the notice of intention to record a notice of violation. If, within 15 days of receipt of the notice, the owner fails to file with the City a written objection to recording the notice of violation, the City shall file the notice of violation for record with the Sutter County Recorder. If, after the owner has presented evidence, the Planning Commission determines that there has been no violation, the City shall mail a clearance letter to the then current owner of record. If, however, after the owner has presented evidence, the Planning Commission determines that the property has in fact been illegally divided, the Planning Commission shall file the notice of violation for record with the Sutter County Recorder.

The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. (Ord. 539 § 1, 2011)
TITLE 17 - ZONING*

Chapters:

17.01 Administration

PART 2 - ZONE DISTRICTS

17.02 Residential Zone Districts
17.03 Commercial Zone Districts
17.04 Employment Zone Districts
17.05 Civic Zone District
17.06 Urban Reserve Zone District
17.07 Planned Development Zone District
17.08 Special Design Combining Zone District
17.09 Specific Plan Combining Zone District
17.10 Downtown Combining Zone District
17.11 Neighborhood Center Combining Zone District
17.12 Civic Center Combining Zone District

PART 3 – STANDARDS FOR SPECIAL USES

17.15 Standards for Special Uses in Residential Zone Districts
17.16 Standards for Specific Uses in Commercial and Industrial Zone Districts

PART 4 - DEVELOPMENT STANDARDS

17.20 Building Sites
17.21 Required Public Improvements
17.22 Yard Regulations and Exceptions
17.23 Height Limits and Exceptions
17.24 Standards for Fences and Walls, and Intersection Visibility
17.25 Standards for Off-street Parking and Loading Facilities
17.26 Exterior Lighting
17.27 Standards for Landscaping
17.28 Standards for Signs
17.29 Trash Container Enclosures
17.30 Screening of Mechanical Equipment

PART 5 – PLANNING PROCEDURES

17.35 Types of Site Development Permits
17.36 Amendments to the Zoning Regulations
17.37 General Processing Procedures
17.38 Nonconforming Structures and Uses
17.39 Enforcement
17.40 Development Agreements
17.41 Official Street Map and Official Plan Lines

PART 6 – DEFINITIONS

17.50 Definitions

* For statutory provisions on planning in general, see Gov. Code § 65000 et seq.; for provisions authorizing cities to regulate the use of land and buildings, see Gov, Code § 65850.

The zoning map of the city is on file in the office of the city clerk.
17.01.010 Title
Title 17 of the City of Live Oak Municipal Code shall be known as the City of Live Oak Zoning Regulations.

17.01.020 Purpose

A. To implement the goals and policies of the Live Oak General Plan through the designation of compatible land uses, residential densities and intensity of uses.
B. To promote and protect the public’s health, safety, peace, comfort, convenience and general welfare.
C. To provide open space, light and air, privacy, convenience of access, aesthetic values and protection of public and private improvements.
D. To protect the social and economic stability of residential, commercial and industrial uses and activities through orderly and planned use of land.
E. To minimize the process necessary to obtain rights to develop property while fulfilling the objectives provided above.

17.01.030 Comprised of Text and Maps

There are two portions of the Zoning Regulations: the text and the official zoning map(s). The zoning map delineates the zone district for each parcel of land in the City. The text of this Title describes the permitted uses and development standards within each of those zone districts. With the exception of limited occasions, all use of land and improvements to the land within each zone district must conform to the provisions of that zone district, as described in this Title.

17.01.040 Establishment of Zone Districts

The City is hereby divided into the following zone districts:
Residential Zone Districts:
- Low Density Residential (R-1) Zone District
- Small Lot Residential (R-2) Zone District
- Medium Density Residential (R-3) Zone District
- Multiple Family Residential (R-4) Zone District

Commercial Zone Districts:
- General Commercial (C-G) Zone District
- Commercial-Mixed Use (C-MU) Zone District

Employment Zone Districts:
- Employment (E) Zone District
- Industrial (M) Zone District

Miscellaneous Zone Districts:
- Civic (C) Zone District
- Urban Reserve (UR) Zone District
- Planned Development (PD) Zone District

Combining Zone Districts:
- Special Design (SD) Combining Zone District
- Specific Plan (SP) Combining Zone District
- Downtown (D) Combining Zone District
- Neighborhood Center (NC) Combining Zone District
- Civic Center (CC) Combining Zone District

17.01.050 Minimum Requirements

The Zoning Regulations shall be deemed the minimum requirements to promote and preserve the public’s health, safety, and general welfare, unless otherwise noted.

17.01.060 Uncertainty of Uses

The list of uses within each zone district is representative of the expected uses that may occur within that zone district. The list is not intended to be a complete representation of every possible use. Where a proposed use is not specifically listed by a zone district as a permitted use or permitted with an approved zoning clearance or use permit, the Community Development Director may determine the use is a permitted use, or the use is permitted if a zoning clearance or use permit is first secured, provided the following findings can be made:

A. The proposed use is similar in character and impact to a listed use; and
B. The proposed use will be treated in the same manner as the listed use, including requiring the same permits and application of the same development standards.

17.01.070 Uncertainty of Boundaries

When an uncertainty exists as to the boundaries of any zone district is shown on the zoning map, the following rules shall apply:
A. Where a zone district boundary is indicated as approximately following a highway, street, or alley, the centerlines of such roadway shall be construed as the boundary.

B. Where a zone district boundary is indicated as approximately following lot lines, such lot lines shall be construed as the zone district boundary.

C. In the case of a zone district boundary dividing a lot, the location of such boundary, unless indicated by dimensions, shall be determined by the use of the scale of the zoning map.

D. Where a public street or alley or parcel of land is officially vacated, the zone district regulations of abutting properties shall apply to such vacated street, or alley.

E. In case of further uncertainty, the Planning Commission shall determine the location of the zone district boundary.

17.01.080 Application of Pre-annexation Zoning

The City may apply pre-annexation zoning to unincorporated property located within the area defined by the General Plan. The pre-annexation zoning process shall comply with the provisions of Chap. 17.36. Territory annexed into the City shall automatically be added to the zoning map and shall be classified the same as the pre-annexation zoning, effective on the date of the annexation into the City.

17.01.090 Fees

The City Council may establish by resolution, and may amend or revise from time to time, fees for processing the various applications authorized or required by this Title. All fees shall be paid at the time the application is filed and no processing shall commence until such fee is paid in full.

17.01.100 Conflicts with Other Laws and Agreements

When conflicts occur between regulations of this Title and any other codes, ordinances or regulations, the more restrictive provision shall apply, unless otherwise provided.

It is not intended by the provisions of this Title to interfere with or annul any easements, covenants, or other agreements between parties; provided, however, when the provisions of this Title impose a greater restriction upon use of buildings, premises, or spaces than are imposed or required by such easements, covenants, or agreements, the provisions of this Title shall apply.

PART 2 ZONE DISTRICTS

17.02 Residential Zone Districts

Sections

17.02.010 Purpose of the Residential Zone Districts
17.02.020 Allowed Uses and Permit Requirements
17.02.030 R-1 Zone District Development Standards
17.02.010 Purpose of the Residential Zone Districts

The purposes of the residential zone districts are as follows:

**Low Density Residential (R-1) Zone District**: Applied to traditional suburban neighborhoods, primarily consisting of detached single family residences and uses compatible with single family uses. This zone district can be applied throughout the City where low density residential uses are deemed appropriate. The R-1 Zone District is consistent with the Low Density Residential General Plan designation.

**Small Lot Residential (R-2) Zone District**: Provides areas similar to the R-1 Zone District but also allows for smaller single family lots and duplexes. It also allows uses compatible with these residential uses. This zone district is primarily utilized around and within areas designated by the General Plan as a Neighborhood Center or Civic Centers. The R-2 Zone District is also consistent with the Small Lot Residential General Plan designation.

**Medium Density Residential (R-3) Zone District**: Allows higher density single family residential development, duplexes, attached townhouses and garden apartments. This zone district is primarily located within areas designated by the General Plan as a Neighborhood Center or Civic Center. The R-3 Zone District is also consistent with the Medium Density Residential General Plan designation.

**Multiple Family Residential (R-4) Zone District**: Provides for the highest density residential uses with a level of standards conducive to providing a suitable living environment to those living in multiple family residences, as well as uses compatible with multiple family neighborhoods. This zone district is primarily located within areas designated by the General Plan as a Neighborhood Center or Civic Center. The R-4 Zone District is also consistent with the High Density Residential General Plan designation.

17.02.020 Allowed Uses and Permit Requirements

Table 17.02.020 identifies the uses of land allowed by each of the residential zone districts. The last column of the table identifies a section of this Title that references additional land use regulations or development standards that are applicable to that use. The applicable permit requirements for each use are established by the letter designations as follows:

- **“P”** Designates a permitted use. New development requires a development plan review which is a ministerial staff review process that ensures compliance with all City development standards, pursuant to Sec. 17.35.010.
- **“ZC”** Designates that a zoning clearance is needed, which is a ministerial staff review, pursuant to Sec. 17.35.020.
- **“U”** Designates that a use permit is required, pursuant to Sec. 17.35.030.
- Blank Not an allowable use in that zone district.
### Table 17.02.020: Allowed Uses and Permit Requirements for Residential Zone Districts

#### Residential Uses

<table>
<thead>
<tr>
<th>Land Use</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>Specific Use Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family residence</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two family residence, halfplex</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multiple-family residence</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group residence</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Condominium</td>
<td>U</td>
<td>U</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Manufactured home</td>
<td>ZC</td>
<td>ZC</td>
<td>ZC</td>
<td></td>
<td>Sec. 17.15.060</td>
</tr>
<tr>
<td>Manufactured home park</td>
<td>U</td>
<td></td>
<td></td>
<td></td>
<td>Sec. 17.15.090</td>
</tr>
<tr>
<td>Second residence</td>
<td>ZC</td>
<td>P</td>
<td>P</td>
<td></td>
<td>Sec. 17.15.050</td>
</tr>
<tr>
<td>Residential care home (small)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Residential care home (large)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Apartment hotel</td>
<td>U</td>
<td></td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stock cooperative residence</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boarding house</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency shelter</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transitional housing</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farmworker housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural uses (over 1 acre)&lt;sup&gt;1&lt;/sup&gt;</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<sup>1</sup>Large farm animals shall not exceed 2 per acre. Buildings housing farm animals must be a minimum of 50 feet from neighboring residence.

#### Residential Accessory Uses

<table>
<thead>
<tr>
<th>Land Use</th>
<th>ZC</th>
<th>ZC</th>
<th>ZC</th>
<th>ZC</th>
<th>Specific Use Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home occupation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sec. 17.15.070</td>
</tr>
<tr>
<td>Day care home (small &amp; large)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Residential accessory structures</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Sec. 17.15.030</td>
</tr>
<tr>
<td>Keeping of animals</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Sec. 17.15.010</td>
</tr>
<tr>
<td>Swimming pool/spa</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Subsec. 17.22.030.B</td>
</tr>
<tr>
<td>Garage/yard sales</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Sec. 5.60.020</td>
</tr>
<tr>
<td>Guest house</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td>Sec. 17.15.030</td>
</tr>
<tr>
<td>Attached patio cover</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Sec. 17.15.040</td>
</tr>
<tr>
<td>Medical marijuana cultivation</td>
<td>ZC</td>
<td>ZC</td>
<td>ZC</td>
<td>ZC</td>
<td>Chapter 17.17</td>
</tr>
</tbody>
</table>
Non-residential uses

1. Large farm animals shall not exceed 2 per acre. Buildings housing farm animals must be a minimum of 50 feet from neighboring residence.

17.02.030 R-1 Zone District Development Standards

Table 17.02.030: R-1 Zone District Development Standards

<table>
<thead>
<tr>
<th>Minimum and maximum density</th>
<th>New residential development must be within the gross density range of 2 to 6 residences per acre.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size</td>
<td>6,000 square feet; 6,500 square feet for corner lots. If approved by the Planning Commission, the minimum lot size can be reduced to 5,000 square feet, 5,500 square feet for corner lots. Other criteria and exceptions are provided in Chap. 17.20</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>50 feet; 55 feet for corner lots. Cul-de-sac lots may be 40 feet if the width is at least 50 feet at the rear of the front yard. Exceptions for flag lots are provided in Sec. 17.20.020.</td>
</tr>
<tr>
<td>Maximum percentage lot coverage (includes residence(s) and garage)</td>
<td>45% for single story and 40 % for two stories.</td>
</tr>
<tr>
<td>Minimum yards</td>
<td><strong>Front yard</strong>: 15 feet from back of sidewalk, except that</td>
</tr>
</tbody>
</table>
garage entrances must be 20 feet.  
**Interior side yard**: 5 feet. Except that for any public building, church or other non-residential building, the yard shall be 15 feet when adjoining any lot for which a residence is permitted.  
**Street side yard**: 15 feet from back of sidewalk, except that garage entrances must be 20 feet.  
**Rear yard**: 20 feet or 20% of the lot depth, whichever is less.  
Other criteria and exceptions are provided in Chap. 17.22.

<table>
<thead>
<tr>
<th>Maximum building height</th>
<th>2 stories, not to exceed 30 feet. Other criteria and exceptions are provided in Chap. 17.23.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public improvements</td>
<td>See Chap. 17.21.</td>
</tr>
<tr>
<td>Fences, walls, hedges, intersection visibility</td>
<td>See Chap. 17.24.</td>
</tr>
<tr>
<td>Off-street parking and loading</td>
<td>See Chap. 17.25.</td>
</tr>
<tr>
<td>Required landscaping</td>
<td>See Chap. 17.27.</td>
</tr>
<tr>
<td>Signs</td>
<td>See Chap. 17.28.</td>
</tr>
<tr>
<td>Trash enclosures</td>
<td>See Chap. 17.29.</td>
</tr>
<tr>
<td>Screened mechanical equip.</td>
<td>See Chap. 17.30.</td>
</tr>
</tbody>
</table>

### 17.02.040 R-2 Zone District Development Standards

**Table 17.02.040: R-2 Zone District Development Standards**

<table>
<thead>
<tr>
<th>Minimum and maximum density</th>
<th>New development must be within the gross density range of 4 to 10 residences per acre.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size</td>
<td>Single family residence: 3,500 square feet; 4,000 square feet for corner lots.</td>
</tr>
<tr>
<td></td>
<td><strong>Two family residences</strong>: 7,000 square feet; 7,500 square feet for corner lots (halfplex lots may be half the minimum). Other criteria and exceptions are provided in Chap 17.20.</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>Single family residence: 35 feet; 40 feet for corner lots.</td>
</tr>
<tr>
<td></td>
<td><strong>Two family residence</strong>: 70 feet; 85 feet for corner lots; halfplex lots may be half the minimum. Exceptions for flag lots are provided in Sec. 17.20.020.</td>
</tr>
<tr>
<td>Maximum percentage lot coverage (includes residence(s) and garage(s))</td>
<td>50% for single story; 45% for two stories. Includes residence(s) and garage.</td>
</tr>
<tr>
<td>Minimum yards</td>
<td>Front yard: 15 feet from back of sidewalk, except that</td>
</tr>
</tbody>
</table>
garage entrances must be 20 feet.
**Interior side yard**: 5 feet. Except that for any public building, church or other non-residential building, the yard shall be 15 feet when adjoining any lot for which a residence is permitted.
**Street side yard**: 15 feet from back of sidewalk, except that garage entrances must be 20 feet.
**Rear yard**: 20 feet or 20% of the lot depth, whichever is less.
Other criteria and exceptions are provided in Chap. 17.22.

<table>
<thead>
<tr>
<th>Maximum building height</th>
<th>2 stories, not to exceed 30 feet. Other criteria and exceptions are provided in Chap. 17.23.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public improvements</td>
<td>See Chap. 17.21.</td>
</tr>
<tr>
<td>Fences, walls, hedges and intersection visibility</td>
<td>See Chap. 17.24.</td>
</tr>
<tr>
<td>Off-street parking and loading</td>
<td>See Chap. 17.25.</td>
</tr>
<tr>
<td>Required landscaping</td>
<td>See Chap. 17.27.</td>
</tr>
<tr>
<td>Signs</td>
<td>See Chap. 17.28.</td>
</tr>
<tr>
<td>Trash enclosures</td>
<td>See Chap. 17.29.</td>
</tr>
<tr>
<td>Screened mechanical equip.</td>
<td>See Chap. 17.30.</td>
</tr>
</tbody>
</table>
Table 17.02.050: R-3 Zone District Development Standards

| Maximum building height                           | Within 25 feet of an R-1 District: 2 stories not to exceed 30 feet.  
|                                                   | Within 25 to 35 feet of an R-1 District: 3 stories, not to exceed 40 feet.  
<p>|                                                   | Otherwise: 4 stories, not to exceed 50 feet. Other criteria and exceptions are provided in Chap. 17.23. |
| Minimum distance between buildings               | Building front to any building side or rear: 20 feet. All others: 10 feet. |
| Open space/recreation areas (applicable to multiple family development only) | 100 square feet per residential unit, unless equivalent open space is provided as part of the design within a Civic Zone District. |
| Walkways                                         | Internal walkways shall link residential units with recreational and other internal facilities as well as other residential units. |
| Storage facilities, accessory buildings          | Cannot be located within required yard areas. |
| Public improvements                               | See Chap. 17.21. |
| Fences, walls hedges and intersection visibility | See Chap. 17.24. |
| Off-street parking and loading                    | See Chap. 17.25. |
| Required landscaping                            | See Chap. 17.27. |
| Signs                                            | See Chap. 17.28. |
| Trash enclosures                                 | See Chap. 17.29. |
| Screened mechanical equip.                       | See Chap. 17.30. |</p>
<table>
<thead>
<tr>
<th>Minimum and maximum density</th>
<th>New development must be within the gross density range of 8 to 15 residences per acre.</th>
</tr>
</thead>
</table>
| **Minimum lot size**        | **Single family residence**: 2,500 square feet; 3,000 square feet for corner lots.  
**Two family residences**: 5,000 square feet; 5,500 square feet for corner lots (halfplex lots may be half the minimum).  
**Multiple family residence and other uses**: 10,000 square feet.  
Other criteria and exceptions are provided in Chap. 17.20. |
| **Minimum lot width**       | **Single family residence**: 30 feet.  
**Two family residence**: 60 feet; 70 feet for corner lots; halfplex lots may be half the minimum.  
**Multiple family residence and other uses**: 100 feet.  
Exceptions for flag lots are provided in Sec. 17.20.020. |
| **Maximum percentage lot coverage (includes residences)** | 60%. |
| **Minimum yards**           | **Front yard**: 15 feet from back of sidewalk, except that garage entrances must be 20 feet.  
**Interior side yard**: 5 feet. Except that for any public building, church or other non-residential building, the yard shall be 15 feet when adjoining any lot for which a residence is permitted.  
**Street side yard**: 15 feet from back of sidewalk, except that garage entrances must be 20 feet.  
**Rear yard**: 20 feet or 20 % of the lot depth, whichever is less.  
Other criteria and exceptions are provided in Chap. 17.22. |

\(^1\) Open space/recreation criteria:  
Areas that may be included are private or common patios, decks, balconies, recreation rooms, roof areas designed to accommodate a leisure activity, swimming pool/spa areas and other types of landscaped recreation or leisure areas. To qualify as open space/recreation area the space must be a minimum of 6 feet by 10 feet.  
Areas that do not qualify are front and street side yards, driveways, parking areas and associated landscaping, clothes drying areas, walkways between buildings and entryways.
### Table 17.02.060: R-4 Zone District Development Standards

<table>
<thead>
<tr>
<th>Minimum and maximum density</th>
<th>New development must be within the gross density range of 15 to 25 residences per acre.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size</td>
<td>10,000 square feet. Other criteria and exceptions are provided in Chap. 17.20</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>100 feet. Exceptions for flag lots are provided in Sec. 17.20.020</td>
</tr>
<tr>
<td>Maximum percentage lot coverage (includes residences)</td>
<td>75%</td>
</tr>
</tbody>
</table>
| Minimum yards               | **Front yard:** 15 feet from back of sidewalk, except that garage entrances must be 20 feet.  
**Interior side yard:** 5 feet. Except that for any public building, church or other non-residential building, the yard shall be 15 feet when adjoining any lot for which a residence is permitted.  
**Street side yard:** 15 feet from back of sidewalk, except that garage entrances must be 20 feet.  
**Rear yard:** 20 feet or 20% of the lot depth, whichever is less.  
Other criteria and exceptions are provided in Chap. 17.22. |
| Maximum building height     | **Within 25 feet of an R-1 District:** 2 stories not to exceed 30 feet.  
**Within 25 to 35 feet of an R-1 District:** 3 stories, not to exceed 40 feet.  
**Otherwise:** 4 stories, not to exceed 50 feet.  
Other criteria and exceptions are provided in Chap. 17.23. |
| Minimum distance between buildings | Building front to any building side or rear: 20 feet.  
All others: 10 feet. |
| Open space/recreation areas | 100 square feet per residential unit, unless equivalent open space is provided as part of the design within a Civic Zone District. |
| Walkways                    | Internal walkways shall link residential units with recreational and other internal facilities as well as other residential units. |
| Storage facilities, accessory buildings | Cannot be located within required yard areas. |
| Public improvements         | See Chap. 17.21. |
| Fences, walls hedges and intersection visibility | See Chap. 17.24. |
| Off-street parking and loading | See Chap. 17.25. |
Required landscaping  See Chap. 17.27.
Signs  See Chap. 17.28.
Trash enclosures  See Chap. 17.29.
Screened mechanical equip.  See Chap. 17.30.

1 Open space/recreation criteria:
Areas that may be included are private or common patios, decks, balconies, recreation rooms, roof areas designed to accommodate a leisure activity, swimming pool/spa areas and other types of landscaped recreation or leisure areas. To qualify as open space/recreation area the space must be a minimum of 6 feet by 10 feet.
Areas that do not qualify are front and street side yards, driveways, parking areas and associated landscaping, clothes drying areas, walkways between buildings and entryways.

Table 17.03.020: Allowed Uses and Permit Requirements for Commercial Zone Districts

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone District</th>
<th>Specific Use Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail sales and services conducted indoors (unless otherwise addressed in this table)</td>
<td>C-G C-MU</td>
<td>P P</td>
</tr>
<tr>
<td>Animal grooming</td>
<td></td>
<td>P P</td>
</tr>
<tr>
<td>Animal boarding (indoors)</td>
<td></td>
<td>P P</td>
</tr>
<tr>
<td>Animal boarding (outdoors)</td>
<td></td>
<td>U U</td>
</tr>
<tr>
<td>Veterinarian</td>
<td></td>
<td>P P</td>
</tr>
<tr>
<td>Auto, boat, motorcycle, RV, mobile home, trailer and agricultural equipment sales (outdoors) (repair as secondary use)</td>
<td>C-G C-MU</td>
<td>P P</td>
</tr>
<tr>
<td>Auto, boat, motorcycle, RV repair (excluding body &amp; radiator shops)</td>
<td></td>
<td>P P</td>
</tr>
<tr>
<td>Bank, financial institution, insurance</td>
<td></td>
<td>P P</td>
</tr>
<tr>
<td>Day care center, including outdoor play area</td>
<td></td>
<td>P P</td>
</tr>
<tr>
<td>Health/fitness facility (outdoor pool)</td>
<td></td>
<td>P P</td>
</tr>
<tr>
<td>Offices (administrative, business, medical and professional)</td>
<td></td>
<td>P P</td>
</tr>
<tr>
<td>Funeral establishment</td>
<td></td>
<td>P P</td>
</tr>
<tr>
<td>Schools &amp; studios conducted indoors</td>
<td></td>
<td>P P</td>
</tr>
<tr>
<td>Bar, night club, lounge, tavern</td>
<td></td>
<td>P P</td>
</tr>
<tr>
<td>Laundry, Laundromat</td>
<td></td>
<td>P P</td>
</tr>
<tr>
<td>Repair shop (i.e. shoes, radios, appliances,</td>
<td></td>
<td>P P</td>
</tr>
<tr>
<td>Activity</td>
<td>P</td>
<td>U</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>Hotel, motel</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Indoor entertainment (theater, video arcade, skating rink, bowling, billiards)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor commercial recreation (theme, amusement park, miniature golf)</td>
<td>U</td>
<td>U</td>
</tr>
<tr>
<td>Restaurant</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail plant nursery (includes outdoor sales)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Car rental</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Car wash</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Home improvement, bldg. material sales (includes outdoor sales)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Drive through facilities</td>
<td>U</td>
<td>U</td>
</tr>
<tr>
<td>Gasoline sales</td>
<td>U</td>
<td>U</td>
</tr>
<tr>
<td>Medical, dental, optical lab</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail tire sales</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recycling collection facility</td>
<td>ZC</td>
<td>ZC</td>
</tr>
<tr>
<td>Commercial coach (temporary)</td>
<td>U</td>
<td>U</td>
</tr>
<tr>
<td>Outdoor product display</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor holiday sales</td>
<td>ZC</td>
<td>ZC</td>
</tr>
<tr>
<td>Adult oriented business</td>
<td>U</td>
<td>U</td>
</tr>
<tr>
<td>Medical marijuana dispensary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural uses (over 1 acre)</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

¹Large farm animals shall not exceed 2 per acre. Buildings housing farm animals must be a minimum of 50 feet from neighboring residence.

(Ord. 540 § 5, 2011)

### 17.04 Employment Zone Districts

#### Section

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.04.010</td>
<td>Purpose of the Employment Zone District</td>
</tr>
<tr>
<td>17.04.020</td>
<td>Allowed Uses and Permit Requirements</td>
</tr>
<tr>
<td>17.04.030</td>
<td>E Zone District Development Standards</td>
</tr>
</tbody>
</table>

#### 17.04.010 Purpose of the Employment Zone District

The purposes of the individual industrial zone districts are as follows:

**Employment (E) Zone District:** Provides areas appropriate for businesses that are primarily non-retail, including offices light assembly, processing, manufacturing, wholesaling, agricultural product processing as well as related compatible uses and distribution of products that do not cause noise, dust, odor smoke, bright lights or vibration beyond the property lines. This zone district also provides for selected sales and services that are often
considered inappropriate in primary retail areas due to size or operating characteristics. The E Zone District is consistent with the Employment General Plan designation.

17.04.020 Allowed Uses and Permit Requirements

Table 17.04.020 identifies the uses of land allowed by the employment zone district. The last column of the table identifies a section of this Title that references additional land use regulations or development standards that are applicable to that use. The applicable permit requirements are established by the letter designations as follows:

- **“P”** Designates a permitted use. New development requires a development plan review which is a ministerial staff review process that ensures compliance with all City development standards, pursuant to Sec. 17.35.010.
- **“ZC”** Designates that a zoning clearance is needed, which is a ministerial staff review, pursuant to Sec. 17.35.020.
- **“U”** Designates that a use permit is required, pursuant to Sec. 17.35.030.
- Blank Not an allowable use in that zone district. (Ord. 545 §1, 2013)

**Table 17.04.020: Allowed Uses and Permit Requirements for the Employment Zone District**

<table>
<thead>
<tr>
<th>Primary Land Uses</th>
<th>E Zone District</th>
<th>Specific Use Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto, auto body, radiator, upholstery repair</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Cabinet, plumber, sheet metal, welding shop, machine shop</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Contractor’s yard, outdoor material storage</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Distribution center</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Dry cleaning, dyeing plant</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Indoor assembly, processing, fabricating, treatment, manufacturing, repairing or packaging of goods that do not create noise dust odor, smoke or bright light; involve the handling of explosives or inflammable materials as a primary use, or otherwise creates offensive conditions at the property line.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Uses described above that may create an offensive condition(s)</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Commercial laundry</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Offices (administrative, business, medical and professional)</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Bulk petroleum and pressurized gas product storage and wholesale sales</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Self storage warehouses</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Wholesale printing, engraving, lithography and publishing</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Activity</td>
<td>Permitted</td>
<td>Zoning Code</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-----------</td>
<td>-------------</td>
</tr>
<tr>
<td>Recycling collection and materials processing facility</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Research and development laboratory</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Sales and indoor repair of commercial trucks and trailers and other</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>heavy equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tire sales</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Tire recapping plant</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>RV, camper sales and repair</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Wholesale businesses, warehousing</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Cement and asphalt plant</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Cold storage</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Equipment rental</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Wrecking, dismantling yard</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Food product processing, manufacturing</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Truck, freight terminal</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Flea market</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Lumber processing (sawing, planning, plywood, veneer, laminating)</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Place of religious worship</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Wireless telecommunications facility</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Wholesale vehicle sales, auction</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Vehicle storage</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Veterinary clinic, animal boarding, animal grooming</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire wood yard</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Farm equipment and supply sales</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Employment centers (includes office uses that generally do not cater to</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>the public such as call centers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building material sales, lumber yard</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Outdoor holiday sales</td>
<td>ZC</td>
<td>Sec. 17.16.050</td>
</tr>
<tr>
<td>Adult oriented business</td>
<td>U</td>
<td>Sec. 17.16.070</td>
</tr>
<tr>
<td>Medical marijuana dispensary</td>
<td>UP</td>
<td>Chapter 17.17</td>
</tr>
<tr>
<td>Agricultural uses (over 1 acre)&lt;sup&gt;1&lt;/sup&gt;</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

<sup>1</sup>Large farm animals shall not exceed 2 per acre. Buildings housing farm animals must be a minimum of 50 feet from neighboring residence.
<table>
<thead>
<tr>
<th>Supporting Uses</th>
<th>E Zone District</th>
<th>Specific Use Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail sales in connection with products manufactured on-site.¹</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Office and other ancillary uses that are part of and subordinate to the principle use and located on the same site.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Caretaker, night watchman residence</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Commercial coach (temporary)</td>
<td>U</td>
<td>Sec. 17.16.020</td>
</tr>
<tr>
<td>Heliport</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Support businesses for permitted uses including restaurant, delicatessen, coping, etc.</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

¹Maximum of 15 percent of the floor area may be used for retail sales.
17.04.030 M Zone District Development Standards

Table 17.04.030: M Zone District Development Standards

<table>
<thead>
<tr>
<th>Minimum lot size</th>
<th>10,000 square feet. Other criteria and exceptions are provided in Chap. 17.20.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot width</td>
<td>75 feet</td>
</tr>
<tr>
<td>Minimum yards</td>
<td><strong>Front yard:</strong> 10 feet. <strong>Street side yard:</strong> 10 feet. <strong>Interior side:</strong> none, except when abutting a residential zone district it is 15 feet. <strong>Rear yard:</strong> none, except when abutting a residential zone district it is 15 feet. Other criteria and exceptions are provided in Chap. 17.22.</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>3 stories, not to exceed 50 feet. Other criteria and exceptions are provided in Chap. 17.23.</td>
</tr>
<tr>
<td>Public improvements</td>
<td>See Chap. 17.21.</td>
</tr>
<tr>
<td>Fences, walls, hedges and intersection visibility</td>
<td>See Chap. 17.24.</td>
</tr>
<tr>
<td>Off-street parking and loading</td>
<td>See Chap. 17.25.</td>
</tr>
<tr>
<td>Required landscaping</td>
<td>See Chap. 17.27.</td>
</tr>
<tr>
<td>Signs</td>
<td>See Chap. 17.28.</td>
</tr>
<tr>
<td>Trash enclosures</td>
<td>See Chap. 17.29.</td>
</tr>
<tr>
<td>Screened mechanical equip.</td>
<td>See Chap. 17.30.</td>
</tr>
</tbody>
</table>

17.05 Civic (C) Zone District

Section

17.05.010 Purpose of the Civic Zone District

17.05.020 Allowed Uses and Permit Requirements

17.05.030 Civic Zone District Development Standards

17.05.010 Purpose of the Civic Zone District

The purpose of the C Zone District is to provide areas for public and quasi-public facilities. This includes general government, education, utilities and other public service uses needed to serve a growing population. The C Zone District is consistent with all General Plan designations.
17.05.020 Allowed Uses and Permit Requirements

Table 17.05.020 identifies the uses of land allowed by the C Zone District. The last column of the table identifies a section in this Title that references additional land use regulations or development standards that are applicable to that use. The applicable permit requirements for each use are established by the letter designations as follows:

“P” Designates a permitted use. New development requires a development plan review which is a ministerial staff review process that ensures compliance with all City development standards, pursuant to Sec. 17.35.010.

“ZC” Designates that a zoning clearance is needed, which is a ministerial staff review, pursuant to Sec. 17.35.020.

“U” Designates that a use permit is required, pursuant to Sec. 17.35.030.

Blank Not an allowable use in the C Zone District.

Table 17.05.020: Allowed Uses and Permit Requirements for the Civic Zone District

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Permit Required</th>
<th>Specific Use Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offices</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Public parking lot</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Community center, cultural institution, pavilion</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Fire, police station</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Golf course</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Maintenance, equipment yard</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Museum</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Park</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>School</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Place of religious worship</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Swimming pool</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Water and wastewater treatment facilities</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Airport, Heliport</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Theater</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Sports facility</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Health facility, hospital</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Place of religious worship</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Landfill</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Transit facility</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>Emergency shelter</td>
<td>U</td>
<td></td>
</tr>
</tbody>
</table>

17.05.030 Civic Zone District Development Standards
All development standards shall be as provided in the C-3 Zone District or as determined by use permit.

### 17.06 Urban Reserve (UR) Zone District

#### Section

- **17.06.010** Purpose of the Urban Reserve Zone District
- **17.06.020** Allowed Uses and Permit Requirements
- **17.06.030** Urban Reserve Zone District Development Standards

#### 17.06.010 Purpose of the Urban Reserve Zone District

The UR Zone District is applied as an interim holding zone to rural or agricultural areas located within the City’s sphere of influence that are not planned for development by the General Plan. In the longer term, after existing developable areas are built out, the areas within the UR Zone District are expected to be planned to accommodate more intensive, fully serviced development as part of future General Plan updates. The UR Zone District is consistent with all General Plan designations.

#### 17.06.020 Allowed Uses and Permit Requirements

Table 17.06.02 identifies the uses of land allowed by the UR Zone District. The last column of the table identifies a section of this Title that references additional land use regulations or development standards that are applicable to that use. The applicable permit requirements for each use are established by the letter designations as follows:

- **“P”** Designates a permitted use. New development requires a development plan review which is a ministerial staff review process that ensures compliance with all City development standards, pursuant to Sec. 17.35.010.
- **“ZC”** Designates that a zoning clearance is needed, which is a ministerial staff review, pursuant to Sec. 17.35.020.
- **“U”** Designates that a use permit is required, pursuant to Sec. 17.35.030.
- Blank Not an allowable use in the C Zone District.

#### Table 17.06.020: Allowed Uses and Permit Requirements for the UR Zone District

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Permit Required</th>
<th>Specific Use Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural uses</td>
<td>P</td>
<td>Same as R-1 Zone District</td>
</tr>
<tr>
<td>All “P” uses in the R-1 Zone District</td>
<td>P</td>
<td>Same as R-1 Zone District</td>
</tr>
<tr>
<td>All “ZC” uses in the R-1 Zone District</td>
<td>ZC</td>
<td>Same as R-1 Zone District</td>
</tr>
<tr>
<td>All “U” uses in the R-1 Zone District</td>
<td>U</td>
<td>Same as R-1 Zone District</td>
</tr>
<tr>
<td>Seasonal fruit/vegetable stands for sale of products produced on-site</td>
<td>U</td>
<td></td>
</tr>
</tbody>
</table>
### 17.06.030 Urban Reserve Zone District Development Standards

**Table 17.06.030: UR Zone District Development Standards**

<table>
<thead>
<tr>
<th>Minimum lot size</th>
<th>10 acres. Other criteria and exceptions provided in Chap. 17.20.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot width</td>
<td>300 feet.</td>
</tr>
<tr>
<td>Minimum yards</td>
<td><strong>Front and street side yard</strong>: 60 feet from the centerline of any street that does not have an adopted future plan line. For streets that have adopted plan lines, the front yard shall be 15 feet from the plan line, except that garage entrances shall be 20 feet. <strong>Interior side yard</strong>: 10 feet, except for any public building, church or other non-residential building it shall be 15 feet when adjoining any lot that may contain a residence. <strong>Rear yard</strong>: 20 feet or 20% of the lot depth, whichever is less. Other criteria and exceptions are provided in Chap. 17.22.</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>2 stories, not to exceed 30 feet. Other criteria and exceptions are provided in Chap. 17.23.</td>
</tr>
<tr>
<td>Public improvements</td>
<td>See Chap. 17.21.</td>
</tr>
<tr>
<td>Fences, walls hedges and intersection visibility</td>
<td>See Chap. 17.24.</td>
</tr>
<tr>
<td>Off-street parking and loading</td>
<td>See Chap. 17.25.</td>
</tr>
<tr>
<td>Required landscaping</td>
<td>See Chap. 17.27.</td>
</tr>
<tr>
<td>Signs</td>
<td>See Chap. 17.28.</td>
</tr>
<tr>
<td>Trash enclosures</td>
<td>See Chap. 17.29.</td>
</tr>
<tr>
<td>Screened mechanical equip.</td>
<td>See Chap. 17.30.</td>
</tr>
</tbody>
</table>

### 17.07 Planned Development (PD) Zone District

**Section**

- **17.07.010** Purpose of the Planned Development Zone District
- **17.07.020** Allowed Uses
- **17.07.030** Development Standards
17.07.010 Purpose of the Planned Development Zone District

The PD Zone District is intended to provide for flexibility in site planning and design for residential, commercial, industrial and mixed use projects that encourage and facilitate creative design and use of land in the City which may otherwise be stifled by the standardized zone districts. The resulting projects should be of equal or greater quality than would result from utilizing a standard zone district. The PD Zone District is consistent with all General Plan designations provided that, upon adoption of this zone district, a finding is made that the permitted use or combination of uses and their permitted density and intensity of development are within the range anticipated by the appropriate General Plan designation(s).

17.07.020 Allowed Uses

Any use or combination of uses which are arranged and designed in such a manner as to result in a development which is internally compatible, compatible with neighboring uses and consistent with the General Plan. The density and intensity of the uses shall be limited to that allowed by the General Plan.

17.07.030 Development Standards

Development standards shall be determined for each PD Zone District based on the merits of the project, provided that the resulting project is equal to or exceeds the quality that would result from utilizing standard zone districts.

17.07.040 Establishment of a PD Zone District

Applications for the PD Zone District shall be considered amendments to these Zoning Regulations and shall be processed pursuant to the provisions of Chap. 17.36.

17.07.050 Applications

Applications for a PD Zone District shall contain a full description of all types of uses, the proposed development standards and a site plan for the project. The description, standards and all plans shall include detailed information needed to evaluate the project, including building elevations and site design standards for roads, parking landscaping, signage, etc., phasing plans, if any, and any other information deemed necessary by the Community Development Director.

17.07.060 Findings
Approval of a PD Zone District can be made only upon making all of the following findings:

A. The project is consistent with the General Plan and any applicable specific plan.
B. All of the development standards applied to the PD Zone District will result in a project that meets or exceeds the quality expected of a project allowed by a standard zone district(s).
C. There are adequate public services, facilities and utilities available to properly serve the project.
D. All impacted streets will be within acceptable levels of service.
E. The proposed uses, location, size, design features and operational characteristics will be compatible with the surrounding neighborhood.
F. The establishment, operation and maintenance of the use(s) and facilities will not be detrimental to the public’s health, safety and general welfare.

17.07.070 Detailed Plans Required

Prior to issuance of any building permits, detailed development plans shall be submitted to the Community Development Director for review and approval for substantial compliance with the approved planned development.

17.07.080 Ongoing Review

If construction has not commenced within two years of the effective date of the PD Zone District and every two years thereafter, until the project is completed, the Planning Commission shall review the project to determine if a zone change to amend the PD or otherwise change the zoning to a more appropriate zone district may be warranted. If it is determined that a revision should be considered, the Planning Commission shall authorize a rezoning process to proceed, as provided in Chap. 17.36. For purposes of this section, commencement of construction means installation of a building foundation.

17.08 Special Design (SD) Combining Zone District

Section

17.08.010 Purpose of the Special Design Combining Zone District
17.08.020 Allowed Uses
17.08.030 Development Standards
17.08.040 Establishment of a SD Combining Zone District
17.08.050 Applications
17.08.060 Findings

17.08.010 Purpose of the Special Design Combining Zone District

Intended to be applied to areas where individual development criteria is warranted that is not relevant in other parts of the City, or it may be applied to a development project to accommodate
an innovative standard that would not otherwise be allowed by the primary zone district. This zone district differs from the PD Zone District in two ways. This zone district is intended to (1) provide an avenue to modify or apply a development standard(s) to a situation that citywide adopted development standard(s) would not otherwise address, and (2) that this zone district is not intended to modify the permitted uses of the primary zone district. Any project that utilizes this zone district must meet or exceed the quality expected of a project that meets the typical development standards. This zone district is consistent with all General Plan designations, provided that, upon adoption of the SD Zone District, a finding is made that the permitted density and intensity of development is within the range anticipated by the appropriate General Plan designation(s).

17.08.020  Allowed Uses

Any use normally allowed in the primary zone district is allowed within the SD Combining Zone District, unless otherwise provided in the SD Combining Zone District.

17.08.030  Development Standards

Except as expressly provided in this zone district, the applicable development standards provided in the primary zone district shall apply.

17.08.040  Establishment of a SD Combining Zone District

Applications for the SD Combining Zone District shall be considered amendments to these Zoning Regulations and shall be processed pursuant to the provisions of Chap. 17.36.

17.08.050  Applications

Applications for an SD Combining Zone District shall contain adequate information to properly evaluate the merits of the proposal, as determined by the Community Development Director.

17.08.060  Findings

Approval of a SD Combining Zone District can be made only upon making all of the following findings:

A. The revised or additional development standard(s) is consistent with the General Plan and any relevant specific plan.

B. The revision to the development standard(s) will not provide for a development that will be incompatible with existing or planned neighboring land uses.

C. The quality of any resulting development will be equal or better than would otherwise be expected from the traditional development standard(s).

D. The use of a special or unique development standard(s) will not be detrimental to the public’s health, safety and general welfare.
17.09 Specific Plan Combining (SP) Zone District

Section

17.09.010 Purpose of the Specific Plan Combining Zone District

To ensure that development within the boundary of an adopted specific plan is consistent with the goals, policies, standards and guidelines of that specific plan. This combining zone district provides a link between the Zoning Regulations and the standards of the specific plan. This zone district is consistent with all general plan designations.

17.09.020 Applicability

This combining zone district shall be applied to all primary zone districts that are within an adopted specific plan.

17.09.030 Allowed Uses

Any use normally allowed in the primary zone district is allowed within the SP Combining Zone District as well as any additional uses that may be provided for in the specific plan, unless the specific plan provides a more restrictive or less restrictive list of uses than the primary zone district. If a conflict between the primary zone district and the specific plan occurs, the specific plan shall prevail.

17.09.040 Development Standards

All development standards contained in the primary zone district as well as the standards contained in the specific plan shall apply, unless otherwise noted in the specific plan. If a conflict occurs between the primary zone district and the specific plan, the specific plan shall prevail.

17.09.050 Development Applications

The type of permit necessary for a development proposal shall be as required by the primary zone district, unless otherwise provided in the specific plan.

17.10 Downtown (D) Combining Zone District
17.10.010  Purpose of the Downtown Combining Zone District

To provide for development in the downtown area of the City of Live Oak that enhances the downtown and encourages a broad mix of uses, including commercial, residential and civic uses. This combining zone district should be combined with the C-G or C-MU Zone Districts in locations designated in the General Plan as Downtown Mixed Use.

17.10.020  Applicability

This zone district is intended to be combined with the C-MU Zone District to the areas described in the General Plan as Downtown Mixed Use.

17.10.030  Allowed Uses

Any use permitted in the CM-U Zone District is permitted in this combining district. If the CM-U Zone District requires a use permit for a use then that use shall also be required to obtain a use permit in this combining zone district.

17.10.040  Development Standards

The development standards provided in the C-MU Zone District are applicable to this combining zone district, except as follows:

- **Minimum lot size**: None
- **Yards**: No required front or street side yard shall be required. If a front or street side yard is provided, it shall be landscaped to a depth of 10 feet or the distance to the building, whichever is less.
- **Parking and loading**: No on-site parking or loading is required.

17.11  Neighborhood Center (NC) Combining Zone District

Section

17.11.010  Purpose of the Neighborhood Center Combining Zone District
17.11.020  Applicability
17.11.030  Locational Criteria
17.11.040  Allowed Uses and Size
17.11.050  Development Applications
17.11.010 Purpose of the Neighborhood Center Combining Zone District

To provide a neighborhood focal point that accommodates the higher activity land uses including retail and service commercial uses, offices, civic uses and medium and higher density residential land uses. This combining zone district is intended to implement the Neighborhood Center Overlay Designation of the General Plan and is intended to be combined with the Small Lot Residential (R-2) Zone District.

17.11.020 Applicability

This NC Combining Zone District is intended to be applied on a temporary basis until such a time as a more detailed land use plan is developed, and such plan is converted to permanent zoning that meets the criteria provided below.

17.11.030 Locational Criteria

The General Plan provides the general locations for these activity centers. The intent of the General Plan is to give flexibility as to their exact location and land use layout. This combining district is intended to indicate the general location of each activity center based on the location provided in the General Plan. The detailed land use plan and implementing zoning shall be located within 1/8 mile of the center of the combining district.

17.11.040 Allowed Uses and Size

The intended permitted uses are to be implemented through application of permanent zoning in the acreages provided below. This can be accomplished by applying specific zoning as provided in Table 17.11.040 below or by application of a Planned Development (PD) Zone District that describes the allowed uses at the same ratios. When implemented the neighborhood center should consist of approximately 31 acres.

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Allowable Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medium Density Residential (R-3)</td>
<td>10-15 acres</td>
</tr>
<tr>
<td>Multiple Family Residential (R-4)</td>
<td>2 separate areas of between 5 and 7 acres each</td>
</tr>
<tr>
<td>Commercial-Mixed Use (C-MU)</td>
<td>3-7 acres</td>
</tr>
<tr>
<td>Public Facilities (PF)</td>
<td>Civic use of 1 to 3 acres and park that is 2-3 acres.</td>
</tr>
</tbody>
</table>

17.11.050 Development Applications

Applications for specific development projects shall not be approved until permanent zoning, as provided above, is approved by the City.
17.12 Civic Center (CC) Combining Zone District

Section

17.12.010 Purpose of the Civic Center Combining Zone District

To provide a neighborhood center that is focused on civic uses, including a school, park and other public services such as a fire station, library or post office, as well as medium and higher density residential land uses. This combining zone district is intended to implement the Civic Center Overlay Designation of the General Plan and is intended to be combined with the Small Lot Residential (R-2) Zone District.

17.12.020 Applicability

This CC Combining Zone District is intended to be applied on a temporary basis until such a time as a more detailed plan is developed, and such plan is converted to permanent zoning that meets the criteria provided below.

17.12.030 Locational Criteria

The General Plan provides the general locations for these activity centers. The intent of the General Plan is to give flexibility as to their exact location and land use layout. This combining district is intended to indicate the general location of each activity center based on the location provided in the General Plan. The detailed land use plan and implementing zoning shall be located within 1/8 mile of the center of the combining district.

17.12.040 Allowed Uses and Size

The intended permitted uses are to be implemented through application of permanent zoning in the acreages provided below. This can be accomplished by applying specific zoning as provided in Table 17.12.040 below or by application of a Planned Development (PD) Zone District that describes the allowed uses at the same ratios. When implemented the neighborhood center should consist of approximately 31 acres.

Table 17.12.040: Civic Center Land Uses

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Allowable Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medium Density Residential (R-3)</td>
<td>10-15 acres</td>
</tr>
<tr>
<td>Multiple Family Residential (R-4)</td>
<td>5 and 7 acres</td>
</tr>
</tbody>
</table>
17.12.050 Development Applications

Applications for specific development projects shall not be approved until permanent zoning, as provided above, is approved by the City.

Part 3
Standards for Special Uses

17.15 Standards for Specific Uses in Residential Zone Districts

Section

17.15.020 Garage/Yard Sales
17.15.030 Residential Accessory Structures
17.15.040 Attached Patio Covers
17.15.050 Second Residences
17.15.060 Manufactured Homes
17.15.070 Home Occupations
17.15.080 Model Homes
17.15.090 Manufactured Home Parks
17.15.100 Places of Religious Worship in Residential Zone Districts
17.15.110 Parking for Off-site Uses
17.15.120 Affordable Housing Bonus Incentives
17.15.130 Allowing kitchens in garages

17.15.020 Garage/Yard Sales

See Sec. 5.60.020 (Business license)

17.15.030 Residential Accessory Structures

In any residential zone district residential accessory structures are permitted, subject to all of the following:
A. Residential accessory structures include: Any buildings that are customarily incidental to a residence and garage including guest house, greenhouse, storage shed, studio, poolhouse, workshop, detached deck and patio and similar structures that are over 18 inches in height. Buildings under 120 square feet of roof area and under 8 feet in height, are not subject to this section.

B. Number of structures: The number of residential accessory structures on a lot shall be limited to three.

C. Size: The combined floor area of accessory structures shall not exceed 1,000 square feet of floor area.

D. Height: The maximum height of any accessory structure is 15 feet.

E. Yards: Any residential accessory structure shall meet the same front, interior side and street side yards required by the applicable zone district, and one-half the required rear yard.

F. Exceptions to the standards: Residential accessory structures that differ from the standards provided above may be approved with a use permit, provided the Planning Commission makes a finding that there will not be an adverse impact on any neighboring uses.

17.15.040 Attached Patio Covers

An attached patio cover may encroach a maximum of 10 feet into the rear yard of a single family residence or two family residence, subject to the following:

A. Open on the sides: The patio cover is open on all non-residence sides, except for a maximum 3 foot high wall and open screening.

B. Side yards: All side yard standards are met. (Ord. 540 § 6, 2011)

17.15.050 Second Residences

A. Purpose: The purpose of this section is to comply with the California Government Code pertaining to second residences as a means to increase the supply of affordable housing. Second residences are not required to meet the density requirements of the General Plan. A zoning clearance must first be secured that meets the standards provided below.

B. Development standards: A second residence must meet all of the following development standards:

1. Size: An attached or detached second residence shall not exceed 50 percent of the living area of the primary residence, up to a maximum size of 1,200 square feet.

2. District standards met: All of the development standards required of the primary residence shall be met.

3. Parking: The parking standard, as provided in Sec. 17.25.030, shall be met. The parking area may not be located within any front or street-side yard.

4. Architectural compatibility: The design of the second residence shall incorporate the same or similar architectural features, building materials and colors as the primary residence.
17.15.060 Manufactured Homes

A manufactured home may be placed upon any lot within any residential zone district in lieu of a permitted one family residence, if a zoning clearance is first secured and the manufactured home meets the following standards:

A. Certification: The manufactured home must be certified under the National Manufactured Home Construction and Safety Act of 1974.

B. Foundation: It shall be placed upon a permanent foundation that is approved by the Building Official.

C. Width: It shall be a minimum of 20 feet in width.

D. Siding: The manufactured home shall be covered with an exterior material compatible with neighboring residences. The façades that front a street shall have sufficient design detail to ensure visual compatibility with neighboring residences. If a masonry or concrete foundation is utilized, the exterior covering need not extend more than three inches below the top of the foundation.

E. Entrance: The primary entrance to the residence shall face a public right-of-way.

F. Roof: The roof pitch shall be not less than 2.5 inches of vertical rise over 12 inches of horizontal run. The roof eaves shall be a minimum of 12 inches from the vertical side of the manufactured home or what is customarily found in the neighborhood, whichever is less. The roof material shall be comprised of a material customarily used in the neighborhood.

G. Garage: The manufactured home shall have an enclosed garage if they are customarily found in the neighborhood. The exterior covering material of the garage shall be the same as the manufactured home.

H. Floor height: The finished floor shall be a maximum of 25 inches above the finish grade of the lot.

I. Other Standards: All of the development standards of the zone district in which the lot is located are met.

17.15.070 Home Occupations

A. Purpose: Intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of the residence or the surrounding neighborhood. A zoning clearance must first be secured.

B. Operating standards: Each home occupation shall meet all of the following standards:

1. Relationship to the primary use: Each home occupation shall be clearly an accessory use to the primary residential use. The home occupation conducted in the primary residence or an accessory structure shall not utilize an area of over 20 percent of the residence or 400 square feet, whichever is greater.

2. Employees: There shall be no on-site employees other than full time residents of the residence.

3. Off-site effects: The home occupation shall not produce any exterior evidence of its existence beyond the premises, including but not limited to, outdoor storage, noise, smoke, odor or vibration. There shall be no outdoor storage of building materials, machinery, equipment or other materials.
4. **On-site sales:** There shall be no sale of merchandise other than that produced on the premises or merchandise directly related to the service offered.

5. **Client/customer visits:** The home occupation is limited to one customer on the premises at a time. There shall be no customers on-site between the hours of 10:00 PM and 7:00 AM.

6. **Signage:** A home occupation is limited to one wall mounted non-illuminated sign, not to exceed one square foot.

7. **Prohibited Uses:** The repair of autos, trucks, motorcycles, boats, trailers or similar equipment is not permitted.

C. **Ownership:** If the residence is not owner occupied, property owner authorization for the home occupation is required.

D. **Exempt home occupations:** Home occupations that meet all of the standards provided in this Section, and the business activity is limited to the use of a desk, personal computer and telephone, are permitted uses and not subject to a zoning clearance.

E. **Home occupations not meeting the operating standards:** A home occupation that does not meet the operational or residency standards provided in this Section may be allowed with an approved use permit if the Planning Commission makes a finding that there will be no additional impact on the neighborhood from traffic or other activities associated with the home occupation.

### 17.15.080 Model Homes

Model homes with sales offices and temporary trailers utilized for information/sales are permitted in new subdivisions if a zoning clearance is first secured and the following criteria are met:

A. **Duration:** A temporary trailer may be used for a period not exceeding six months during construction of the model homes. The model home period of usage shall not exceed three years or completion of all the residences, whichever comes first. One year extensions may be granted until the sale of all residences is completed.

B. **Site plan:** A site plan shall be submitted showing the location of the model homes, trailer, temporary parking, signage, and identification flags.

C. **Sales area:** Sales are limited to properties within the subdivision.

D. **Conversion to a residence:** The model home shall be converted to a residence upon completion of its use as a model home.

### 17.15.090 Manufactured Home Parks

Each manufactured home park shall comply with the following standards in addition to other conditions required by the use permit:

A. **Yards:** Minimum yards for manufactured homes within individual spaces are:
   - Front: 10 feet.
   - Side: 5 feet
   - Rear: 10 feet
Awnings, carports and storage sheds shall be a minimum of three feet from side and rear lot lines.

B. Interior circulation:
   1. All manufactured home spaces shall access private internal streets with a minimum width of 20 feet. There shall be no direct access to a public street.
   2. Walkways shall be provided that link manufactured homes to recreational facilities, other internal facilities and other manufactured homes.

C. Common Open Space/Recreation Areas: Open space/recreation areas shall be provided in common areas not located within an individual manufactured home space as follows:
   1. Family Park: 250 square feet of space per home for the first 100 spaces and 200 square feet per home in excess of the 100th space.
   2. Adult park: 200 square feet of recreational area per space.
   3. Areas not included: The open space/recreation area does not include private yards within a manufactured home space, rights-of-way, front and street side yards on public streets as provided in Subsec. E below, driveways and parking areas and associated landscaping, clothes drying areas, walkways between buildings and entryways.

D. Certification: All manufactured homes shall be certified under the National Mobile Home Construction Act of 1974.

E. Exterior walls/screening: All exterior boundaries that abut a public right-of-way shall be screened with a six foot high decorative masonry wall. The walls shall be setback 10 feet from the edge of the right-of-way, with the yard area landscaped as required in Sec. 17.27.060.

F. Parking: As provided in Chap. 17.25.

G. Landscaping: As provided in Chap. 17.27.

17.15.100 Places of Religious Worship in Residential Zone Districts:

In order to ensure compatibility between places of religious worship and neighboring single family residences, places of religious worship locating in R-1 and R-2 Zone Districts shall meet the following criteria, in addition to any conditions that may be imposed by the use permit.

A. Location: Places of religious worship shall locate on either a site with frontage on a General Plan designated collector or arterial street or adjoining a multiple family, commercial or industrial zone district.

B. Yard width: The yard between the place of religious worship and any R-1 or R-2 zoned lots shall be 15 feet. At least 10 feet of that area shall be landscaped with the intent of screening buildings and parking from the residences.

C. Lot coverage: The lot coverage standards for the R-1 or R-2 Zone District shall apply to the place of religious worship.

D. Expansion of pre-existing places of religious worship: Expansion of places of religious worship in existence before the adoption of this ordinance are subject only to the lot coverage and yard standards provided above, as well as any use permit conditions.

17.15.110 Parking for Off-site Uses
Off-street parking that is for a non-residential use may be permitted in residential zone districts on properties that abut a commercial, industrial or public zone district, provided a use permit is first secured.

17.15.120 Affordable Housing Bonus Incentives

When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the City, the City shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in Government Code Sections 65915 through 65918. Such incentives and concessions provided by the City shall be for the provision of housing for the following populations:

A. Lower income households, as defined in Section 50079.5 of the Health and Safety Code.
B. Very low income households, as defined in Section 50105 of the Health and Safety Code.
C. A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code, or mobile home park that limits residency on age requirements for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
D. Common interest development as defined in Section 1351 of the Civil Code for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

17.15.130 Allowing kitchens in garages

A residence may have a second kitchen in the enclosed garage provided:

A. There remain two required parking spaces on the property that meet the requirements of Chapter 17.25 (Off-Street Parking and Loading Facilities).
B. A building permit is first obtained ensuring that all building and venting standards are met.

17.15.140 Reasonable Accommodation Under Federal and State Fair Housing Laws

A. Purpose: It is the policy of the City of Live Oak, pursuant to the federal Fair Housing Act (hereafter “fair housing laws”) to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in the Zoning Regulations to comply with the intent and purpose of fair housing laws.

B. Findings: The City Council finds: The federal Fair Housing Amendments Act of 1988 and California’s Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing;
1. The Housing Element of the Live Oak General Plan must identify and develop a plan for removing governmental constraints to housing for individuals with disabilities including zoning constraints or providing reasonable accommodation;

2. The Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities;

3. A fair housing reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of zoning regulations and procedures will further the City’s compliance with federal and state housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

C. **Applicability:** Reasonable accommodation in zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of zoning regulations and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment, or anyone with a record of such impairment.

A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when application for a zoning regulation or procedure acts as a barrier to fair housing opportunities.

D. **Notice to the Public of Availability of accommodation Process:** Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the Planning and Building Departments, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Planning and Building Departments.

E. **Requesting reasonable accommodation:**

1. In order to make housing available to an individual with a disability, any eligible person as defined in Subsection C. may request a reasonable accommodation in the Zoning Regulations or procedures.

2. Requests for reasonable accommodation shall be made in writing and provide the following information:
   
   a. Name and address of the individual(s) requesting reasonable accommodation;
   
   b. Name and address of the property owner(s);
   
   c. Address of the property for which accommodation is requested;
   
   d. Description of the regulation(s) or procedure for which accommodation is sought; and
e. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.

3. A request for reasonable accommodation in regulation or procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual’s obligations to comply with other applicable regulations not at issue in the requested accommodation.

4. If an individual needs assistance in making the request for reasonable accommodation, the City shall provide assistance to ensure that the process is accessible.

F. Reviewing authority:

1. Requests for reasonable accommodation shall be reviewed by the Community Development Director using the criteria set forth in Subsection G.

2. The Community Development Director shall issue a written decision on a request for reasonable accommodation within 30 days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Subsection G.

3. If necessary to reach a determination on the request for reasonable accommodation, the Community Development Director may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the 30 day period to issue a decision is stayed until the applicant responds to the request.

G. Required findings: The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

1. Whether the housing, which is subject to the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;

2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;

3. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction; and

4. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction’s zoning regulations.

H. Written decision on the request for reasonable accommodation:

1. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the Community Development Director’s findings on the criteria set forth in this chapter. All written decisions shall give notice of the applicant’s right to appeal and to request reasonable accommodation in the appeals process set below. The notice of decision shall be sent to the applicant by certified mail.
2. The written decision of the reviewing authority shall be final unless it is appealed to the Planning Commission.

3. If the Community Development Director fails to render a written decision on the request for reasonable accommodation within 30 days, the request for reasonable accommodation shall be deemed granted.

4. While a request for reasonable accommodation is pending, all laws and regulation otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

I. Appeals

1. Within 10 days of the date of the Community Development Director’s written decision, any party may appeal the decision to the Planning Commission. Appeals from the adverse decision shall be made in writing.

2. If the appellant needs assistance in filing an appeal, the City shall provide assistance to ensure the appeal process is accessible.

3. All appeals shall contain a statement of the grounds for the appeal.

4. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available. (Ord. 544 §1, 2013)

17.16 Standards for Specific Uses in Commercial and Industrial Zone Districts

Section

17.16.010 Recycling Collection Facility
17.16.020 Temporary Commercial Coach
17.16.030 Outdoor Display of Merchandise Typically Sold Indoors
17.16.040 Car Wash (Self Serve and Full Service)
17.16.050 Outdoor Holiday Sales
17.16.060 Medical Marijuana Dispensary
17.16.070 Adult-Oriented Businesses

17.16.010 Recycling Collection Facility

In the commercial zone districts that permit them, recycling collection facilities must meet the following standards:

A. Materials to be accepted: The facility shall accept only recyclable and reusable materials.

B. Maximum size: The facility shall not occupy an area larger than 600 square feet.
C. **No power equipment**: The facility shall not use power-driven processing equipment except for reverse vending machines.

D. **Minimum yard width**: The facility shall have at least a 10 foot yard from any street right-of-way and shall not obstruct any parking lot vehicular circulation.

E. **Storage in containers**: All recyclable materials shall be kept in fully enclosed containers or a mobile unit vehicle.

F. **Bathrooms**: Each facility shall have access to a bathroom for its employees.

G. **Site kept clean**: The site shall be kept free of litter and other undesirable materials.

H. **Maximum noise level**: The facility shall not exceed a noise level of 60 decibels at the property line of residentially zoned or occupied property.

I. **Distance from a residence**: The facility shall not be located within 100 feet of residentially zoned or occupied property.

J. **Landscaping**: The facility shall not impair the required landscaping.

K. **Identification signs**: Identification signs not exceeding a total of 16 square feet are allowed. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.

17.16.020 **Temporary Commercial Coach**

A commercial coach may be used as a temporary office in a commercial or industrial zone district, provided the following standards are met, in addition to any standards imposed by a use permit.

A. **Type of coach**: The coach shall bear the tag or seal of the State, as required by the State Health and Safety Code.

B. **License**: The coach shall carry a current State license.

C. **Mobility**: The coach shall be kept mobile, but skirting shall be provided on all sides.

D. **Exterior surface**: The exterior surface shall consist of materials normally used for permanent office facilities.

E. **Duration**: The maximum term for the use permit is two years.

17.16.030 **Outdoor Display of Merchandise Typically Sold Indoors**

Outdoor promotional display of products for which the display and sales are normally conducted indoors is permitted, subject to the following:

A. **Location**: The display occurs either:
   1. Within 10 feet of the building (provided it is not within a required parking area); or
   2. Within an area shown on an approved site plan.

B. **Type of displays**: Displays are limited to merchandise normally displayed and sold within the structure.

C. **Private property**: The display is conducted solely on private property and not on public right-of-way.

D. **Traffic safety**: The display does not disrupt automobile or pedestrian movements, and all traffic and fire safety standards are met.
17.16.040 Car Wash (Self Serve and Full Service)

**Distance from a residence:** No car wash shall be located within 100 feet of a residential zone district. If a car wash is proposed beyond the 100 foot limit, but within 200 feet of a residential zone district, a noise study shall first be prepared by a qualified noise consultant that concludes that noise from the car wash will not exceed residential noise standards, as provided in the General Plan Noise Element.

17.16.050 Outdoor Holiday Sales

**Operational period:** Temporary outdoor sales of Christmas trees during the Christmas season, pumpkins during the Thanksgiving season and 4th of July fireworks sales are permitted for a 45 day period prior to the holiday and one week afterwards, subject to an approved zoning clearance, pursuant to Sec. 17.35.020. Due to the temporary nature of these uses, the development standards provided in this Title are not otherwise applicable, except for any health and safety issues that may arise.

17.16.060 Medical Marijuana Dispensary

Medical marijuana dispensaries are not permitted in the City of Live Oak.

17.16.070 Adult-Oriented Businesses

**A. Purpose:** To provide standards for the location, development and operation of adult-oriented businesses that, because of their nature, are recognized as having serious objectionable characteristics, particularly when several of them are located in close proximity, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to blighting or downgrading of the surrounding neighborhood. It is, therefore, the purpose of this regulation to prevent the improper location or over concentration of these uses in any area in order to preserve the health, safety and welfare of the citizenry.

**B. Definitions:** Definitions of the technical terms and phrases used in this Section are provided under “Adult-Oriented Business” in Sec. 17.50.020 (Definitions).

**C. Allowed zone districts:** Adult-oriented businesses are allowed in the Commercial - General (C-G), Commercial – Mixed Use (C-MU), Employment (E) and Industrial (M) Zone Districts, subject to an approved use permit in compliance with Sec. 17.35.030, and provided that the criteria provided below can be satisfied.

**D. Distance requirements:**

1. **Required separation from sensitive uses:** An adult-oriented business shall be located at least 500 feet from the following:
   
   a. A church, synagogue, mosque, temple or building, or portion of a building, which is used for religious worship or related religious activities.
   
   b. The boundary of residentially zoned land, whether in the City or within an unincorporated area.
   
   c. A public or private educational facility or library. This does not include vocational or professional schools.
d. Any public park or recreational facility.
e. Any youth oriented establishment such as a boys club, girls club or similar youth organization.

2. **Distance to another adult-oriented business**: An adult-oriented business shall be located a minimum of 500 feet away from another adult oriented business.

3. **Measurement to other identified uses**: The distance between an adult-oriented business and a sensitive use as described in Subsec. 17.16.080.D.1. shall be measured in a straight line, without regard to intervening structures, from the closest property line of the adult oriented business to the closest property line of the property designated for a sensitive use. The distance between two adult-oriented businesses shall be measured in a straight line, without regard for intervening structures, from the closest exterior wall of each business.

4. **Political boundaries**: The existence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Subsection.

5. **Failure to meet distance requirements**: If any portion of the building in which an adult-oriented business is located fails to meet the distance criteria set forth in this Subsection, the entire building shall be ineligible for an adult-oriented business.

E. **Development and performance standards and regulations**: Any adult-oriented business authorized and/or operating within the City shall be established, located and operated consistent with all of the following:

1. **Prohibition against minors**: It shall be unlawful for any licensee, operator, or other person in charge of any adult-oriented business to permit to enter, or remain within the adult-oriented business, any person who is not 18 years of age, or to provide any such service subject to this Section, to any person who is not at least 18 years of age. The building entrance to an adult-oriented business shall be clearly and legibly posted with a notice indicating that persons under 18 years of age cannot enter the premises.

2. **Hours of operation**: An adult-oriented business shall not operate or be open for business between the hours of 2:00 a.m. and 7:00 a.m.

3. **Lighting**: The entire exterior grounds, including the parking lot, shall be provided with lighting that is energy-efficient, stationary and directed away from adjacent properties and public rights-of-way, consistent with Chap.17.26.

4. **Concealing adult activities from public view**: No adult-oriented business shall be operated in any manner that permits the observation of any material or activities depicting, describing or relating to specified sexual activities or specified anatomical areas from any public right-of-way or from any location outside the building or area of such establishment. This provision shall apply to displays, decorations, signs, windows or any other openings. No exterior door shall be propped or kept open at any time while business is open, and any exterior windows shall be covered with opaque covering at all times.

5. **Indoor areas open to view by management**: All indoor areas of an adult oriented business where patrons or members of the public are permitted, excluding restrooms, shall be open to view by management at all times.

F. **Additional regulations for adult arcades**

1. **Viewing areas to be visible**: It is unlawful to maintain, operate or manage or allow to be maintained, operated or managed, any adult arcade in which viewing areas are not
visible from a continuous main aisle or are obscured by a curtain, door wall or other enclosure. For purposes of this section “viewing area” means the area where a patron or customer would ordinarily be positioned while watching the film, performances, picture or show.

2. **One occupant per booth**: It is unlawful for more than one person at a time to occupy any individually partitioned viewing area or booth.

3. **Limit access**: It is unlawful to create, maintain or allow to be created or maintained any holes, openings between any two booths or individual viewing areas for the purpose of providing viewing or physical access between the booths or individual viewing areas.

**G. Additional regulations relating to live entertainment**: The following additional requirements shall pertain to adult-oriented businesses providing live entertainment showing or simulating specified anatomical areas or specified sexual activities, except for businesses regulated by the California Department of Alcoholic Beverage Control.

1. **Performances on a stage**: No person shall perform live entertainment for patrons of an adult-oriented business except upon a stage at least 24 inches above the level of the floor which is separated by at least 10 feet from the nearest area occupied by patrons. Fixed rail(s) at least 30 inches in height shall be maintained establishing the separation between performers and patrons required by this Section. Performer shall mean any person who is an employee or independent contractor of the adult-oriented business, or any person who, with or without compensation or any other form of compensation, performs live entertainment for patrons of an adult-oriented business.

2. **Separate dressing facilities**: The adult-oriented business shall provide separate dressing room facilities for performers which are exclusively dedicated to the performers’ use.

3. **Separate performer entrance**: The adult-oriented business shall provide an entrance/exit for performers, which is separate from the entrance/exit used by patrons.

4. **Separate stage access**: The adult-oriented business shall provide access for performers between the stage and dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the adult-oriented business shall provide a minimum three-foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barriers separating the patrons and the performers which is capable of preventing any physical contact between patrons and performers.

5. **No physical contact**: No performers, either before, during or after performances, shall have physical contact with any patron and no patron shall have physical contact with any performer. This paragraph shall apply to physical contact anywhere on or within the premises of the adult-oriented business, including off-street parking areas.

6. **No individual gratuity**: No patron shall directly pay or give any gratuity to any performer and no performer shall solicit pay or accept gratuity from a patron.

7. **Security guards**: The adult-oriented business shall employ security guards in order to maintain the public’s peace and safety based upon the following standards:
   a. The adult-oriented business shall provide at least one security guard at all times while the business is open. If the occupancy of the adult-oriented business is greater than 35 persons, an additional security guard shall be on duty.
b. Security guards shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of these regulations. Security guards shall be uniformed in such a manner as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of State law. No security guard pursuant to this Section shall act as a door person, ticket seller, ticket taker, admittance person, performer, or sole occupant of the manager’s station while acting as a security guard.

17.17 Standards for Medical Marijuana

Section

17.17.010 Findings and Purpose
17.17.020 Applicability
17.17.030 Definitions
17.17.040 Prohibition of Marijuana Cultivation
17.17.050 Separation of Section 17.17.40
17.17.060 Cultivation in Residential Zone Districts for Personal Use
17.17.070 Medical Marijuana Collectives, Cooperatives and Dispensaries
17.17.080 Separation of Section 17.17.070
17.17.090 Medical Marijuana Dispensary
17.17.100 Nuisance and Civil Penalties

17.17.010 Findings and Purpose

A. The City Council hereby finds that the cultivation of medical marijuana significantly impacts, or has the potential to significantly impact, the City’s jurisdiction. These impacts include damage to buildings in which cultivation occurs, including improper and dangerous electrical alterations and use, inadequate ventilation, increased occurrences of home-invasion robberies and similar crimes and nuisance impacts to neighboring properties from the strong and potentially noxious odors from the plants and increased crime.

B. It is acknowledged that the voters of the State of California have provided a criminal defense to the cultivation, possession and use of marijuana for medical purposes through the adoption of the Compassionate Use Act in 1996 pursuant to Proposition 215 and codified as Health and safety Code section 11362.5. The Compassionate Use Act (CUA) does not address the land use or other impacts that are caused by the cultivation of medical marijuana.

C. The purpose of this Section is to adopt rules consistent with the CUA and the Medical Marijuana Program Act (MMPA) commencing with Health and Safety Code section
11362.7 to regulate medical marijuana in a manner that protects the public health, safety and welfare of the community and prevents adverse impacts which such activities may have on nearby properties and residents, without interfering with the rights of qualified patients and their primary caregivers to possess or cultivate medical marijuana pursuant to state law.

D. The CUA is limited in scope, in that it only provides a defense from criminal prosecution for possession and cultivation of marijuana to qualified patients and their primary caregivers. The scope of the MMPA is also limited in that it establishes a statewide identification program and affords qualified patients, persons with identification cards and their primary caregivers, an affirmative defense to certain enumerated criminal sanctions that would otherwise apply to transporting, processing, administering or distributing marijuana.

E. The CUA and MMPA do not appear to have facilitated the stated goals of providing access to marijuana for patients in medical need of marijuana, but instead the predominant use of marijuana has been for recreational and not medicinal purposes. As the report issued by the California Chiefs Association on September 2009, entitled “California Chiefs Association Position Paper on Decriminalizing Marijuana” states, “[i]t has become clear, despite the claims of use by critically ill people that only about 2% of those using crude marijuana for medicine are critically ill. The vast majority of those using crude marijuana as medicine are young and are using the substance to be under the influence of THC [tetrahydrocannabinol] and have no critical medical condition.” (California Chiefs Association’s Position Paper on Decriminalizing Marijuana, available at the Planning Department.)

F. Facilities purportedly dispensing marijuana for medicinal purposes are commonly referred to as medical marijuana dispensaries, medical marijuana cooperatives or medical marijuana collectives; however, these terms are not defined anywhere in the CUA or MMPA. Significantly, nothing in the CUA of MMPA specifically authorizes the operation and the establishment of medical marijuana dispensing facilities.

G. Further, neither the CUA nor MMPA require or impose an affirmative duty or mandate upon local governments, such as the City of Live Oak, to allow, authorize or sanction the establishment and the operation and establishment of facilities dispensing medical marijuana within its jurisdiction. Moreover, the CUA did not create a constitutional right to obtain medical marijuana.

H. It is critical to note that neither Act abrogates the City’s powers to regulate for public health, safety and welfare. Health and Safety Code 11362.5(b)(2) provides that the Act does not supersede any legislation intended to prohibit conduct that endangers others. In addition, Health and Safety Code 11352.83 authorizes cities and counties to adopt and enforce rules and regulations consistent with the MMPA.

(“the Attorney General Guidelines”), which sets regulations intended to ensure the security and non-diversion of marijuana grown for medical use by qualified patients. Health and Safety Code 11362.81(d) authorizes the Attorney General to “develop and adopt appropriate guidelines to ensure the security and non-diversion of marijuana grown for medical use by patients qualified under” the CUA. Nothing in the Guidelines imposes an affirmative mandate or duty upon local governments, such as the City of Live Oak, to allow, sanction or permit the establishment or the operation of facilities dispensing medical marijuana within their jurisdictional limits.

J. Marijuana remains an illegal substance under the Federal Controlled Substances Act, 21 U.S.C. 801, et seq. and is classified as a “Schedule I Drug” which is defined as a drug or other substance that has a high potential for abuse, that is no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for its use under medical supervision. Furthermore, the Federal Controlled Substances Act makes it unlawful for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense marijuana. The Controlled Substances Act contains no statutory exemption for the possession of marijuana for medical purposes. The City does not wish to be in violation of federal law.

K. Pursuant to the City of Live Oak’s police powers authorized in Article XI, Section 7 of the California Constitution, as well as under the City of Live Oak Municipal Code, the City has the power to regulate permissible land uses throughout the City and to enact regulations for the preservation of public health, safety and welfare of its residents and community. And, pursuant to Government Code 38771 the City also has the power through the City Council to declare actions and activities that constitute a public nuisance.

L. The City Council finds that neither the CUA nor the MMPA preempts the City’s exercise of its traditional police powers in enacting land use and zoning regulations, as well as legislation for preservation of public health, safety and welfare, such as this zoning ordinance prohibiting the establishment and operation of medical marijuana cooperatives and collectives within the City.

M. The City Council finds that the public health, safety and general welfare of the City and its residents necessitates and requires the adoption of this zoning ordinance, prohibiting the establishment and operation of medical marijuana cooperatives and collectives, in order to: (a) protect and safeguard against the detrimental secondary negative effects and adverse impacts of facilities dispensing medical marijuana; (b) preserve and safeguard the minors, children and students in the community from the deleterious impacts of medical marijuana facilities; and (c) preserve the City’s law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts will likely burden the City’s law enforcement resources. The City Council further finds that due to negative secondary effects and adverse impacts of facilities dispensing medical marijuana, the establishment and operation of these facilities will negatively impact the City.
N. The Zoning Regulations are consistent with the Live Oak 2030 General Plan in that the General Plan, its goals, objectives and policies do not permit or contemplate the establishment or operation of medical marijuana cooperatives, collectives or similar facilities that engage in dispensing of marijuana for medicinal purposes. (Ord. 538, § 3, 2011)

17.17.020 Applicability

A. Nothing in this Chapter is intended, nor shall it be construed, to burden any defense to criminal prosecution under the CUA.

B. Nothing in this Chapter is intended, nor shall it be construed, to make legal any cultivation, sale or other use of medical marijuana that is otherwise prohibited under California law.

C. Nothing in this Chapter is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting medical marijuana cultivation by tenants.

D. Nothing in this Chapter is intended, nor shall it be construed, to exempt any activity related to the cultivation of medical marijuana from any applicable electrical, plumbing, land use or other building or land use standards or permitting requirements.

E. All cultivation and sale of medical marijuana within the City shall be subject to the provisions of this Chapter.

F. Any medical marijuana cultivation that legally occurred prior to the effective date of this ordinance does not have nonconforming rights provided in Chapter 17.38. (Ord. 538, § 3, 2011)

17.17.030 Definitions

The following definitions apply to this chapter:

A. Fully enclosed and secure structure: A space within a building that complies with the California Building Code, as adopted in the City of Live Oak, or, if exempt from permit requirements, that has a complete roof enclosure supported by connecting walls extended from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors and accessible only to a primary caregiver or a qualified patient. Walls and roofs must be constructed of solid materials that cannot be easily broken through such as two inch by four inch or thicker studs overlaid with 3/8s inch or thicker plywood or the equivalent. Plastic sheeting regardless of gauge, or similar products do not satisfy this requirement. If indoor grow lights or air filtration systems are used, they must comply with the California Building, Electrical and Fire Codes as adopted in the City of Live Oak.
B. **Medical marijuana:** Marijuana used for medical purposes in accordance with California Health and Safety Code section 11362.5.

C. **Medical marijuana collective, cooperative or dispensary:** A collective, cooperative, dispensary, operator, establishment, provider, association or similar entity that cultivates, distributes, delivers or processes marijuana for medical purposes relating to a qualified patient or primary caregiver, pursuant to the compassionate Use Act and Medical Marijuana Program Act.

D. **Medical marijuana cultivation:** The planting, growing, harvesting drying or processing of marijuana plants or any part thereof.

E. **Primary Caregiver:** A primary caregiver as defined in Health and Safety Code section 11362.7.

F. **Qualified patient:** A qualified patient as defined in Health and Safety Code section 11362.7. (Ord. 538, § 3, 2011)

17.17.040   Prohibition of Marijuana Cultivation

Marijuana cultivation by any person, including primary caregivers and qualified patients, collectives, cooperatives or dispensaries is prohibited in all zone districts within the City of Live Oak. (Ord. 538, § 3, 2011)

17.17.050   Separation of Section 17.17.040

If Section 17.17.040, or any subsection, sentence, clause, phrase or portion of Section 17.17.040 is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision and the following Section 17.17.060 shall apply in lieu of Section 17.17.040. (Ord. 538, § 3, 2011)

17.17.060   Cultivation in Residential Zone Districts for Personal Use

It is unlawful to cultivate medical marijuana in any residential zone district and in the UR Zone District by reference, unless a zoning clearance as provided in Section 17.35.02 is first secured and all of the following criteria are met:

A. **Indoor cultivation:** Medical marijuana may be cultivated only in a fully enclosed and secure structure by a qualified patient or primary caregiver in a residential zone district if a zoning clearance is first secured and all of the following criteria are met:

1. The applicant must reside on the property and be either a qualified patient or primary caregiver.

2. The owner of the property, if other than the applicant, has consented in writing to the cultivation of marijuana on the property.
3. If the marijuana cultivation occurs within a residential accessory building or a garage, the location of the marijuana plants shall be at least 30 feet from any habitable structure on any adjacent property.

4. The location of the plants shall be at least 600 feet from any school property. The distance shall be measured in a straight line, without regard to intervening structures, from the closest property line of the property on which the marijuana is grown and the school property. The existence of city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this paragraph.

5. The area where marijuana is grown shall not exceed 50 square feet of floor area, regardless of how many qualified patients or primary caregivers live on the property.

6. The marijuana cultivation shall not be visible from any public or other private property.

7. The cultivation of marijuana shall not take place in the kitchen, bathrooms or occupied bedrooms of the residence.

8. The lighting used for cultivation shall not exceed 1,200 watts.

9. The use of flammable or combustible products, including but not limited to, propane and butane, for cultivation and processing is prohibited.

C. All medical marijuana cultivated pursuant to this Section shall be for the personal use only of a qualified patient residing on the property and may not be distributed to any other person, collective, cooperative or dispensary.

D. The cultivation of medical marijuana shall not be an allowed home occupation.

E. Cultivation of marijuana in any other zone district other than those listed in this Section is prohibited. (Ord. 538, § 3, 2011)

17.17.070 Medical Marijuana Collectives, Cooperatives and Dispensaries

Medical marijuana collectives, cooperatives and dispensaries are not permitted in any zone district within the City of Live Oak. (Ord. 538, § 3, 2011)

17.17.080 Separation of Section 17.17.070

If Section 17.17.070, or any subsection, sentence, clause, phrase or portion of Section 17.17.070 is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision and the following Section 17.17.090 shall apply in lieu of Section 17.17.070. (Ord. 538, § 3, 2011)
A. **Purpose:** To establish a comprehensive set of regulations applicable to the operation of medical marijuana dispensaries within the City to insure such operation in a manner consistent with the overall health, welfare and safety of the City and its populace and in compliance with the California Compassionate Use Act.

B. **Allowed zone districts:** Medical marijuana dispensaries are allowed in the Commercial-General (C-G), Commercial–Mixed Use (C-MU), Employment (E) and Industrial (M) Zone Districts, subject to an approved use permit in compliance with Sec. 17.35.030, and provided that all of the criteria provided below can be satisfied.

1. The site is not within 1,000 feet of any public or private school for grades kindergarten through 12th, any preschool or licensed child care facility.

2. The site is not within 500 feet of any residential use, residential area or residential zone.

3. The site is not within 1,000 feet of any park, library or recreational area commonly used by minor children.

4. The site is not within 250 feet of any adult business which sells or provides in any manner drug paraphernalia.

C. **Needed information:** In addition to the information required by the City for any potential use permit application or any potential business license application, persons or entities making such application(s) for the establishment of a medical marijuana dispensary shall also provide the following information with the application(s).

1. The application must be signed by the owner, lessee or agent who is applying for the use permit or business license and the owner, lessee or agent shall specifically identify the individuals who will be conducting the business of the medical marijuana dispensary for the premises for which the permit or license is sought. In the case of a lessee of a property applying for a permit pursuant to this chapter, the property owner shall acknowledge on the application consent to the application for a use permit for a medical marijuana dispensary.

2. The application shall list the legal form of the applicant, e.g., individual, partnership, corporation.
   - a. If the applicant is an individual, the application shall list his or her legal name, any aliases and date of birth;
   - b. If the applicant is a partnership, the application shall list the full and complete name of the partnership, the legal names and addresses of all partners, dates of
birth, all aliases used by all of the general partners and whether the partnership is general or limited; and

c. If the applicant is a corporation, the applicant shall list the full and complete corporate name, the date and status of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth and aliases used and the capacity of all officers, directors and principal stockholders (i.e., all stockholders with 10 percent or more of all outstanding shares, and the name and addresses of the registered officers for service of process.

3. The application must list whether, preceding the date of the application, the applicant or any individuals listed pursuant to subsection C.2. of this section has:

a. Other licenses and/or permits issued to and/or revoked from the applicant, in the three years prior to the year of the permit application, such other license and/or permit relating to similar business activities as in the permit application. If the application lists such other licenses and/or permits, the list shall include the type, current status and issuing agency for each permit;

b. Been a partner in a partnership or an officer, director or principal stockholder of a corporation which has had any other licenses and/or permits, relating to similar business activities as in the permit application, issued to and/or revoked in the three years prior to the year of the permit application. The type, current status, and issuing agency for each previously issued or revoked licenses and/or permits shall be listed on the application;

c. Been found guilty of or pleaded nolo contendere within the last four years to a misdemeanor or a felony classified by the state as a drug or drug related offense.

D. Restrictions on use: The following restrictions/regulations/conditions shall apply to the operation of all medical marijuana dispensaries:

1. Hours of operation: Medical marijuana dispensaries shall be restricted to hours of operation between 6 a.m. and 10 p.m.

2. Conviction of Crimes: No operator and/or employee of a medical marijuana dispensary shall have been convicted of any felony under state or federal law, convicted of a crime in any other jurisdiction the commission of which would be a felony under California law, nor convicted of any crime of moral turpitude. All operators and/or employees of a medical marijuana dispensary shall be subject to verification by the Sutter County Sheriff’s Department of the absence of any disqualifying conviction under this subsection prior to commencement of any such operation and/or employment and annually thereafter, pursuant to reasonable regulations pertaining thereto as established and promulgated by the Sheriff.
3. **Security system:** Medical marijuana dispensaries shall be equipped with, and the operators of such dispensaries shall maintain in working order at all times burglary/robbery alarms in a manner compliant with the provisions of this code.

4. **Security Guard:** During all hours of operation there shall be, for each 1,000 square feet of occupied building space, or portion thereof, at least one licensed, uniformed security guard present and visible on the premises, i.e., one guard for zero to and including 1,000 square feet, two guards for 1,001 to and including 2,000 square feet, etc.

   a. Such guards(s) shall be duly licensed by the State of California, Department of Consumer Affairs in a manner compliant with all applicable state and local laws. In particular, all security officers shall comply with the provisions of California Business and Professions Code Section 7582, et seq.

   b. The presence and licensing of such guards shall be subject to proof thereof by operator(s), employee(s) or security guard(s) of such dispensary at all required times, upon reasonable demand by any state or federal police officer.

5. **Use on premises:** Use or consumption in any manner of marijuana is not permitted on premises of any medical marijuana dispensary at any time.

6. **Drug paraphernalia:** No medical marijuana dispensary may sell or display any drug paraphernalia on the premises at any time, including but not limited to cocaine and sniffing kits, glass mirrors for cutting cocaine, snorting spoons and tubes, strainers to sift cocaine, water pipes (bongs), everyday items with special removable tops that have been converted to conceal narcotics and drugs, including but not limited to beer cans, oil cans and plastic photograph film vials, roach clips (for holding marijuana cigarettes), cigarette paper or filters.

7. **Minors:** Persons under the age of 18 years of age are not permitted to be on the premises of any medical marijuana dispensary at any time.

8. **Alcohol:** No alcoholic beverage shall be sold, conveyed or consumed on the premises of any medical marijuana dispensary at any time.

9. **Under the influence:** No person shall be present on the premises of a medical marijuana dispensary while intoxicated and/or under the influence of alcohol or any controlled substance at any time, as defined in California Health and Safety Code Section 11007.

10. **Unobstructed view:** The interior of the dispensary shall be configured such that there is an unobstructed view, by use of the naked eye, and unaided by video, closed circuit cameras or any other means, of every public area of the premises by a manager. No public area shall be obscured by any door, curtain wall, two-way mirror or other
device. A manager shall be in the public portion of the dispensary at all times it is in operation or open to the public in order to enforce all rules and regulations.

11. **Exterior painting:** Buildings and structures shall not be painted or surfaced with any design that would simulate a sign or advertising message and cannot be established or maintained such that the exterior appearance of the structure is substantially inconsistent with the external appearance of abutting properties.

12. **Displays:** Advertisements, displays of merchandise, signs or any other exhibit depicting activities of the dispensary placed within the interior of buildings of premises shall be arranged or screened to prevent public viewing from outside such building or premises.

13. **Loudspeakers:** Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

14. **Graffiti:** Upon order of the Sheriff’s Department, graffiti appearing on any exterior surface of a building or premises of a dispensary, which graffiti is in public view, shall be removed and that surface shall be restored within 48 hours of notification to the owner or person in charge of the premises or as may be specified in other ordinances of the City regulating graffiti removal.

15. **Security cameras:** The operator of the medical marijuana dispensary shall be responsible for insuring that a video surveillance system on the premises complies with the following standards:

   a. Visually records and monitors all parking lot areas, rear alley areas immediately adjacent to the dispensary, the main building entrance(s) and exit(s), and any and all transaction areas for the dispensing of medical marijuana. The operator of the dispensary or his/her designated representative shall instruct the company or individual(s) installing the surveillance equipment at the dispensary to position cameras to maximize the quality of facial and body images and avoid backlighting and physical obstructions. The company or individual(s) installing the surveillance equipment for any medical marijuana dispensary shall be responsible for reasonable compliance with those instructions in installing such equipment at the dispensary.

   b. Cameras shall have a minimum resolution of 500 lines per inch and a minimum light factor requirement of 0.7 LUX. Light sensitive lenses or the installation of additional lighting may be required to increase picture clarity and brightness. Cameras shall be calibrated and focused to maximize the quality of the recorded image.

   c. The recorded device shall be defined as a “high density recorder” by manufacturer specifications. The device shall be a time-lapse recorder that displays a current
date and time stamp on the videotape. Systems required to have more than one camera shall include a “quad” or “multiplexer” video display splitter. The recording equipment and all recorded video tapes kept in compliance with this section shall be secured in a locked area in which access is limited to the dispensary operator, the permit holder, and/or his/her designated representative(s).

d. A display monitor with a minimum screen size of 12 inches shall be connected to the video surveillance system at all times. If a “quad” video display splitter is utilized, the display monitor shall have a minimum screen size of 15 inches.

e. Video surveillance systems shall be maintained in good working order at all times. The owner of the dispensary shall instruct each employee, volunteer, agent, servant or other individual overseeing the functioning of the video system, to immediately report any malfunctioning of or technical problems whatsoever with surveillance equipment. Every three months, the operator of the dispensary or his/her designated representative shall inspect all cameras and video recorders to ensure proper operation and shall perform the following functions: the camera lenses shall be cleaned and the date and time stamp shall be calibrated to reflect true information; all wires connected to the camera and video recording device shall be inspected for wear and tear; and, a test recording shall be done to verify image quality and the date and time stamp. The operator of the dispensary or his/her designated representative shall keep a video surveillance maintenance log documenting all inspections and repairs to the system. Any technical problems or inoperable equipment shall be repaired as soon as possible, not to exceed 15 days from the discovery of the problem. The video surveillance system and maintenance log are subject to periodic inspection by the Sheriff’s Department, in order to ensure compliance with this section.

f. The video surveillance system and recording device shall be in continuous operation from one full hour before to one full hour after the dispensary is open to the public, or any portion thereof. Videotapes of daily operations shall be kept a minimum of 30 days prior to reuse or destruction of such videotapes, and shall be provided to the Sheriff’s Department as may be authorized by state and federal law. Such videotapes shall be clearly marked with the date the videotape was most recently recorded, and, in the event there are multiple tapes of the same date, each videotape shall be clearly marked in the sequential numerical order that it was so recorded.

16. Lighting

a. **Interior:** The premises within which the dispensary is operated shall be equipped with and, at all times during which the dispensary is open to the public or any portion thereof, shall remain illuminated with overhead lighting fixtures of sufficient intensity to illuminate every place to which members of the public or portions thereof are permitted access with an illumination of not less than two foot-candles as measured at the floor level.
b. **Exterior:** The exterior of the premise upon which the dispensary is operated shall be equipped with and, at all times between sunset and sunrise, shall remain illuminated with fixtures of sufficient intensity and number to illuminate every portion of the property with an illumination level of not less than one-foot candle as measured at the ground level, including, but not limited to, landscape areas, parking lots, driveways, walkways, entry areas and refuse storage areas.

17. **Change of ownership:** If a dispensary operating with a permit pursuant to this chapter changes ownership, the current owner or operator shall notify the Sheriff’s Department of the new owner’s name and address within 10 days of the effective date of such change of ownership.

18. **Manager on premises:** All dispensaries shall have a responsible person who shall be at least 21 years of age and shall be on the premises to act as manager at all times during which the dispensary is open to the public or any portion thereof. The individual designated as the on-site manager shall be registered with the Sheriff’s Department by the owner to receive all complaints and be responsible for all violations taking place on the premises.

19. **Records and inspection:** All dispensaries shall maintain sufficiently detailed written records regarding their verification that medical marijuana is dispensed only to qualified patients and primary caregivers under the California Compassionate Use Act, Health and Safety Code Section 11362.5 et. seq. These written records are subject to periodic inspection by the Sheriff’s Department, in order to ensure compliance with this section, as authorized by state and federal law.

20. **Other conditions:** The Planning Commission or City Council may add any conditions to the granting of a permit pursuant to this chapter, should the particular facts and/or circumstances of a propose use so justify.

E. **Operator Responsible:** The operator(s) of any medical marijuana dispensary is responsible for insuring at all times that employees, volunteers, agents or any other individuals having any charge over the functioning of the dispensary are acting in compliance with the provisions of this section.

F. **Other regulations:** The provisions of this section do not waive or modify any other provisions of this code with which medical marijuana dispensaries are required to comply. Nothing in this section is intended to authorize, legalize or permit the establishment, operation or maintenance of any facility, building or use which violates any City of Live Oak ordinance or California statute regarding public nuisances, medical marijuana or any federal regulations or statutes relating to the use of controlled substances.

G. **Measure of Distance:** All required minimum distances set forth in Subsec. 17.17.090.B shall be measured from the nearest property line of one designated location to the nearest
property line of the other designated location along a straight line extended between the
two points without regard to intervening structures.

H. Prohibited in other zone districts: Medical marijuana dispensaries are prohibited in any
other zone district other than those listed in this Section. (Ord. 538, § 3, 2011)

17.17.100 Nuisance and Civil Penalties

Any cultivation, processing or distribution of medical marijuana which takes place in violation of
any provision of this Section is unlawful, and is hereby declared a public nuisance and is subject
to all enforcement actions pursuant to Chapter 14.08 of the Live Oak Municipal Code. (Ord. 538,
§ 3, 2011)

Part 4
Development Standards

17.20 Building Sites

Section

17.20.010 Pre-existing Substandard Sized Lots
17.20.020 Flag Lots
17.20.030 Development on Lots Divided by Zone District Boundaries
17.20.040 Condominiums

17.20.010 Pre-existing Substandard Sized Lots

A legally created lot that contains less area than the required minimum lot size or minimum lot
width of the applicable zone district is considered a building site for any permitted use or
conditionally permitted use provided one of the following criteria is met:

A. All other development standards of the applicable zone district are met; or
B. A variance, as provided for in Sec. 17.35.040, is approved by the Planning Commission
   that modifies other minimum development standards.

17.20.020 Flag Lots
Flag lots may be permitted as part of a subdivision where conditions reasonably preclude direct street frontage. In such case the access strip shall be a minimum of 20 feet wide and shall not exceed one lot in depth. In calculating the lot size, the square footage in the access strip shall not be counted. The lot width shall be measured at the front setback line which is measured from the interior end of the access strip. In all cases the residence shall be sprinklered for fire safety.

17.20.030 Development on Lots Divided by Zone District Boundaries

The regulations applicable to each zone district shall be applied to the portion of the area within that zone district, and no use, other than the required parking serving a principal use on the site, as provided in Chap 17.25, shall be located in a zone district in which it is not a permitted use or a use that first requires a use permit.

17.20.040 Condominiums

In every zone district the minimum lot size, lot width and yard standards for condominium developments shall be determined by the subdivision map.

17.21 Required Public Improvements

Section

17.21.010 Street Right-of-Way Dedications and Improvements

17.21.020 Undergrounding of Utilities

17.21.010 Street Right-of-Way Dedications and Improvements

No building permit shall be issued to construct, erect, alter or move onto any lot or alter any building or structure, unless provisions have been made for the dedication of necessary rights-of-way for street and highway purposes, at no cost to the City. Provisions shall be made for the improvement of that portion of a street(s) upon which the lot abuts such rights-of-way as required by Chapter 12.01 of the Municipal Code. (Ord. 550, § 7, 2012)

17.21.020 Undergrounding of Utilities

No building permit shall be issued to construct, erect or move onto any lot or building, except single family residences and two family residences, unless provisions have been made for placement underground by the developer all existing and new electric and telephone facilities, fire alarm conduits, street lighting wiring, cable television and other wiring conduits, and similar facilities. The Public Works Director may grant a modification, including a complete waiver of the undergrounding requirement of existing facilities, upon determination that undergrounding is unfeasible after considering voltage, project size, or location of the proposed development.

17.22 Yard Regulations and Exceptions
Section

17.22.010  Purpose

To provide for open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; and space for privacy, landscaping, and recreation.

17.22.020  Determining Yards

Yards shall be measured from the lot line except when abutting and existing or proposed street for which the existing right-of-way is less than that ultimately planned for. In those cases the yard shall be established from the future right-of-way boundary, as provided in Chap. 17.41.

17.22.030  Yard Exceptions

A. Residence in a rear yard: Within a residential zone district the residence may project into a required rear yard provided an area equal to the projection is provided as a yard within the buildable area of the lot. In no event shall the rear yard be less than 10 feet for a one story residence and 15 feet for a two story residence.

B. Architectural features allowed in yards:
   1. Cornices, eaves, sills, canopies or similar architectural features: May project into a yard by a maximum of two feet.
   2. Chimneys, bay windows, media niches, stairwells or similar architectural features: May project into an interior side or rear yard by a maximum of two feet, provided the combined exception does not exceed 10 feet in length.
   3. Porches: May extend into a front yard by five feet.
   4. Residential accessory structures that have less than 120 square feet of roof area and are less than eight feet in height: Are not subject to the interior side or rear yard standards of the zone district they are within.

5. Uncovered decks, and similar features that are less than 18 inches in height: Are not subject to rear yard and interior side yard requirements of the zone district they are within, provided that they are not within three feet of the property lines. Decks and similar features over 18 inches in height, including upper floor decks and patios, must meet all of the yard requirements of the zone district within which it is located.

6. Pools and spas: are not subject to rear yard and interior side yard requirements provided that they are not within three feet of the property lines. This does not apply to decks attached to pools and spas that are over 18 inches in height, which must meet all required yard requirements of the zone district in which they are located.
7. **Fences and walls**: May be placed within required yards, provided that the provisions of Chap. 17.24 are met.

8. **Attached patio covers**: As provided in Section 17.15.040.

9. **Ground level air conditioning units and pool equipment**: May extend into an interior side yard or rear yard by two feet.

10. **Side entrance garage**: The minimum yard may be reduced to 15 feet for front yards and 10 feet for street side yards provided the driveway to the garage entrance is a minimum of 20 feet in length.

C. **Main entrance facing an interior side yard**: In residential zone districts if the primary entrance to a residence faces an interior side yard, that side yard shall be a minimum of 10 feet.

D. **Yards adjacent to alleys**
   1. If the only right-of-way abutting a lot is an alley, it shall be considered the front yard.
   2. No part of an alley shall be considered a portion of a yard.
   3. If a side yard abuts an alley it shall be considered an interior side yard.
   4. A garage that faces a rear lot line and utilizes an alley for access shall be required to provide a five foot yard between the building and any lot line.

E. **Front yard averaging**: When four or more residential lots in a block have been improved with residences that are less than the required front yard, the required minimum front yard shall be the average of the lots on that block. (Ord. 540 § 8, 2011)

### 17.23 Height Limits and Exceptions

#### Section

17.23.010 Height Measurement

17.23.020 Exceptions to Height Limits

#### 17.23.010 Height Measurement

Height shall be measured as the vertical distance from the average level of the highest and lowest points of that portion of the lot covered by the structure.

#### 17.23.020 Exceptions to Height Limits

A. **Chimneys, spires, towers, belfries, cupolas, domes, flag poles, smokestacks, vents, water tanks, scenery lofts, mechanical equipment, screening and similar structures**: May exceed the maximum allowable height by 15 feet.

B. **Parapet walls**: May exceed the maximum allowable height by four feet.

C. **Telecommunications facilities**: May exceed the maximum allowable height limit, as provided in Sec. 17.16.040.

D. **Other structures**: May exceed the height limit within the zone district it is located and as provided in this Chapter, if a use permit is first secured, as provided in Sec. 17.35.030.

### 17.24 Standards for Fences and Walls, and Intersection Visibility
Section

17.24.010 Standards Applicable to Walls and Fences in All Zone Districts

17.24.020 Standards for Residential Zone Districts

17.24.030 Standards for Commercial and Industrial Zone Districts

17.24.040 Clear Vision Triangle

17.24.050 Exceptions to the Standards

17.24.010 Standards Applicable to Walls and Fences in All Zone Districts

A. Located within yard areas: Fences and walls may be located within yard areas if all of the standards provided in this Chapter are met.

B. Height measurement: Fence and wall height shall be measured from the top of the fence or wall to the finished grade level on the uphill side of the fence or wall.

C. Prohibited materials: In all zone districts, fences and walls along public street frontages are prohibited from using coiled barbed wire, coiled razor wire or similar material, except if required by any law or regulation of the City, State of California, or federal government.

D. Maintenance: All walls and fences shall be maintained in a safe and neat condition at all times.

17.24.020 Standards for Residential Zone Districts

A. Height: The maximum height of a fence or wall is three feet within any front yard or street-side yard, and six feet in any interior side yard and rear yard.

B. Material: Where an R-3 Zone District abuts an R-1 or R-2 Zone District a six foot high masonry wall shall be constructed along all common property lines.

17.24.030 Standards for Commercial and Industrial Zone Districts

A. Outdoor storage: All outdoor storage and equipment rental facilities fronting on a public right-of-way shall be screened from view by a six foot high masonry wall or masonry pilasters and wood or similar decorative materials, as approved by the Planning Director.

B. Outdoor sales areas: If a permitted outdoor sales display area is proposed to be fenced, such as with auto, boat, RV sales or plant nursery, all fencing fronting on the public right-of-way shall consist of a decorative material such as masonry pilasters and wood fencing, wrought iron, or similar decorative materials, as approved by the Planning Director.

C. Wall and fence location along streets: Walls and fences within front and street side landscape areas, as provided in Subsections 17.24.030.A. and B. above, shall be placed in the rear of the required landscape area, with required landscaping placed in front of the fence or wall.

D. Walls and fences in interior side and rear landscaping: Where a commercial or industrial zone district is adjacent to residentially zoned property a six foot high masonry
wall shall be provided along all common property lines and shall be provided with five foot wide interior landscaping as provided in Subsections 17.27.050.B.2 and 17.27.070.B.

17.24.040 Clear Vision Triangle

In order to provide for safe visibility for traffic and pedestrians, visibility at street and alley intersections and at driveway connections to streets shall not be blocked by vegetation, structures, and mounds of dirt above a height of 30 inches. This restriction applies to all land within a triangular area that is measured 30 feet from the corner along the front and street side lot line and connecting the lines across the property. Exceptions are utility poles, traffic warning signs on a pole, and trees trimmed to minimum of eight feet above grade.

17.24.050 Exceptions to the Standards

The standards provided in this Chapter may be adjusted if approved by the Planning Commission as part of a subdivision map, use permit, or if approved as part of a Planned Development Zone District.

17.25 Standards for Off-Street Parking and Loading Facilities

Section

17.25.010 Purpose
17.25.020 Applicability
17.25.030 Required Parking
17.25.040 Over-parking
17.25.050 Off-site Parking
17.25.060 Parking Lot Design and Dimensional Standards
17.25.070 Handicapped Parking
17.25.080 Residential parking in required yards:
17.25.090 Bicycle Parking
17.25.100 On-site Loading Space Standards
17.25.110 Landscaping and Lighting
17.25.130 Maintenance

17.25.010 Purpose

The following requirements are intended to ensure that sufficient but not excessive off-street parking facilities are provided for all uses, and that parking facilities are designed to be attractive and unobtrusive.
17.25.020 Applicability

At the time of the installation, erection, enlargement or increase in capacity of any building, or at the time there is a change in the nature of occupancy or expansion of use of property, any of which would require increased parking, the following minimum off-street parking and loading spaces shall be provided, as well as adequate ingress and egress, in accordance with this Chapter.

17.25.030 Required Parking

A. Number of required spaces: The following number of spaces are required for each listed use, unless provided for elsewhere in this Chapter. The spaces shall be located on the same building site as the building or use, unless otherwise provided in this Chapter.

Table 17.25.030: Required Parking by Land Use

<table>
<thead>
<tr>
<th>Residential Land Uses</th>
<th>Number of Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family residence</td>
<td>2 spaces.</td>
</tr>
<tr>
<td>Two family residence or half-plex</td>
<td>2 spaces per residence.</td>
</tr>
<tr>
<td>Multiple family residence</td>
<td>1 space per studio apartment or one-bedroom unit.</td>
</tr>
<tr>
<td></td>
<td>1.5 spaces per two-bedroom unit.</td>
</tr>
<tr>
<td></td>
<td>2 spaces per three-bedrooms or more.</td>
</tr>
<tr>
<td></td>
<td>- Plus 1 guest space per 10 residences.</td>
</tr>
<tr>
<td>Second residence</td>
<td>1 space in addition to the 2 spaces for the primary residence.</td>
</tr>
<tr>
<td>Manufactured home park</td>
<td>2 spaces per residence (may be tandem) plus 1 guest space per 5 residences.</td>
</tr>
<tr>
<td>Bed and breakfast, boarding house</td>
<td>2 spaces plus 1 space per room for rent.</td>
</tr>
<tr>
<td>Residential care home, senior housing</td>
<td>.6 space per unit, or prepare a parking study based on type of residents, proximity to services (shopping, medical, etc.) and transit.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commercial Land Uses</th>
<th>Number of Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shopping centers; retail stores, unless otherwise provided below</td>
<td>1 space per 250 square feet of gross floor area plus 1 space per 1,000 square feet of related outdoor sales.</td>
</tr>
<tr>
<td>Large appliance, furniture sales</td>
<td>1 space per 1,000 square feet of floor display area.</td>
</tr>
<tr>
<td>Personal services (beauty parlor, barber, dog grooming, nail care,</td>
<td>1 space per 150 square feet.</td>
</tr>
<tr>
<td>Land Use</td>
<td>Number of Required Parking Spaces</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Tanning, massage</td>
<td>1 space per 500 square feet of showroom, office, parts and vehicle repair plus 1 space per 10,000 square feet of outdoor display area.</td>
</tr>
<tr>
<td>Outdoor sales (auto, boats, etc.)</td>
<td>1 space per 500 square feet of showroom, office, parts and vehicle repair plus 1 space per 10,000 square feet of outdoor display area.</td>
</tr>
<tr>
<td>Restaurants:</td>
<td></td>
</tr>
<tr>
<td>Sit down</td>
<td>1 space per 3 seats. Up to 30 percent of seats provided indoors may be provided outdoors without additional required parking.</td>
</tr>
<tr>
<td>Fast food, drive through</td>
<td>1 space per 75 square feet of floor area. Drive through reservoir parking shall be counted towards required parking</td>
</tr>
<tr>
<td>Bar, nightclub, tavern</td>
<td>1 space per 3 seats plus 1 space per 50 square feet of dance floor or assembly area.</td>
</tr>
<tr>
<td>Office, business</td>
<td>1 space per 300 square feet.</td>
</tr>
<tr>
<td>Office, medical and dental</td>
<td>1 space per 200 square feet.</td>
</tr>
<tr>
<td>Banks</td>
<td>1 space per 175 square feet.</td>
</tr>
<tr>
<td>Auto repair</td>
<td>1 space per 400 square feet.</td>
</tr>
<tr>
<td>Amusement/ recreational facilities:</td>
<td></td>
</tr>
<tr>
<td>Billiards</td>
<td>2 spaces per table.</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>2 spaces per lane plus as required for accessory uses.</td>
</tr>
<tr>
<td>Movie theater</td>
<td>1 space per 4 seats.</td>
</tr>
<tr>
<td>Miniature golf</td>
<td>1 space per hole plus as required for accessory uses.</td>
</tr>
<tr>
<td>Video arcade</td>
<td>1 space per 200 square feet.</td>
</tr>
<tr>
<td>Health Club</td>
<td>1 space per 150 square feet.</td>
</tr>
<tr>
<td>Motels, hotels</td>
<td>1 space per unit plus 1 space per 2 employees plus associated facilities.</td>
</tr>
<tr>
<td>Retail plant nursery</td>
<td>1 space per 400 square feet of indoor retail, office, etc. plus 1 space per 5,000 square feet of outdoor plant display area.</td>
</tr>
<tr>
<td>Studios (art, dance, music, martial arts, etc)</td>
<td>1 space per 200 square feet of floor area.</td>
</tr>
<tr>
<td>Trade and business schools</td>
<td>1 space per 1.5 students.</td>
</tr>
<tr>
<td>Day care center</td>
<td>1 space per employee plus 1 space per 10 students.</td>
</tr>
<tr>
<td>Clinic, urgent care</td>
<td>1 space per 200 square feet.</td>
</tr>
<tr>
<td>Veterinarian clinic</td>
<td>1 space per 250 square feet.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Industrial/Employment Land Uses</th>
<th>Number of Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing</td>
<td>1 space per 1,000 square feet of floor space plus 1 space per 300 square feet of office area.</td>
</tr>
<tr>
<td>Warehouse, wholesale</td>
<td>1 space per 2,000 square feet of floor area plus 1 space per 300 square feet of office area.</td>
</tr>
</tbody>
</table>
### Self storage
- 2 employee spaces plus 2 guest spaces.

### Machinery, equipment sales
- 1 space per 500 square feet of floor area plus one space per 10,000 square feet of outdoor sales area.

### Research and development
- 1 space per 250 square feet of floor area.

### Auto dismantling, junk yards, recycling facilities
- 1 space per 500 square feet of floor area plus 1 space per .5 acre of outdoor use area.

### Call center
- 1 space per employee on the largest shift.

### Caretakers quarters
- 2 spaces.

<table>
<thead>
<tr>
<th>Institutional Uses</th>
<th>Number of Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospitals</td>
<td>1 space per bed plus 1 space for each 300 square feet of area used for offices, clinics, testing, research, administration and similar activities associated with the hospital.</td>
</tr>
<tr>
<td>Churches, stadiums, arenas, assembly halls, clubs, and auditoriums, community center</td>
<td>1 space per each 4 fixed seats. Where fixed seats consist of pews or benches, seating capacity shall be computed at 20 inches of lineal length per seat. For uses without fixed seats 1 space per 40 square feet of assembly seating area.</td>
</tr>
<tr>
<td>Libraries, museums, art galleries</td>
<td>1 space per 300 square feet.</td>
</tr>
</tbody>
</table>

**B. Uses not mentioned:** In the case of a use for which off-street parking requirements are not specified, the requirements for the most similar specified use shall apply, as determined by the Community Development Director.

**C. Mixed uses:** When two or more uses are located on the same property or within the same building, the number of on-site parking spaces required shall be the sum total of the requirements of the various individual uses.

**D. Joint parking:** Where non-residential parties wish to cooperatively establish and operate parking facilities where one use generates parking demands primarily during hours when the remaining use(s) is not in operation or is otherwise underutilized, or where adjacent uses generate joint/redundant trips, a reduction of up to 50 percent of the required parking may be approved with a use permit, if the following is met:

1. **Agreed to by all parties:** Submission of satisfactory statements by the parties providing such facilities and the parties such facilities are to serve, describing the nature of the uses and times when such uses operate so as to indicate the lack of conflict between such uses.
2. **Maintenance:** Such documents or commitments as may be deemed necessary in each particular case to ensure the ongoing provision and maintenance of the required onsite parking.
3. **Distance between uses:** The uses are within 500 feet at their nearest point, by walking distance from the parking facility.
E. **On-street parking:** On-street parking adjacent to a non-residential use may be counted towards the amount of required on-site parking.

F. **Waiver of on-site parking:** An existing building that lacks adequate required parking and has lost its nonconforming status may regain its nonconforming status if a use permit is first secured.

   In those cases where a building is to be erected, enlarged or increased in intensity of use to a level similar to neighboring properties, parking standards may be reduced or waived to a level typically found in the vicinity, if a use permit is first secured. In approving the use permit a finding must be made that adequate mitigations are provided, or that conditions exist, such that on-site parking for neighboring properties are not adversely impacted.

G. **Parking required by other entitlements:** Because a use or uses of a building site may have unique needs or circumstances, parking requirements established by a specific plan, planned development zone district or use permit may supersede the provisions of this Chapter.

**17.25.040 Over-parking**

If provided parking for a non-residential use exceeds required parking by 10 percent or more, parking lot trees shall be planted orchard style, rather than as otherwise required to meet the shade requirements provided in Subsec. 17.27.070.A. Orchard style tree planting shall consist of one tree per five parking spaces provided in planters that are a minimum of four feet wide and paralleling the length of the parking space. The trees shall be planted on the outside portion of the planter.

**17.25.050 Off-site Parking**

A non-residential use may utilize an off-site location for required parking if a use permit is first secured, and if the following is met:

   A. **Distance:** At their closest point the parking site is within 500 feet walking distance of the building/use.
   B. **Possession:** The parking site is owned, long-term leased or otherwise controlled by the owners of the building/use.
   C. **Surfacing:** The area for the required parking is surfaced pursuant to Subsec. 17.25.060.G.
   D. **Landscaping:** The area for the required parking is landscaped pursuant to Chap. 17.27.

**17.25.060 Parking Lot Design and Dimensional Standards**

   A. **Size of spaces:**
      1. **Standard spaces:** Shall be a minimum of nine feet by 18 feet, exclusive of aisles.
      2. **Parallel spaces:** Shall be a minimum of nine feet by 24 feet, exclusive of aisles.
      3. **Compact spaces (where permitted):** Shall be a minimum of eight feet by 16 feet, exclusive of aisles.
B. **Use of compact spaces:** Non-residential parking lots containing 10 or more spaces may have 25 percent of the required spaces be compact. Compact spaces shall be dispersed throughout the parking area. Each compact space shall be clearly marked as “compact.”

C. **Parking lot aisles:** Each parking lot aisle shall comply with the minimum dimension requirements in Table 17.25.060.

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>45 degree</td>
<td>20 feet for a 2-way aisle</td>
</tr>
<tr>
<td></td>
<td>14 feet for a 1-way aisle</td>
</tr>
<tr>
<td>60 degree</td>
<td>20 feet for a 2-way aisle</td>
</tr>
<tr>
<td></td>
<td>18 feet for a 1-way aisle</td>
</tr>
<tr>
<td>90 degree</td>
<td>24 feet for a 2-way aisle</td>
</tr>
<tr>
<td></td>
<td>23 feet for a 1-way aisle</td>
</tr>
<tr>
<td>Parallel parking</td>
<td>24 feet for a 2-way aisle</td>
</tr>
<tr>
<td></td>
<td>12 feet for a 1-way aisle</td>
</tr>
</tbody>
</table>

**D. Backing-out onto a public right-of-way:** No parking space except allowed on-street parking and single family and two family residences, shall directly exit onto a public right-of-way.

**E. Entrances and exits:** The location and design of all street and alley entrances and exits for on-site parking lots shall be approved by the Public Works Director.

**F. Overhang areas:** Standard parking space lengths may be reduced by 2.5 feet, and compact spaces may be reduced by 1.5 feet, when the space abuts a minimum five foot wide landscaped area bordered by a six inch high and six inch wide continuous concrete curb, a or sidewalk that is a minimum of 2.5 feet wider than the minimum width required by the Americans with Disabilities Act Accessibility Guidelines.

**G. Surfacing:** All parking areas and accesses shall be surfaced with asphalt, cement, or other material approved by the Public Works Director, except landscape areas. Adequate drainage shall be provided, as determined by the Public Works Director.

**H. Striping:** Parking stalls shall be delineated by white painted lines or other contrasting color or other easily distinguished material.

**17.25.070 Handicapped Parking**

Handicapped parking and accessibility shall be provided in accordance with the standards established by the Americans with Disabilities Act Accessibility Guidelines.

**17.25.080 Residential parking in required yards:**

**A. Vehicle parking in yards:** Vehicle parking in yards: Required parking for single family and two family residences is prohibited in any portion of a required front yard. No vehicles shall be parked in a required front yard except on a driveway leading to required parking or to an improved parking space. (Ord 543, §1 2013)
B. **Recreational vehicle, boat, and trailer parking in residential zone districts:**
Recreational vehicles not used for daily transportation, boats and trailers may be parked on residentially zoned property, provided the following standards are met:
1. They shall not be parked within any front or street-side yard.
2. Recreational vehicles shall not be used for human habitation, except to accommodate occupants or visitors of the premises for periods of not more than seven days in any one year period.

C. **Surfacing:** Driveways shall be surfaced pursuant to Subsection 17.25.060.G

### 17.25.090 Bicycle Parking

A. **Spaces required:**
1. **Commercial, industrial:** 3 percent of required auto parking
2. **Cultural, library, trade schools, business colleges and other commercial schools:** 10 percent of required auto parking

B. **Location:** Bicycle facilities shall be located to be at least as convenient as the majority of vehicular parking areas.

C. **Bicycle facility standards:** Bicycle parking facilities shall include a stationary parking device to adequately support and safely secure the bicycle. This includes equipment to which the bicycle frame and wheels may be locked.

### 17.25.100 On-site Loading Space Standards

A. **Minimum size:** Each on-site loading space shall be not less than 12 feet wide, 30 feet long and with a minimum of 14 feet vertical clearance.

B. **Location:**
1. **Rear of lot:** Loading spaces shall be limited to the rear two-thirds of the lot, if feasible.
2. **Screened from public view:** Loading spaces shall be situated, to the extent feasible, to be screened from view from any public rights-of-way, other than from streets that are primarily intended to serve industrial uses.
3. **Truck maneuvering:** All loading spaces shall be situated to ensure that all vehicular maneuvers occur on-site, and in no case within adjacent rights-of-way.
4. **Minimize impacts on residences:** All loading spaces shall be situated to avoid adverse impacts upon neighboring residential properties.

C. **Screening:** When a loading space(s) is adjacent to or across the street from residentially zoned property the following shall apply:
1. **Across the street from a residential zone district:** When a loading space is across the street from a residential zone district, a 10 foot wide street perimeter landscape strip shall be provided with sufficient tree and shrub vegetation to produce a 75 percent opaque screen within five years of installation, and a six foot high masonry wall shall be provided on the inside edge of the landscape strip.
2. **Adjacent to a residential zone district:** When the loading space is directly adjacent to residential zoned property, a minimum six foot high masonry wall shall be provided at the property line.
17.25.110 Landscaping and Lighting

All parking areas shall meet the lighting standards provided in Chap. 17.26 and be landscaped as provided in Chap. 17.27.

17.25.130 Maintenance

All required parking facilities, including surfacing, striping, handicapped parking, bicycle parking facilities as well as all lighting and landscaping, shall be well maintained and kept free of litter and debris.

17.26 Exterior Lighting

Section

17.26.010 Purpose
To provide a safe and pleasant nighttime environment for the public while preventing nuisances from unnecessary light intensity, direct glare and light trespass.

17.26.020 Applicability
All new or expanded parking areas and all new or expanded multiple family residential, office, commercial and industrial uses shall have lighting capable of providing adequate illumination for security and safety. Parking lot lighting shall be adequate to light the parking surfaced areas for security purposes from dusk until the termination of the business day. Building lighting shall be provided during the hours of darkness for all exterior doors, aisles, passageways and recesses.

17.26.030 Shielding Unwanted Light

Exterior lighting shall be shielded or recessed so that direct glare is confined, to the maximum extent feasible, within the boundaries of the site. Exterior lighting shall be directed downward and away from adjacent properties and public rights-of-way. Shielding means that the light source, whether bulb or tube, is not visible from an adjacent property or right-of-way.
17.26.040 Height Limit

Pole mounted lights shall not exceed 18 feet in height. Additional height may be allowed with an approved use permit.

17.26.050 Plans Required

All new construction for which parking lot lighting is required shall provide a lighting plan that details location, size, height, orientation, type of fixture and level of wattage of the outdoor lighting.

17.26.060 Coordination with Landscape Plans

Lighting shall be coordinated with landscape plans to assure that tree growth will not interfere with the intended illumination.

17.26.070 Maintenance of Lighting Systems and Fixtures

All lighting systems and fixtures shall be maintained in good working order and in a manner that serves the original design intent of the system.

17.27 Standards for Landscaping

Section

17.27.010 Purpose
17.27.020 Applicability
17.27.030 California Water Efficient Landscape Ordinance
17.27.040 Landscape Plans
17.27.050 Areas to be Landscaped
17.27.060 Clear Vision Triangle
17.27.070 Landscaping Materials
17.27.080 Protection of Vegetation
17.27.090 Irrigation Standards and Procedures for Water Efficiency
17.27.100 Completion of Landscaping Installation
17.27.110 Landscaping for One Family and Two Family Residences
17.27.120 Maintenance

17.27.010 Purpose
This Chapter establishes requirements for landscaping to enhance the appearance of development, provide shade, reduce heat and glare, control soil erosion, screen potentially incompatible uses, enhance the quality of neighborhoods and improve air quality.

17.27.020 Applicability

The requirements of this Chapter shall be applied to all new development and, to the extent reasonably feasible, enlargement or increase in capacity of any building or change of type of use. Single family residences, two family residences are exempt from this Chapter except as provided in Sec. 17.27.100.

17.27.030 California Water Efficient Landscape Ordinance

The California Model Water Efficient Ordinance, Title 23, Division 2, Chapter 2.7 of the California Code of Regulations, as amended, is hereby adopted by reference into this landscaping ordinance. Whenever a conflict arises between the state code and the standards provided in this Chapter, the more restrictive shall apply.

17.27.040 Landscape Plans

A. Preliminary landscape plan: A preliminary landscape plan is a conceptual plan that is to be submitted as part of the application for all projects that receive Planning Commission review.

B. Final landscape plan: A detailed landscaping plan shall be submitted to and approved by the Planning Director prior to issuance of a building permit.

C. Content: Preliminary and final landscape plans shall contain all the information required by the Community Development Director. All landscape plans shall be coordinated with the parking provisions in Chap. 17.25 and with the lighting provisions in Chap. 17.26.

17.27.050 Areas to be Landscaped

A. Parking lots: Parking lots of five or more spaces shall provide landscape areas in the interior of the parking lot based on the number of spaces, as follows:

<table>
<thead>
<tr>
<th>Number of Parking Spaces</th>
<th>Percent of Total Parking Area to be Landscaped</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-24</td>
<td>5.0 %</td>
</tr>
<tr>
<td>24-49</td>
<td>7.5 %</td>
</tr>
<tr>
<td>50+</td>
<td>10 %</td>
</tr>
</tbody>
</table>

B. Property Perimeters:

1. Street frontages: All areas adjacent to a public street shall be landscaped with a planter averaging at least 10 feet in width. Additionally, any excess right-of-way shall be landscaped in conjunction with the street frontage landscaping, subject to an encroachment permit from the appropriate public agency.
2. **Interior property lines**: When a commercial or industrial zone district adjoins a residential zone district, or if an R-3 Zone District adjoins and R-1 or R-2 Zone District, a five foot wide landscape planter shall be provided along the common property line, but inside of any masonry wall, as provided in Subsec. 17.24.030.D.

**C. Building perimeters**: Any portion of a building that faces customer parking or a public street shall have 20 percent of the building frontage landscaped.

**D. Trash enclosures**: The area around trash enclosures shall be landscaped, as provided in Sec. 17.29.030.

### 17.27.060 Clear Vision Triangle

Any landscaping within the clear vision triangle shall meet the height standards provided in Sec. 17.24.040.

### 17.27.070 Landscaping Materials

**A. Tree and shading standards**

1. **Existing trees**: Existing trees shall be maintained whenever possible and may be used in lieu of planting new trees.

2. **Street trees**: Street frontage landscaping areas must be planted with trees at 30 foot intervals with tree types approved by the City.

3. **Parking lot shading**: All parking lots shall include shade tree planting designed so that a minimum of 50 percent of the parking area (includes spaces and back-out areas) is shaded within 15 years of planting.

4. **Minimum tree size**: All newly planted trees shall be a minimum of 15 gallons in size with a minimum one inch diameter at breast height.

**B. Amount/types of vegetation:**

1. **Coverage**: Vegetation within required landscape areas shall consist of shrubbery, ground cover, and lawns in a quantity such that within five years of planting, at least 50 percent of the required landscape area shall be covered with living vegetation.

2. **Buffer landscaping**: Required interior side yard perimeter landscaping intended to buffer differing uses, as required in Subsec. 17.24.030.D, shall be heavily landscaped to the extent that it will provide a visual buffer between the uses.

3. **Variation of trees**: Varied tree and other plant species shall be used throughout the parking lot. A single tree species shall not exceed 60 percent of the on-site trees.

4. **Turf and drought tolerant plants**: Lawn shall not exceed 25 percent of the landscaped area. The use of drought tolerant species and native species is encouraged.

### 17.27.080 Protection of Vegetation

**A. Vehicle overhang areas**: Where a vehicle overhang of 2.5 feet or less is utilized, the underlying vegetation shall be low growing.

**B. Curbs**: All required parking lot landscaping shall be within planters bounded by a concrete curb at least 6 inches high and 6 inches wide.
17.27.090 Irrigation Standards and Procedures for Water Efficiency

All landscape areas shall be served by an irrigation system consisting of underground piped water lines with low flow sprinklers and/or drip or bubbler systems. Due to varying irrigation requirements, separate control valves and sprinkler and emitter heads shall be utilized when shrubs and lawn are utilized in the same area. The irrigation system shall be designed to minimize over-spray and runoff to non-irrigated areas. Irrigation plans shall include the following to provide better water efficiency for all landscape areas:

A. Narrow areas: Sprinklers should not be used in areas less than 5 feet wide. Drip and bubbler systems shall be used in areas where watering needs do not exceed 1.5 gallons per minute per device.

B. Automatic controller: All irrigation systems shall be equipped with an automatic controller capable of multiple system programming. The controller shall have multiple cycle start capacity and a flexible calendar system.

C. Pop-up sprinklers: Pop-up sprinklers in lawn areas shall have at least a 4 inch pop-up height.

D. Rain shut-off valves: All required irrigation systems shall be equipped with automatic rain shut-off devices.

17.27.100 Completion of Landscaping Installation

A. Timing: All required landscaping shall be installed in conformance with the standards of this Chapter, prior to issuance of a certificate of occupancy; or

B. Surety to delay completion: A surety in the amount of 150 percent of the estimated cost of the landscaping, including materials and labor, is on file with the City. The surety must guarantee that the required landscaping is installed within 120 days of issuance of the certificate of occupancy and an agreement is filed with the City to assure completion of the landscaping within such time. The surety may take the form of cash deposit, irrevocable letter of credit or bond; and together with the agreement, will provide for payment to the City of any costs incurred contracting for completion of the required landscaping.

17.27.110 Landscaping for One Family and Two Family Residences

Prior to occupancy of any new one family or two family residence or prior to the completion of a remodel of a one family or two family residence, where the cost of the remodel exceeds 50 percent of the building value, as determined by the Building Official, the following minimum landscaping is required.

A. There shall be at least one tree planted in all yards facing a street.

B. Trees shall be a minimum of 15 gallons in size and planted in accordance with City standards. All trees shall be watered by an automatic irrigation system.

C. All trees shall be planted adequate distance from public sidewalks, as specified by the City.
D. Existing healthy trees on the site should be maintained whenever possible, in lieu of planting a new tree.
E. Not more than 50 percent of the landscaped area of front and street-side yards shall consist of non-living materials including gravel, landscape rock, artificial turf, concrete or other non-living material.
F. All maintenance shall be in conformance with Sec. 17.27.110, below.

17.27.120 Maintenance

All plantings shall be maintained in a healthy growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, fertilizing, and regular water. Whenever necessary, plantings shall be replaced with other plant materials to ensure continued compliance with all applicable landscaping requirements. Landscaping and irrigation systems shall be located, designed and maintained as specified on the approved landscaping plans. Trees shall be maintained by property owners to be free from physical damage arising from lack of water, chemical damage, accidents, vandalism, insects and disease. Trees showing such damage shall be replaced with another tree.

17.28 Standards for Signs

Section

17.28.010 Purpose
17.28.020 Applicability
17.28.030 Definitions
17.28.040 Sign Permit Required
17.28.050 Exempt Signs
17.28.060 Prohibited Signs
17.28.070 Permitted Signs Subject to Sign Standards and Permits
17.28.080 Measuring Sign Area
17.28.090 Clear Vision Triangle
17.28.100 Sign Maintenance
17.28.100 Sign Standards by Other Entitlements
17.28.110 Non-conforming Signs
17.28.120 Sign Maintenance
17.28.130 Sign Construction

17.28.010 Purpose
The purpose of this Chapter is to establish sign standards that allow signs to promote commerce and further the economic development of the City, while ensuring the protection of the public’s safety, welfare and property by ensuring that signs will be safe, well designed, and visually attractive by providing standards for the type, size, number, height, location, lighting and maintenance of signs. Nothing in this Chapter shall be construed as regulating the message content of any sign.

17.28.020 Applicability

A sign may be erected, placed, established, painted, created or maintained in the City only if in conformance with the standards, procedures, exemptions and other requirements of this Chapter.

17.28.030 Definitions

The definitions for all the sign types used in this Chapter are provided under “Signs” in Chap. 17.50 (Definitions).

17.28.040 Sign Permit Required

Any new, altered or changed sign, with the exception of exempt signs listed in Sec. 17.28.070 or unless otherwise provided in this Chapter, shall obtain a zoning clearance prior to conducting any work. Any required building permit shall also first be obtained.

17.28.050 Exempt Signs

The following signs shall be exempt from the provisions of this Chapter. Exempt signs are not required to obtain a zoning clearance and shall not be included in the determination of allowable number or size of signs. Any required building permit shall first be obtained.

A. Non-structural modifications and maintenance to existing signs:
   1. Modifications to a sign’s copy.
   2. Non-structural maintenance of signs in conformance with Sec. 17.28.110.
B. Address sign: Provided in reference to a structure or use to a street.
C. Civic signs: Memorial signs and plaques installed by a civic organization.
D. Civic event signs.
E. Vehicle signs: Signs on vehicles, including trailers, provided such vehicles and/or trailers are not used as parked or stationary outdoor display signs, pursuant to Subsec. 17.28.060.L.
F. Flags: Official flags of a state, nation, or political subdivision and nationally or internationally recognized organizations, provided they are within the height limits provided in the zone district within which the lot is located.
G. Off-site garage/yard sale signs: Limited to two such signs, having a maximum of five square feet and not exceeding six feet in height, located on private property with the property owners permission. All signs are to be removed within 24 hours of the conclusion of the sale.
H. Gas station signs: Limited to price signs that are required by state law.
I. Signs not visible from a public right-of-way or property perimeter: Signs within retail centers that are not visible from any point along the boundary of the premises or from any public right-of-way.

J. Notices: Official and legal notices issued by a court or government agency.

K. Political signs: Political signs, pursuant to State law.

L. Real estate signs:
   1. All zone districts: One on-site sign per street frontage, not to exceed six square feet in size and six feet in height. In addition, “open house” signs are allowed when a sales agent or owner is on-site.
   2. Commercial and industrial zone districts: One per street frontage not to exceed 32 square feet in size and eight feet in height.
   3. Up to four off-site directional signs: Not exceeding four square feet each and three feet in height, directing traffic to open houses and subdivision home sales, provided such signs are on private property.

M. Developer/contractor signs: One construction sign per street frontage that provides the names of the architect, engineer, and contractors working on the site. Each sign shall not exceed 32 square feet in size and eight feet in height. Signs shall be removed upon occupancy.

N. Traffic signs: Traffic, directional, warning, or informational signs required or authorized by a government agency.

O. Window signs: Signs displayed on windows in non-residentially zoned property not exceeding 10 percent of the window area, or four square feet, whichever is greater.

P. Government signs: Any sign erected in compliance with and in discharge of any governmental function or as required by law, ordinance or governmental regulation. This includes any signs erected by a public utility.

Q. Bench and other signs: Signs located at a designated public transit location and authorized by the transit agency.

R. Temporary business identification signs: A maximum of two temporary signs for the identification of a new business are allowed for a period not to exceed 90 days, until permanent signs can be erected. Maximum area for each sign is 50 square feet.

17.28.060 Prohibited Signs

The following signs are prohibited in all zone districts:

A. Abandoned or dilapidated signs and sign structures: Such signs shall be removed within 90 days of abandonment.

B. Animated, moving, revolving, or other similar signs: Except time, temperature and date devices and barber poles.

C. Flashing signs: No sign (including window and other exterior lighting) shall be permitted which blinks, flashes, scintillates, has moving letters or pictures or other means of not providing constant illumination except Christmas lights for a duration not to exceed 60 days during the holiday season.

D. Changeable copy signs or electronic message signs: Except as provided in Table 17.28.070.
E. **Fence signs:** Unless approved as part of an overall sign plan for a permitted use and the area of the fence sign is included in the overall size allowed for the building sign.

F. **Inflated signs, balloons and figures:** except as provided in Subsec. 17.28.070.B.

G. **Obscene signs.**

H. **Offsite signs:** Includes billboards and outdoor advertising signs, except as otherwise provided in Table 17.28.070.

I. **Noise smoke, or odor:** Signs or devices which emit audible sound, odor, or visible matter.

J. **Roof signs.**

K. **Vehicle signs:** Whether attached or painted on motor vehicles that are parked on or adjacent to property for more than 72 consecutive hours, for which the principle purpose of the vehicle at this location is to attract attention to a product sold or business located on the property.

L. **Signs on City property:** No sign shall be located on City property or right-of-way without the express permission of the City.

M. **Posters:** The tacking, pasting or otherwise affixing of signs or posters of a miscellaneous character, visible from a public right-of-way, located on walls of a building, shed, fence, pole, post or other structure or anywhere on public property.

N. **Pole signs**

17.28.070 **Permitted Signs Subject to Sign Standards and Permits**

All signs described in this Section must first obtain a zoning clearance, as provided in Sec. 17.35.020, to ensure compliance with these standards.

A. Every sign described in Table 17.28.070, unless otherwise provided.

B. **Special event signs:** Special event signs, banners, flags, pennants, balloons, and similar signs may be displayed on a temporary basis, not to exceed 60 days annually.

C. **Outdoor decoration:** Within commercial zone districts permanent or semi-permanent displays such as bunting may be suspended from parking lot light standards provided the following is met:
   1. **Decorative only:** The display is decorative only and does not advertise a company, product, or a special event associated with a business; and
   2. **Traffic safety:** The display does not obstruct traffic, sight distance, or parking lot lighting.

D. **Subdivision signs and flags:**
   1. As part of subdivision home sales, up to eight flags each not exceeding 20 square feet in size and within the height limits of the zone district in which they are located.
   2. Two on-site subdivision identification or directional signs that are not internally lit and that do not exceed 32 square feet each and a height of 10 feet.
   3. All of the flags and signs shall be removed upon completion of sales.

17.28.080 **Measuring Sign Area**
A. **Smallest area**: The area of a sign shall be computed by means of the smallest square, circle, rectangle or triangle or combination thereof that encompasses the limits of writing, representation, emblem or other display.

B. **Double faced**: When a sign is double faced back to back and the two sides are within five degrees of parallel, and located on the same structure, the sign area shall be computed by measurement of only one face.

C. **Three-dimensional objects**: When a sign, or portion of a sign, consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects or sculptures) the sign area shall be measured as their maximum projection upon a vertical plane.
## Table 17.28.070: Permitted Signs and Development Standards by Zone District

### Residential Zone Districts (R-1, R-2, R-3, R-4)

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Maximum Number</th>
<th>Maximum Area per Sign</th>
<th>Maximum Height</th>
<th>Locational Requirement</th>
<th>Permitted Lighting</th>
<th>Other Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monument sign</td>
<td>1 per building site</td>
<td>32 square feet</td>
<td>6 feet</td>
<td>Minimum of 5 feet from property lines</td>
<td>External; internal w/ use permit</td>
<td>Changeable copy allowed for up to 50 percent of the sign area for schools, churches, and public buildings.</td>
</tr>
<tr>
<td>Wall sign</td>
<td>1 per street frontage</td>
<td>32 square feet</td>
<td>Not to exceed the eave height of the building to which it is affixed.</td>
<td></td>
<td>External; internal w/ use permit</td>
<td>Changeable copy allowed for up to 50 percent of the sign area for schools, churches, and public buildings.</td>
</tr>
<tr>
<td>Directional sign</td>
<td>1 per way per driveway</td>
<td>4 square feet</td>
<td>3 feet</td>
<td>Outside of the right-of-way</td>
<td>External</td>
<td>30 percent of the sign area may be used to identify user.</td>
</tr>
<tr>
<td>Directory sign</td>
<td>1 per building complex</td>
<td>8 square feet</td>
<td>6 feet</td>
<td></td>
<td>External</td>
<td>Only applies if visible from right-of-way or boundary. Otherwise see Subsec. 17.28.050.I.</td>
</tr>
<tr>
<td>Changeable copy sign or electronic message board</td>
<td>Part or all of a permitted wall or monument sign</td>
<td>Not to exceed the combined total square footage of the wall or monument signs</td>
<td></td>
<td>Internal or external</td>
<td>Applicable only to churches, schools theaters, conference centers and public buildings</td>
<td></td>
</tr>
<tr>
<td>Sign Type</td>
<td>Maximum Number</td>
<td>Maximum Area per Sign</td>
<td>Maximum Height</td>
<td>Location</td>
<td>Permitted Lighting</td>
<td>Other Criteria</td>
</tr>
<tr>
<td>---------------------------------------</td>
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<td>-----------------------</td>
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<td>-----------------------------------</td>
<td>--------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Monument sign (under 25,000 sq. ft. of floor area)</td>
<td>1 sign per 300 feet of lineal street frontage</td>
<td>100 sq. ft.</td>
<td>10 feet</td>
<td>Minimum of 5 feet from property lines</td>
<td>Internal or external</td>
<td></td>
</tr>
<tr>
<td>Monument sign (over 25,000 sq. ft. of floor area)</td>
<td>1 sign per 300 feet of lineal street frontage</td>
<td>130 sq. ft.</td>
<td>15 feet</td>
<td>Minimum of 5 feet from property lines</td>
<td>Internal or external</td>
<td></td>
</tr>
<tr>
<td>Wall sign</td>
<td>1.5 sq. ft. per lineal foot of bldg. frontage²</td>
<td>Not to exceed the combined total square footage of wall signs</td>
<td>Not to exceed the eave height of the building to which it is affixed</td>
<td>Internal or external</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Projecting wall sign</td>
<td>Not to exceed the combined total square footage of wall signs</td>
<td>Not to exceed the eave height of the building to which it is affixed</td>
<td>Internal or external</td>
<td>Lowest portion must be 8 feet above the average grade. Cannot project more than 4 feet from the wall it is attached too.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Awning, canopy sign</td>
<td>Not to exceed the combined total square footage of wall signs</td>
<td>Not to exceed the combined total square footage of wall signs</td>
<td>External</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Directional sign</td>
<td>1 per way per driveway</td>
<td>4 square feet</td>
<td>3 feet</td>
<td>Outside of the right-of-way</td>
<td>External or internal</td>
<td>50 percent of the sign area may be used to identify user</td>
</tr>
<tr>
<td><strong>Directory sign</strong></td>
<td>1 per building frontage</td>
<td>8 square feet</td>
<td>6 feet</td>
<td>External or internal</td>
<td>Only applies if visible from right-of-way or boundary. Otherwise see Subsec. 17.28.050.I.</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------------</td>
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<td>--------</td>
<td>---------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Suspended sign</strong></td>
<td>1 double faced sign per business entrance</td>
<td>6 square feet</td>
<td>Must be located under and perpendicular to a covered walkway.</td>
<td>External</td>
<td>Lowest portion of the sign must be 8 feet above the average grade.</td>
<td></td>
</tr>
<tr>
<td><strong>Changeable copy sign or electronic message board</strong></td>
<td>Part or all of a wall or monument sign</td>
<td>Not to exceed the combined total square footage of the wall or monument signs</td>
<td>Internal or external</td>
<td>Applicable only to churches, schools theaters, conference centers and public buildings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A-frame sign</strong></td>
<td>1 per customer entrance</td>
<td>8 square feet</td>
<td>4 feet</td>
<td>Not permitted</td>
<td>Maximum width is 2 feet. Must be removed during non-business hours.</td>
<td></td>
</tr>
<tr>
<td><strong>Off-site advertising sign</strong></td>
<td></td>
<td></td>
<td></td>
<td>Allowed only with an approved use permit.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sign Type</td>
<td>Maximum Number</td>
<td>Maximum Area per Sign</td>
<td>Maximum Height</td>
<td>Location</td>
<td>Permitted Lighting</td>
<td>Other Criteria</td>
</tr>
<tr>
<td>-------------------------</td>
<td>---------------------------------------</td>
<td>-----------------------</td>
<td>----------------</td>
<td>-----------------------------------</td>
<td>--------------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Monument sign</td>
<td>1 sign per 300 lineal feet of street frontage</td>
<td>50 square feet</td>
<td>10 feet</td>
<td>Minimum of 5 feet from property lines</td>
<td>Internal or external</td>
<td></td>
</tr>
<tr>
<td>Wall sign</td>
<td>1 square foot per lineal foot of building frontage</td>
<td>Not to exceed the eave height of the building to which it is affixed</td>
<td>Internal or external</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Projecting wall sign</td>
<td>Not to exceed the combined total square footage of wall signs</td>
<td>Not to exceed the eave height of the building to which it is affixed</td>
<td>Internal or external</td>
<td></td>
<td></td>
<td>Lowest portion must be 8 feet above the average grade. Cannot project more than 4 feet from the wall it is attached too.</td>
</tr>
<tr>
<td>Awning, canopy sign</td>
<td>Not to exceed the combined total square footage of wall signs</td>
<td></td>
<td></td>
<td>External</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Directional sign</td>
<td>1 per way per driveway</td>
<td>4 square feet</td>
<td>3 feet</td>
<td>Outside of right-of-way</td>
<td>Internal or external</td>
<td>50 percent of sign area may be used to identify user</td>
</tr>
<tr>
<td>Directory sign</td>
<td>1 per building frontage</td>
<td>8 square feet</td>
<td>6 feet</td>
<td>Internal or external</td>
<td></td>
<td>Only applies if visible from right-of-way or boundary. Otherwise see Subsec. 17.28.050.I.</td>
</tr>
<tr>
<td>Suspended</td>
<td>1 double faced</td>
<td>6 square feet</td>
<td>Must be located</td>
<td>External</td>
<td></td>
<td>Lowest portion of the</td>
</tr>
<tr>
<td><strong>sign</strong></td>
<td><strong>sign per business entrance</strong></td>
<td><strong>under and perpendicular to a covered walkway.</strong></td>
<td><strong>sign must be 8 feet above the average grade.</strong></td>
<td><strong>Part or all of a wall or monument sign</strong></td>
<td><strong>Internal or external</strong></td>
<td><strong>Applicable only to churches, schools theaters, conference centers and public buildings.</strong></td>
</tr>
<tr>
<td>---</td>
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<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Changeable copy sign or electronic message board</strong></td>
<td><strong>Not to exceed the combined total square footage of the wall or monument signs</strong></td>
<td><strong>Internal or external</strong></td>
<td><strong>Allowed only with an approved use permit.</strong></td>
<td><strong>Not to exceed the combined total square footage of the wall or monument signs</strong></td>
<td><strong>Internal or external</strong></td>
<td><strong>Applicable only to churches, schools theaters, conference centers and public buildings.</strong></td>
</tr>
</tbody>
</table>

1 In the R-1 and R-2 Zone Districts signs are allowed only for uses that require a use permit, unless otherwise provided in this Title.

2 Up to two contiguous sides may be used to calculate area, provided each side has a street or customer parking lot frontage.
17.28.090 Clear Vision Triangle

All signs located within the clear vision triangle shall meet the visibility standard provided in Sec. 17.24.040.

17.28.100 Sign Standards by Other Entitlements:

Because a use or uses or a specific building site may have unique needs or circumstances, sign requirements established by a specific plan, Planned Development Zone District, use permit, or development agreement may supersede the provisions of this Chapter.

17.28.110 Non-conforming Signs

See Sec. 17.38.050.

17.28.120 Sign Maintenance

Every sign displayed within the City, whether a zoning clearance is required or not, shall be maintained in good physical condition. All signs, together with supports, braces, anchors, and electrical components, shall be kept in a safe presentable condition. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair and painted where paint is required.

17.28.130 Sign Construction

A. Permanent Construction: Except for permitted banners, flags or temporary signs and window signs conforming with the requirements of this Chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.

B. Must be professionally prepared: All permanent signs shall be designed and constructed by professionals (e.g. those whose principal business is the design, manufacture or sale of signs, architects, building designers, etc.) or others who are capable of producing professional results. The intent is to achieve signs of neat and readable copy, and durability so as to reduce maintenance costs and prevent dilapidation. Materials for permanent signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance. (Ord. 540, §9, 2011)

17.29 Trash Container Enclosures

Section 17.29.010 Purpose
17.29.010 Purpose

To establish design and locational criteria for trash container enclosures for multiple family residences and all non-residential uses.

17.29.020 Applicability

These requirements apply to all new multiple family residential uses of three units or more, all non-residential development, existing multiple family uses that increase the number of units by 25 percent or more and non-residential uses that increase floor area by 25 percent or more.

17.29.030 Enclosure Requirements

A. Trash bins or dumpsters: They shall be screened on three sides by a six foot high masonry structure and the remaining side shall be a solid self locking gate. The walls and gate shall be architecturally compatible with the main building. All sides that are visible from a public area, except the gate side, shall be located in a landscaped area, subject to the standards provided in Subsec. 17.27.070.B.

B. Garbage cans or toters: They shall be located either indoors or shall be screened from public view with material that is architecturally compatible with the main building and is a minimum of five feet in height.

17.29.030 Maintenance

All trash enclosure areas shall be kept in a clean, well maintained condition. Gates shall be maintained in good working order and shall be kept closed when not in use.

17.30 Screening of Mechanical Equipment

Section

17.30.010 Applicability

17.30.020 Single family and Two Family Residential Uses

17.30.030 Multiple Family, Office, Commercial and Public Uses

17.30.040 Industrial Uses

17.30.010 Applicability
These standards are applicable to heating and air conditioning equipment, refrigeration equipment and utility equipment including transformers and similar equipment. This Chapter does not apply to solar collection systems.

17.30.020 Single family and Two Family Residential Uses

All equipment, including roof-mounted equipment, shall be screened from view from all public rights-of-way.

17.30.030 Multiple Family, Office, Commercial and Public Uses

A. Ground mounted HVAC units and utility equipment such as electric and gas meters, panels, junction boxes and similar equipment: Shall be screened from view from public rights-of-way, parks, plazas, etc. either by placing them out of view or screening them using architecturally compatible walls.

B. Utility transformers, cross-connection control devices and similar equipment: Shall be carefully located to minimize, to the extent possible, their view from public rights-of-way, parks, plazas, etc. Wherever feasible they should be placed in locations not immediately adjacent to streets, driveways, parking lots or public gathering areas. When located in publicly visible areas, the equipment shall be oriented so that it is screened with berms, landscaping, walls, or a combination thereof, while maintaining access to service doors and equipment, as required by the affected utility.

C. Roof mounted mechanical equipment: Shall be hidden with building elements that are designed for that purpose as an integral part of the building design.

D. Wall-mounted mechanical equipment: Equipment that protrudes more than 12 inches from an outer building wall shall be screened from public view by structural features that are compatible with the architecture and materials of the building. Wall-mounted equipment that protrudes less than 12 inches from the outer building wall shall be designed to blend with the building color(s), design and materials of the building.

17.30.040 Industrial Uses

A. Ground mounted HVAC units and utility equipment shall be screened from public view.

B. Due to the nature of industrial uses, alternative screening measures may be utilized for HVAC units and utility equipment. This may include, but shall not be limited to, increased yard sizes, increased landscaping, grouping equipment outside of public view, painting, or otherwise camouflaging the equipment.

Part 5
Planning Procedures

17.35 Types of Site Development Permits
17.35.010 Development Plan Review

A. **Purpose**: The development plan review is utilized for projects that are considered to be “permitted uses” and is an administrative process conducted by the Community Development Director. It is intended to ensure that the proposed project is in conformance with all City development and design standards. For larger development projects an extra level of review is added to ensure compliance with the General Plan Circulation Element.

B. **Process**: Projects subject to a development plan review shall be reviewed and decided upon by the Community Development Director within 30 days of receipt of all requested information or, in the case of projects described below in Subsec. 17.35.010. C. in which a traffic study is required, the review by the Director shall be completed with 30 days of completion and acceptance by the City of the traffic study.

C. **Review of larger projects for traffic impacts**: For projects that meet or exceed the size provided below in Table 17.35.010 the City shall conduct a traffic study for the proposed project. If the resulting study concludes that the project will increase traffic levels that exceed General Plan level of service standards, either on a project specific level or a 20 year cumulative level or both, street improvements shall be incorporated into the project that reduces the traffic levels of service to be within the standards provided in the General Plan at both the project specific level and 20 year cumulative level, as determined by the Community Development Director. In lieu of providing the street improvements, a fee may be paid to the City by the applicant in an amount that mitigates the project’s fair share of traffic impacts, as determined by the City. (Ord. 540 § 10, 2011)

**Table 17.35.010: Development Plan Review Projects Required to Prepare Traffic Studies**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>If a Project Exceeds the Following Size a Traffic Study is Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple-family</td>
<td>75 residential units</td>
</tr>
<tr>
<td>Office</td>
<td>35,000 square feet</td>
</tr>
<tr>
<td>Retail and service commercial:</td>
<td></td>
</tr>
<tr>
<td>Indoor</td>
<td>30,000 square feet</td>
</tr>
</tbody>
</table>
### Zoning Clearance

**A. Purpose:** A zoning clearance is an administrative process conducted by the Community Development Director intended to provide verification that an intended use or structure complies with the allowed list of activities and all applicable development standards.

**B. Applicability:** When required by the zone district in which the use of a structure or land is located, a zoning clearance is required prior to commencement of construction or use.

**C.** The Community Development Director shall review all applicable information and, within 30 days of receiving all relevant information, make a determination whether the proposed structure or use meets all standards required by this Title and all other relevant City standards.

**D. Determination:** Following the receipt of a complete application and review of the information submitted, the Community Development Director shall make one of the following determinations:

1. **Approve the application:** If it is determined that the proposal complies with all applicable standards of this Title and all other relevant City standards. If
conditions warrant, the Community Development Director may apply a reasonable term to the permit.

2. Deny the application: If it is determined that the proposal will not comply with all applicable standards of this Title or any other relevant City standards. However, prior to denying the application, the Community Development Director shall provide the applicant an opportunity to modify or correct the application to bring the project into conformance with City standards.

3. Request further information: As needed in order to make the determination to approve or deny the application.

E. Appeal: The decision of the Community Development Director may be appealed to the Planning Commission, pursuant to Subsec. 17.37.070.A.

17.35.030 Use Permit

A. Purpose: Use permits are intended to allow for activities and uses whose effect on the surrounding environment cannot be determined prior to being proposed for a particular location. Additionally, conditions of approval or time limits may be placed on a use permit by the Planning Commission to ensure the use is compatible with existing and anticipated uses in the vicinity.

B. Applicability: A use permit is required to authorize a proposed land use identified within the applicable zone district as being a use allowed, subject to an approved use permit.

C. Application processing: Upon determination of a complete application by the Community Development Director, the application shall be processed in accordance with Chap. 17.37.

D. Planning Commission action:
   1. Notice and hearing: Upon completion of the review by City staff, proper notice of a public hearing before the Planning Commission shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the Planning Commission may require.
   2. Determination: At the conclusion of the public hearing, or at a time prescribed in Sec. 17.37.050, the Planning Commission shall approve, approve with modifications and/or conditions or deny the application.

E. Findings for approval: In order to approve the application, or approve it with modifications and/or conditions, the Planning Commission must first make the following findings, based on information in the record:
   1. The proposal is consistent with the General Plan and any relevant specific plan, neighborhood plan, or area plan.
   2. The site for the proposed use is adequate in size and shape to accommodate said use and its associated yards, parking, landscaping and other improvements required by this Title and other relevant City standards.
   3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
   4. The site design and the size and design of the building(s) will complement neighboring facilities.
5. The establishment and operation of the use will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

F. Appeal: The decision of the Planning Commission may be appealed to the City Council, pursuant to Subsec. 17.37.070.B.

17.35.040 Variances

A. Purpose: The provisions of this Section allow for the adjustment of development standards required by this Title when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of these regulations denies the property owner privileges enjoyed by other property owners in the vicinity and under the same zone district. Any variance that is granted shall be subject to conditions that ensure that the variance does not constitute a granting of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and within the same zone district in which the property is located. The power to grant variances does not apply to land use regulations.

B. Applicability: A variance may be granted for any physical development standards of this Title except for land uses, residential densities, and prohibited signs.

C. Application processing: Upon determination of a complete application by the Community Development Director, the application shall be processed in accordance with Chap. 17.37.

D. Planning Commission action:
1. Notice and hearing: Upon completion of the review by City staff, proper notice of a public hearing before the Planning Commission shall be provided as required by California Government Code Sections 65090 through 65095, and by such other means of notification the Planning Commission may require.

2. Determination: At the conclusion of the public hearing, or at a time prescribed in Sec. 17.37.050, the Planning Commission shall approve, approve with modifications and/or conditions or deny the application.

E. Findings for approval: In order to approve the application or approve it with modifications and/or conditions the following findings must be made, based on information in the record:

1. There are special circumstances applicable to the property or structure(s) including location, size, shape, surroundings, or topography or other conditions, so that the strict application of this Title denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zone district.

2. Granting the variance is necessary for the preservation and enjoyment of substantial property rights.
3. Granting the variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone district as the property is located.

4. Granting the variance does not allow a use or activity which is not otherwise authorized by the zone district within which the property is located.

5. Granting the variance will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the vicinity or be detrimental to property or improvements in the vicinity or to the general welfare of the City.

F. Appeal: The decision of the Planning Commission may be appealed to the City Council, pursuant to Subsec. 17.37.070.B.

17.36 Amendments to the Zoning Regulations

Section

17.36.010 Initiation
17.36.020 Application Processing
17.36.030 Planning Commission Action
17.36.040 City Council Action
17.36.050 Refiling of a Rezoning Application

17.36.010 Initiation

Amendments to the zoning regulations, either text or map, may be initiated as follows:

A. By application of a property owner and accompanied by the prevailing fee adopted by the City Council.
B. By direction of the City Council.
C. By direction of the Planning Commission.

17.36.020 Application Processing

The application for an amendment to the Zoning Regulations shall be processed by the Community Development Director in accordance with Chap. 17.37.

17.36.030 Planning Commission Action

A. Notice and hearing: Upon receipt of a complete application and review by City staff, proper notice of a public hearing before the Planning Commission shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the Planning Commission may require.
B. **Recommendation**: At the conclusion of the public hearing, or at a time prescribed in Sec. 17.37.050, the Planning Commission shall make a written recommendation, and the reasons for the recommendation, to the City Council whether to approve, approve in modified form, or deny the proposed amendment.

17.36.040 City Council Action

A. **Notice and hearing**: Upon receipt of the Planning Commission’s recommendation, proper notice of a public hearing before the City Council shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the City Council may require.

B. **Determination**: At the conclusion of the public hearing, or at a time prescribed in Sec. 17.37.050, the City Council shall approve, approve with modifications or deny the application.

C. **Referral back to Planning Commission**: If the City Council proposes to adopt a substantial modification to the amendment not previously considered by the Planning Commission during its hearing, the proposed modification shall first be referred to the Planning Commission, in compliance with Government Code Section 65857.

17.36.050 Refiling of a Rezoning Application

If an application for a change of zone district is denied, another application for the same zone district shall not be filed within a 12 month period of its denial, unless specific approval for the filing is given by the Planning Commission or City Council.

17.37 General Processing Procedures

Section

<table>
<thead>
<tr>
<th>Section</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.37.010</td>
<td>Purpose</td>
</tr>
<tr>
<td>17.37.020</td>
<td>Applicability</td>
</tr>
<tr>
<td>17.37.030</td>
<td>Application Forms and Fees</td>
</tr>
<tr>
<td>17.37.040</td>
<td>Application Review</td>
</tr>
<tr>
<td>17.37.050</td>
<td>Public Hearings</td>
</tr>
<tr>
<td>17.37.060</td>
<td>Concurrent Processing of Multiple Applications</td>
</tr>
<tr>
<td>17.37.070</td>
<td>Appeals</td>
</tr>
<tr>
<td>17.37.080</td>
<td>Amendments to Permits and Variances</td>
</tr>
<tr>
<td>17.37.090</td>
<td>Expiration of Permits and Variances</td>
</tr>
<tr>
<td>17.37.100</td>
<td>Permit and Variance Revocation or Modification</td>
</tr>
<tr>
<td>17.37.110</td>
<td>Reapplication</td>
</tr>
</tbody>
</table>

17.37.010 Purpose
The purpose of this Chapter is to establish procedures which are common to the processing of use permits, variances and zoning amendments. This Chapter is also intended to provide for processing procedures for the review of entitlements required in other parts of the City of Live Oak Ordinance including general plan amendments, specific plans and land divisions. All are hereinafter referred to as entitlements.

17.37.020 Applicability

All entitlements approved under the authority of this Title shall run with the property for which the entitlement is issued and not with a person, unless otherwise expressly provided for in the approved entitlement.

17.37.030 Application Forms and Fees

Applications initiated by this Chapter shall be filed on forms and shall contain information and the number of copies prescribed by the Community Development Director. All applications shall be signed by the property owner of the subject property or other person with the written consent of the property owner (except zoning amendments as provided in Chap. 17.36). The application shall be accompanied by the appropriate fees, as established by the City Council.

17.37.040 Application Review

Every application shall be reviewed by the Community Development Director to ensure compliance with all applicable City and other local agency codes and standards and with all State laws and regulations.

17.37.050 Public Hearings

    A. Hearing required: All permits and variances that are decided by the Planning Commission, and by the City Council on an appeal of a Planning Commission decision, and for zoning amendments and other entitlements, shall be first provided a public hearing before the decision making body. Notice of any hearing required by this Chapter shall be conducted in compliance with Government Code Sections 65090 through 65095, and by any other means of notification the Planning Commission or City Council may require.
    
    B. Continuance: A hearing may be continued without further notice, provided the hearing body announces the date, time and location to which the hearing is continued prior to the adjournment or recess of the hearing. A hearing may be continued and need not announce the date to which the hearing will be continued, provided that notice of the continued or new hearing is provided in accordance with Subsec. A., above.
    
    C. Determination: Following the close of the public hearing, the hearing body may make its decision, may defer its decision to another meeting or announce a
tentative decision and defer its final decision until appropriate findings and/or conditions of approval have been prepared.

17.37.060 Concurrent Processing of Multiple Applications

Whenever multiple entitlement applications are required by this Title for a single project, the applicant may choose to have the applications processed concurrently. When this method is utilized, the decision on all project applications shall be made by the highest level of review authority required for any of the applications. When concurrent multiple applications are filed that include a general plan amendment, specific plan or specific plan amendment, or rezoning, the time limits for processing project applications pursuant to State Government Code 65950 et seq. shall not commence until the general plan amendment, specific plan, specific plan amendment or rezoning become effective.

17.37.070 Appeals

A. Community Development Director Decisions

1. Filing: Any applicant or person claiming to be adversely affected by any action of the Community Development Director in carrying out the provisions of this Title may, within 10 days after such action, file a written appeal to the Planning Commission. The appeal shall be accompanied by the payment of any fee adopted by the City Council. Such appeal shall stay the issuance of any permit in connection with the application, pending a decision of the Planning Commission.

2. Notice and hearing: Upon receipt of the appeal, proper notice of a public hearing before the Planning Commission shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the Planning Commission may require.

3. Determination: At the conclusion of the public hearing, or at a time prescribed by Sec. 17.37.050, the Planning Commission shall approve, approve in modified form, or deny the appeal.

4. Further appeal: Any decision of the Planning Commission may be appealed to the City Council by the appeal process provided in Subsec. B., below.

B. Planning Commission Decisions

1. Filing: Any applicant or person claiming to be adversely affected by any action of the Planning Commission in carrying out the provisions of this Title, any City Council person or the City Manager may, within 10 days after such action, file a written appeal to the City Council. Such appeal shall be filed with the City Clerk and shall be accompanied by the payment of any fee adopted by the City Council. The filing of an appeal shall stay the issuance of any permit in connection with the action pending a decision from the City Council.

2. Notice and hearing: Upon receipt of the appeal, proper notice of a public hearing before the City Council shall be provided, as required by California
Government Code Sections 65090 through 65095, and by such other means of notification the City Council may require.

3. **Determination**: At the conclusion of the public hearing, or at a time prescribed in Sec. 17.37.050, the City Council shall approve, approve in modified form or deny the appeal.

### 17.37.080 Amendments to Permits and Variances

Amendments to previously approved permits and variances may be granted as follows:

A. **Minor modifications**: The Community Development Director may approve minor modifications to a previously approved project if the resulting project is considered substantially the same as originally approved and the basis for the findings for the environmental document prepared for the project and the findings for the approval of the project are not affected.

B. **All other modifications**: Must be approved by the Planning Commission. The procedure for such an amendment shall comply with Sections 17.37.030 through 17.37.050.

### 17.37.090 Expiration of Permits and Variances

A. **Expiration**: Every permit and variance provided for in this Chapter, unless otherwise conditioned as part of the permit or variance, expires and is null and void without further action by the City if the use, building or structure for which the permit was issued has not substantially commenced operation, or in the case of new construction, the construction has not been substantially commenced, within two years of the date of approval or, in the case of appeals, the date the approval was affirmed or a denial was reversed. In the case the permit or variance is accompanied by a rezoning, the approval date is not until the effective date of the rezoning. For purposes of this Section, “construction that has substantially commenced” means the installation of a building foundation(s).

B. **Phasing**: In the case of phased projects decided upon by the Planning Commission or City Council, construction of the first phase must have substantially commenced within two years. Additional phases shall be commenced within two years of the initial phase of construction or as otherwise provided in the initial application process or as an amendment to the application.

C. **Project completion**: In the case of a project that commenced construction prior to its expiration date, or its extended expiration date if an extension was granted, or the phase expiration date if it is a phased project, construction must be competed within two years of the expiration date or the permit becomes null and void without any further action by the City.

D. **Discontinuance of a use**: When a use for which a permit was granted has been abandoned and the use discontinued for a period of one year, the permit shall expire and become null and void without further action by the City.

### 17.37.100 Permit and Variance Revocation or Modification
Any approved permit or variance may be revoked, or conditions of approval or other provisions of the permit or variance may be modified, in compliance with this Chapter.

A. **Initiation of proceedings**: The Community Development Director may initiate the process for zoning clearance revocation or modification. All other permit and variance revocation or modification proceedings may be initiated by the Planning Commission on its own motion or may be directed to the Planning Commission by the City Council.

B. **Notice and hearing**: Permits and variances (except zoning clearances) proposed to be revoked or modified shall first be provided a public hearing by the Planning Commission, as provided in Sec. 17.37.050.

C. **Revocation**: A permit or variance may be revoked or modified by the Planning Commission if one or more of the following findings are made:
   1. **Misrepresentation**: Permit issuance was based on misrepresentation by the applicant, either through the provision of information or statements in the application, or in public hearing testimony.
   2. **Invalidation of findings**: One or more of the findings required to grant the original permit can no longer be made due to changes in the project.
   3. **Violation of conditions**: One or more of the conditions of approval have not been completed or have been violated.
   4. **Violation of other codes**: Improvements authorized by the permit or variance are in violation of any ordinance or law.
   5. **Improper expansion**: The approved permit or variance has been expanded beyond the scope of the original approval, so that the external impacts of the use are substantially greater than would be under the original approval.
   6. **Threatens the public’s health**: Exercising the permit or variance is in a manner that threatens or is injurious to the public’s health or safety or constitutes a public nuisance.

D. **Appeal**: The decision of the Planning Commission may be appealed to the City Council, pursuant to Subsec.17.37.070.B.

### 17.37.110 Reapplication

Following the denial of a use permit or variance by the Planning Commission, or a rezoning, revocation or denial of an appeal by the City Council, no permit or variance for the same or substantially the same permit, variance, rezoning or other entitlement shall be filed within 12 months following the date of the previous final action.

### 17.38 Nonconforming Structures and Uses

**Section**

- **17.38.010** Purpose
- **17.38.020** Nonconforming Structures
- **17.38.030** Nonconforming Uses
17.38.010 Purpose

This Chapter establishes uniform provisions for the regulation of nonconforming uses, structures and lots. Within zone districts established by this Title, there exist structures, land uses, and lots that were lawful prior to the adoption of this Title, but which would be prohibited, regulated, or restricted differently under the use regulations and development standards of this Title or future amendments. It is the intent of this Chapter to discourage the long term continuance of these nonconformities, providing for their eventual elimination, but to permit them to exist under limited conditions described in this Chapter. This Chapter also recognizes that the investments made in developed property can be substantial and that provisions for continuation of certain nonconforming structures or uses may be desirable, particularly if it can be assured that the structure or use does not negatively impact adjacent properties. Further, this Chapter provides for the improvement of nonconforming structures and properties to reduce the blighting influence that can occur if abandoned structures cannot be reused for their originally designed purposes. (Ord 543, §2, 2013)

17.38.020 Nonconforming Structures

Nonconforming Structures: Nonconforming structures may be continued and be maintained, subject to the following limitations:

A. Maintenance, repairs, and rehabilitation: Ordinary maintenance and repairs may be made to any nonconforming structure. Structural repairs, such as bearing walls, columns, beams or girders, may be modified only when the Building Official determines that such modification or repair is immediately necessary to protect the health and safety of the public, occupants of the nonconforming structure or adjacent property, and the cost does not exceed one-half of the replacement cost of the nonconforming structure, except as provided in Sec. 17.38.060, Nonconforming Residential Structures in Commercial and Employment Zones and Sec. 17.38.070, Reestablishment of Abandoned or Destroyed Commercial or Employment Nonconforming Structures and Uses and Sec. 17.38.080, Expansion of Nonconforming Structures.

B. Severely damaged or destroyed structures: If a nonconforming structure is damaged to an extent of more than 50 percent of its replacement value, as determined by the Building Official, or is destroyed, the restoration of such structure shall be in full compliance with...
the requirements of this Title, except as provided in Sec. 17.38.060, Nonconforming Residential Structures in Commercial and Employment Zones and Sec. 17.38.070, Reestablishment of Abandoned or Destroyed Commercial or Employment Nonconforming Structures and Uses and Sec. 17.38.080, Expansion of Nonconforming Structures.

C. Abandonment: If a nonconforming structure remains vacant for a continuous period of 12 months or more, it shall be considered abandoned and shall thereafter be removed or converted to a conforming structure, except as provided in Sec.s 17.38.060 and 17.38.070. The presumption of abandonment may be rebutted upon showing, to the satisfaction of the Community Development Director, that during such period, the owner of the structure (1) has been maintaining it and did not intend to discontinue the use and (2) has been actively marketing the structure for use or sale or (3) has been engaged in other activities evidencing an intent not to abandon the use. (Ord. 543 §3, 2013)

17.38.030 Nonconforming Uses

A. Continuation: Nonconforming uses, including uses lacking permits or other entitlements, may be continued provided that such use shall not be enlarged to occupy a greater area than that occupied by the same use at the time it became nonconforming, except that a nonconforming use may be expanded if a use permit is approved, as provided in Sec. 17.38.080. Uses that are nonconforming due to lack of permits or other entitlements may be enlarged upon by first securing the required permit or other entitlement.

B. Change to the same or less intensive use: Nonconforming uses may be permitted to be changed to a different nonconforming use provided that the new use is of the same or less intensive nature, as determined by the Community Development Director.

C. Change to a more intensive use or to a more intensive use: A nonconforming use may change to a more intensive use if a use permit is first approved, as provided in Sec., 17.38.080.

Exception: No nonconforming use that involves the storage, use, or generation of hazardous materials, products, or wastes or other activity that may be detrimental to the public’s health or safety because of the potential to generate dust, glare, heat, noise, noxious gases, odor, smoke, vibration or other conditions that would be incompatible with surrounding uses may be substituted for an existing nonconforming use even if the use is of the same or less intensive nature.

D. Abandonment: If a nonconforming use ceases for a continuous period of 12 months, it shall be considered abandoned and shall not be reestablished, except as provided in Sec.s 17.38.060 and 17.38.070. The presumption of abandonment may be rebutted upon showing, to the satisfaction of the Community Development Director, that during such period, the owner of the structure (1) has been maintaining it and did not intend to discontinue the use and (2) has been actively marketing the structure for use or sale or (3)
has been engaged in other activities evidencing an intent not to abandon the use. (Ord. 543 §3, 2013)

17.38.040 Nonconforming Lots

Nonconforming Lots: Any lawfully created lot which fails to meet the standards for area or dimensions of the zone district in which it is located shall be considered buildable for purposes of this Chapter, provided that all site development standards for the improvements are met or a variance (Sec. 17.35.040) from any site improvement standards is approved. (Ord. 543 §3, 2013)

17.38.050 Nonconforming Signs

Nonconforming Signs: A nonconforming sign may be continued subject to the limitations pursuant to Sec. 17.38.020. Once a nonconforming sign is determined by the Community Development Director to have lost its nonconforming status, it shall be removed from the property or otherwise converted to a conforming use within 90 days of the determination. (Ord. 543 §3, 2013)

17.38.060 Nonconforming Residential Structures in Commercial and Employment Zone Districts

A. Reestablishment: A nonconforming residential use in a commercial or employment zone district that is involuntarily lost by damage or destruction may be re-established provided that a building permit for reconstruction is issued within 24 months of the damage or destruction.

B. Expansion of a nonconforming residence: A nonconforming residence may be expanded by up to 50 percent of its original floor area, provided that the expanded area meets all yard and building height standards.

C. Remodel: A nonconforming residence may be remodeled.

D. Use Permit: If the period since damage or destruction exceeds 24 months, a use permit approved by the Planning Commission is required prior to issuance of a building permit for reconstruction. If an existing nonconforming residence is proposed to be expanded beyond 50 percent of the original floor area, as provided in Subsection B. above, or the remodel will exceed 50 percent of the replacement cost, as provided in Subsection C. above, an approved use permit must first be secured. (Ord. 540 § 11, 2011, Ord. 543 §3, 2013)

17.38.070 Reestablishment of Abandoned or Destroyed Commercial or Employment Nonconforming Structures and Uses
A. Reestablishment: A commercial or employment structure or use which has lost its nonconforming status or is otherwise lost due to damage or destruction may be reestablished upon issuance of a use permit by the Planning Commission. The Planning Commission may approve the use permit if all of the following findings can be made:

1. Legally established structure or use: The structure or use was legally established but was made nonconforming by a rezoning action by the City Council.
2. No violations: No compliance actions are pending on the lot for violations of building or fire codes or other Municipal Code sections or, if there are any existing violations, this action will cause them to be corrected.
3. No adverse impacts: Re-establishment of a nonconforming use will not detrimentally impact adjacent properties.

B. Use permit conditions: The use permit may be approved subject to conditions related to improving the property to conform to current standards, provided they can reasonably be applied to the property. This could include, but is not limited to, the following:

1. Parking provisions, as provided in Chap. 17.25.
2. Installation of landscaping, as provided in Chap. 17.27.
3. Property maintenance, such as painting and general cleanup.
4. Installation of fencing.
5. Conformance with sign standards, as provided in Chap. 17.28.
6. Façade or other exterior improvements.
7. Compliance with building and fire codes.
8. Installation of public improvements such as curb, gutter, and sidewalk, undergrounding utilities, etc.
9. Establishment of a date certain for termination of the use. (Ord. 543 §3, 2013)

17.38.080 Unlawful Structures and Uses

A. Expanding a nonconforming use or structure: A nonconforming use or structure may be expanded upon issuance of a use permit by the Planning Commission if the following findings can be made:

1. Legally established use: The use was a legally established use that was made nonconforming by a rezoning action by the City.
2. No violations: No compliance actions are pending on the lot for violations of building or fire codes or other Municipal Code sections or, if there are existing violations, this action will cause them to be corrected.
3. No significant adverse impacts: The proposed expansion of the use or structure or the intensification of the use will not cause any significant adverse impacts on neighboring properties.

B. Use permit conditions: The use permit may be approved subject to conditions related to improving the property to conform to current standards, provided they can reasonably be applied to the property. This could include, but is not limited to, the following:
1. Parking provisions, as provided in Chap. 17.25.
2. Installation of landscaping, as provided in Chap. 17.27.
3. Conformance with sign standards, as provided in Chap. 17.28
4. Property maintenance, such as painting and general cleanup.
5. Installation of fencing.
6. Façade or other exterior improvements.
7. Compliance with adopted building and fire codes.
8. Installation of public improvements such as curb, gutter and sidewalk, underground utilities, etc.
9. Establishment of a date certain for termination of the use. (Ord. 543 §3, 2013)

17.38.09 Unlawful Structures and Uses

Any structure or use that did not comply with the applicable provisions of this Title or other regulations in effect when the structures or uses were established are violations of this code and are subject to appropriate action, pursuant to Title 14 (Code Enforcement). No right to continue occupancy of a property containing an illegal structure or use is granted by this Chapter. The activity shall not be allowed to continue unless or until all of the provisions of the Live Oak Municipal Code are met. (Ord. 543 §3, 2013)

17.39 Enforcement

Section

17.39.010 Responsibility

17.39.020 Compliance Required

17.39.010 Responsibility

All City officers, departments, and employees vested with the duty or authority to issue permits, licenses, or other entitlements shall do so subject to the requirements of this Title. No permit, license or other entitlement shall be issued or approved for any purpose or in any manner which conflicts with the provisions of this Title and is null and void as of the date of issuance or approval.

17.39.020 Compliance Required

Any structure constructed, erected, altered, enlarged, converted, moved, maintained, used or operated, or any use of property contrary to the provisions of this Title or noncompliance with any conditions attached to the granting of a permit or variance issued pursuant to this Title is unlawful and shall be considered a violation of the Live Oak Municipal Code and subject to all enforcement actions, pursuant to Chapter 14.08 of the Live Oak Municipal Code. (Ord. 540 § 12, 2011)
17.40 Development Agreements

Section

17.40.010 Purpose

A. This Chapter outlines the procedures and minimum requirements for the review and consideration of development agreements upon application by, or on behalf of, property owners, the Planning Commission, or City Council. It is intended that the provisions of this Chapter shall be fully consistent with the provisions of State law, and shall be so construed.

B. In construing the provisions of any development agreement entered into in compliance with this Chapter, those provisions shall be read to fully effectuate, and to be consistent with, the language of this Chapter, State law, and the agreement. Should any apparent discrepancies between the meanings of these documents arise, reference shall be made to the following documents, and in the following order:

1. The plain terms of the development agreement;
2. The provisions of this Chapter; and
3. The provisions of State law.

17.40.020 Application:

A. Any owner of real property may request and apply through the Community Development Director to enter into a development agreement. Acceptance of the application is contingent on the following:

1. The status of the applicant as an owner of property is established to the satisfaction of the Community Development Director;
2. The application is made on forms approved, and contains all information required, by the Community Development Director;
3. The application is accompanied by all lawfully required documents, materials and information; and
4. The application is accompanied by the appropriate fee, as established by the City Council.

17.40.030 Application Processing

The application for a development agreement shall be processed by the Community Development Director in accordance with Chap. 17.37.

17.40.040 Planning Commission Action

A. Notice and hearing: Following processing of the application for a development agreement by City staff, proper notice of a public hearing before the Planning Commission shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the Planning Commission may require.

B. Recommendation: At the conclusion of the public hearing, or at a time prescribed by Sec. 17.37.050, the Planning Commission shall make a written recommendation to the City Council on whether to approve, approve in modified form, or deny the proposed development agreement.

17.40.050 City Council Action

A. Notice and hearing: Upon receipt of the Planning Commission’s recommendation, proper notice of a public hearing before the City Council shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the City Council may require.

B. Determination: At the conclusion of the public hearing, or at a time prescribed in Sec. 17.37.050, the City Council shall approve, approve with modifications or deny the application.

17.40.060 Findings:

A. The City Council may approve or approve with modifications a development agreement only after first making all of the following findings:
   1. The development agreement is consistent with the General Plan;
   2. The development agreement will be in the best interest of the City; and
   3. The development agreement will promote the public interest and welfare of the City.

B. Nothing in this chapter requires the City Council to approve a development agreement if, in the City Council’s sole discretion, it chooses not to do so.

17.40.070 Execution and Recordation

A. The City shall not execute any development agreement until on or after the date upon which the ordinance approving the agreement becomes effective;
B. The provisions of this Chapter shall not be construed to prohibit the Community Development Director, Planning Commission or City Council from conditioning approval of a discretionary entitlement where the condition is otherwise authorized by law; and
C. A development agreement shall be recorded with the Sutter County Recorder no later than 10 days after it is executed.

17.40.080 Effect of a Development Agreement

Unless otherwise provided by the development agreement, the rules, regulations, and official policies governing allowed uses of the land, density, design, improvement and construction standards and specifications applicable to the development of the property subject to a development agreement are the rules, regulations, and official policies in force at the time of granting the entitlement or issuance of a building permit.

Unless specifically provided for in the development agreement, the agreement does not prevent the City, in any subsequent actions applicable to the property, from applying new rules, regulations and policies which do not conflict with the development agreement, nor does a development agreement, unless otherwise specified in the development agreement, prevent the City from conditionally approving or denying any subsequent development project application on the basis of existing or new rules, regulations and policies.

17.40.090 Approved Development Agreements

Development agreements approved by the City Council shall be on file with the City Clerk.

17.41 Official Street Map and Official Plan Lines

Section

17.41.010 Official Street Map
17.41.020 Establishment of Official Plan Lines
17.41.030 Planning Commission Action
17.41.040 City Council Action
17.41.050 Rights-of-Way Shown on the Official Street Map
17.41.060 Determining Yard Areas for New Construction

17.41.010 Official Street Map

As established by this Chapter, highways, streets and alleys and their centerlines shall be as designated on the Official Street Map.

17.41.020 Establishment of Official Plan Lines
Official plan lines may be established for streets described in the Circulation Element of the General Plan as a collector or arterial. The official plan lines shall show the ultimate right-of-way needs for the collectors and arterials within the City.

A. **Process:** A proposed plan line shall be reviewed by City departments and other relevant public agencies for review and comment. Following the review, a recommendation shall be prepared by the Public Works Director and forwarded to the Planning Commission.

17.41.030 **Planning Commission Action**

A. **Notice and hearing:** Upon receipt of the proposed plan line and review by City staff, proper notice of a public hearing before the Planning Commission shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the Planning Commission may require.

B. **Recommendation:** At the conclusion of the public hearing, or at a time prescribed by Sec. 17.37.050, the Planning Commission shall make a written recommendation, and the reasons for the recommendation, to the City Council whether to approve, approve in modified form, or deny the proposed plan line.

17.41.040 **City Council Action**

A. **Notice and hearing:** Upon receipt of the Planning Commission’s recommendation, proper notice of a public hearing before the City Council shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the City Council may require.

B. **Determination:** At the conclusion of the public hearing, or at a time prescribed in Sec. 17.37.050, the City Council shall approve, approve with modifications or deny the proposed plan line.

C. **Referral back to Planning Commission:** If the City Council proposes to adopt a substantial modification to the plan line not previously considered by the Planning Commission during its hearing, the proposed modification shall first be referred to the Planning Commission, in compliance with Government Code Section 65857.

17.41.050 **Rights-of-Way Shown on the Official Street Map**

Following adoption of a street plan line, it shall be shown on the Official Street Map.

17.41.060 **Determining Yard Areas for New Construction**

Prior to issuance of building permits for a structure located on a street that has not been fully improved to the limit prescribed in the General Plan Circulation Element, either one of the following shall occur:
A. If there is an adopted plan line for the street, the front, street side and rear yards, as appropriate, shall be measured from the outside edge of the adopted plan line.

B. If an official plan line has not been adopted for a street, the front, street side or rear yard, as appropriate, shall be measured from the center of the street to a distance that equals the ultimate right-of-way width for that street classification plus the required yard distance.

Part 6
Definitions

17.50 Definitions

Section

17.50.010 Purpose

17.50.020 Definitions

17.50.010 Purpose

This Chapter provides definitions of terms and phrases used in these Zoning Regulations that are technical or specialized, or that may not reflect common usage. If any of the definitions of this Chapter conflict with the definitions in other provisions of the Municipal Code, these definitions shall control for purposes of these Zoning Regulations. Other words not defined in this Chapter shall have the same meaning as provided in a standard dictionary.

17.50.020 Definitions

Adult oriented business terms:

**Adult oriented arcade:** Any commercial establishment to which the public is permitted or invited wherein coin-operated, slug-operated or for any form of consideration, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image producing devices that are maintained to show images to persons, and where the images so displayed are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

**Adult oriented business:** Any adult oriented book, novelty or video store; adult oriented motion picture theater, adult oriented hotel or motel, adult oriented arcade, adult oriented cabaret, adult sexual encounter center, or any other business establishment which offers its patrons services or entertainment of which a preponderance of the business is characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

**Adult oriented bookstore, adult oriented novelty store or adult oriented video store:** A commercial establishment for which a preponderant portion of the stock in
trade offers for sale or rental for any form of consideration any one or more of the following:

A. Books, magazines periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, any material in digital format, [including, but not limited to, compact disc (CD) or digital video disc (DVD)], slides, or other visual representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or

B. Instruments, devices or paraphernalia, except for clothing, which are designed for use in connection with specified sexual activities.

**Adult oriented cabaret**: A nightclub, bar, restaurant or similar commercial establishment which, as a regular and substantial course of business, features live entertainment including go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers whose performances are distinguished or characterized by an emphasis on specified sexual activities or exposing specified sexual anatomical areas.

**Adult sexual encounter center**: Any business, agency or person who, for any form of consideration or gratuity, provides a place where persons may congregate, assemble or associate for the purposes of engaging in specified sexual activities or exposing of specified anatomical areas by persons therein.

**Adult oriented hotel or motel**: A hotel or motel wherein material is presented that is distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas and that excludes minors by virtue of age.

**Adult oriented motion picture theater**: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis upon the depiction of specified sexual activities or specified anatomical areas for observation by patrons therein.

**Specified anatomical areas**: Means and includes the following:

A. Less than completely and opaquely covered by fabric, (1) human genitals or pubic region, (2) human buttocks, (3) human anus, (4) the female breast below a point immediately above the top of the areola;

B. Human genitals in a discernibly turgid state, even if completely or opaquely covered by fabric; and

C. Any device, costume or covering that simulates any of the body parts included in Subsec.s A. or B., above.

**Specified sexual activities**: Means and includes any of the following, whether performed directly or indirectly through clothing or other covering:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast; sex acts, actual or simulated, including but not limited to, intercourse, oral copulation, or sodomy;

B. Masturbation, actual or simulated; and

C. Excretory functions as part of or in connection with any of the other activities described in “Specified anatomical areas” or “Specified sexual activities” described above.
Alley: A public or private right-of-way or easement not more than 30 feet wide that primarily provides secondary access to abutting property.

Apartment: See “Residential, multiple family.”

Apartment Hotel: A building designed for or containing both apartments and individual hotel guest rooms under resident supervision and an inner lobby through which tenants must pass to gain access to apartments and hotel rooms.

Bed and breakfast inn: A single family residence or detached guest house to a single family residence that provides guest rooms, without individual kitchen facilities, for temporary sleeping accommodations for overnight guests. It may also include meal service that is limited to overnight guests.

Billboard: See “Sign, off-site”

Boarding house: A one family residence that provides lodging or lodging and meals for compensation. This does not include bed and breakfast inn or residential care home.

Building: Any structure having a roof supported by columns or walls, used for or intended for use for the shelter or enclosure of persons, animals or chattels.

Building, accessory: A building which is used in support of or accessory to the main building on a lot.

Building frontage: The building elevations which front on a public street, or customer parking area.

Building, main: A building or buildings within which is conducted the principal use of the lot upon which it is situated.

Building Official: The City of Live Oak Building Official or his/her designee.

Building site: One or more lots under common ownership or control occupied or intended to be occupied by a main building or buildings, and accessory buildings or by a use, together with all parking areas and other open spaces.

Car wash: The use of a site for washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment.

Car wash, self-service: A car wash wherein the customer provides labor and where no self-propelled wash racks are provided.

Cemetery: Land used or intended to be used for the burying of the dead. This includes columbariums, crematoriums, mausoleums and funeral establishments when within the boundary of such cemetery.

Child care center: See “Day care”

Church: See “Place of religious worship”

City: The City of Live Oak.

City Council: The City Council of the City of Live Oak.

City Manager: The City Manager of the City of Live Oak or his/her designee.

Clear vision triangle: A triangular area located at the intersection of two streets, a street and a railroad, a street and an alley or a street and a driveway; two sides of which are measured from the corner intersection for a distance specified in this Title. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, for measurement purposes the lot lines will be extended in a straight line to a point of intersection.

Community Development Director: The Community Development Director of the City of Live Oak or his/her designee.
**Condominium:** An estate in real property consisting of an undivided interest in common in a portion of real property, together with a separate interest in space in a residential, commercial or industrial building on the real property.

**Convalescent hospital:** See “Skilled Nursing/Intermediate Care Facility.”

**Day care facilities:**

**Day care home, small:** A residence licensed by the California State Department of Social Services where the occupant provides child day care for periods of less than 24 hours for eight or fewer minor children, including children under the age of 10 years who reside in the residence.

**Day care home, large:** A residence licensed by the California State Department of Social Services where the occupant provides child day care for periods of less than 24 hours for nine to 14 minor children, including children under the age of 10 years who reside in the residence.

**Day care center:** A facility licensed by the California State Department of Social Services that provides day care to 15 or more minor children for periods of less than 24 hours in a non-residential building. Includes, but is not limited to, infant centers, preschools, sick-child centers and school age day care facilities.

**Deck:** A platform, either freestanding or attached to a building that is supported by pillars or posts.

**Development agreement:** A contract between the City of Live Oak and an applicant for a development project, in compliance with State law.

**Duplex:** See “Two family residence.”

**Dwelling:** See “Residence”

**Emergency shelter:** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

**Family:** One or more persons occupying a residence and living as a single nonprofit housekeeping unit.

**Frontage, building:** See “Building frontage.”

**General Plan:** City of Live Oak General Plan.

**Golf course/country club:** Public and private golf courses and accessory facilities and uses including clubhouses with bar and restaurant, locker and shower facilities, driving range, pro-shop for the sale of golfing equipment and golf cart sales and rentals.

**Guest house:** A residential accessory building to a single family residence with living and sleeping quarters, but without kitchen facilities, for the use of family, non-paying guests, or servants of the occupants of the main building and not rented or otherwise used as a separate residence.

**Half-plex:** Two one family residences, attached by a common wall, each being on a separate lot (a duplex with each unit being under separate ownership).

**Height, structure:** The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the structure to the top most point of the roof.

**Home occupation:** A commercial activity or business service conducted on the same lot containing a residence, only by the inhabitants thereof, in a manner clearly incidental to the residential character of the lot.

**Hotel or motel:** A building or portion of a building containing five or more guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public.
for overnight or temporary stay (less than 30 days). Also includes accessory guest facilities including swimming pools, tennis courts, indoor athletic facilities and accessory retail uses).

**Kennel**: Any lot where five or more dogs aged 10 weeks or older are kept, whether owned by the residents, boarded, trained or bred. Does not include pets for sale in pet shops, patients in a veterinary clinic or pet grooming facilities with no boarding facilities.

**Kitchen**: A room or space within a building used or intended to be used for the cooking or preparation of food, which includes both a refrigerator and cooking facilities. Does not include outdoor cooking facilities.

**Lot**: A recorded lot or parcel of real property under single ownership, lawfully created as required by applicable Subdivision Map Act and City ordinance requirements, including these Zoning Regulations.

**Lot line types**:

- **Lot line, front**: The lot line abutting a street. In the case of corner lots, only one street line shall be considered as a front lot line, as determined by the Building Official upon issuance of a building permit or the demarcation made on a final or parcel map. In the case of through lots both lot lines are considered front lines and there is no rear lot line.
- **Lot line, street side**: On a corner lot the side facing a street that is not determined to be the front lot line.
- **Lot line, rear**: The line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.
- **Lot line, interior side**: Any lot line that is not a front, street side or rear lot line.

**Lot types**:

- **Corner lot**: A lot located at the junction of two or more streets, or upon two parts of the same street and the parts of the street form an angle of less than 135 degrees.
- **Flag lot**: A lot that has access to a public right-of-way only by a narrow driveway that is located between abutting lots.
- **Interior lot**: A lot other than a corner lot.
- **Through lot**: A lot having frontage upon two parallel or nearly parallel streets.

**Manufactured home**: A residence that is either wholly or partially constructed or assembled off-site in compliance with State law, and certified under the National Manufactured Housing Construction and Safety Standards Act of 1974. This does not include recreational vehicles, trailers or motor homes.

**Mobile home**: See “manufactured home.”

**Manufactured home park**: A building site where two or more manufactured homes or manufactured home sites, or any combination thereof are rented or leased, or offered for rent or lease.

**Motel**: See “Hotel.”

**Nonconforming terms**:

- **Nonconforming lot**: Any lawfully created lot which does not comply with current lot area or lot dimensions of the zone district in which it is located.
- **Nonconforming sign**: A sign that was lawfully erected or displayed, but does not conform to currently applicable development standards prescribed in the zone district in which it is located.
Nonconforming structure: A structure or portion of a structure which was lawfully constructed, erected or altered, but does not conform to the currently applicable development standards prescribed in the zone district in which it is located.

Nonconforming use: A use of a lot and/or structure which was lawful at the time of its establishment but does not conform to the currently applicable zoning regulations prescribed in the zone district in which it is located.

Official plan line: A boundary describing the ultimate width or alignment of a public street or highway, adopted by the City Council or California Department of Transportation.

Parcel: See “lot.”

Person: Any individual, firm, partnership, corporation, company, association, joint stock association, district, city, county, or state and includes any trustee, receiver, assignee or other similar representative thereof.

Place of religious worship: A building(s) wherein persons regularly assemble for religious worship and which is controlled and maintained by a religious body organized to sustain public worship, together with all accessory buildings and uses associated with a church such as schools, day care facilities, offices, residences and halls.


Planning Director: See “Community Development Director.”

Property line: See “lot line.”

Public Works Director: The City of Live Oak Public Works Director or his/her designee.

Quasi-public use: A use that is often publicly owned and operated, but also may be under private or non-profit ownership. For example a hospital or golf course may be publicly owned and operated or may be owned and operated by a nonprofit or for-profit organization.

Residence: A building or portion thereof designed for occupancy by one family for living purposes, having only one kitchen.

Residential care home: A residence licensed by the Federal or State government that provides 24-hour non-medical care for unrelated persons who are handicapped and in need of personnel services, supervision; assistance for sustaining activities of daily living; for the protection of the individual in a family like environment. This does not include day care facilities, which are separately defined.

Residential care home, large: A residential care home for 7 to 12 children, elderly and/or mentally or physically disabled persons, not including members of the family or employees of the operator, that is certified, authorized or licensed by the State.

Residential care home, small: A residential care home for up to six children, elderly and/or mentally or physically disabled persons, not including members of the family or employees of the operator which are certified, authorized or licensed by the State.

Residential stock cooperative: As provided in California Civil Code Section 1351.

Residence, group: A group of two or more detached single family, two family or multiple family residences, other than a manufactured home park, occupying a building site in single ownership and having any yard, open space or court in common.

Residence, multiple family: A building containing three or more residences.

Residence, single family: A building containing one residence.

Residence, two family: A building containing two residences.
**Setback:** See “yard.”

**Senior congregate care facility:** A facility providing residence for senior citizens 60 years of age or older or handicapped people of any age. Care may include central kitchen and dining, laundry, recreational activities, etc. with separate bedrooms or living quarters. Nursing is not provided on a 24 hour basis.

**Sign:** A structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. This does not include murals, paintings and other works of art that are not intended to advertise or identify any business product.

Types of signs and sign terminology include the following:

- **Address sign:** The numeric reference of a structure or use to a street.
- **A-frame sign:** A free standing sign, not secured or attached to the ground, usually hinged at the top, or attached in a similar manner as to form an “A” or tent shape.
- **Awning sign:** A non-electric sign that is printed or painted on or attached to an awning or canopy.
- **Banner, flag, pennant or balloon:** Any cloth, bunting, plastic, paper or similar non-rigid material used for advertising purposes attached or pinned on to any structure, staff, pole, line, framing or vehicle, including captive balloons and inflatable signs. This does not include flags of a state or nation or political subdivision.
- **Bench sign:** A sign located on the seat or back of a bench or seat and placed on or adjacent to a public right-of-way.
- **Billboard:** See “Off-site sign.”
- **Changeable copy sign:** A sign designed to allow changing of copy through manual, mechanical or electrical means, not including date, time and temperature. This does not include electrical message signs with moving letters or signals.
- **Civic event sign:** A temporary sign posted to advertise a civic event sponsored by a public agency or similar non-commercial organization.
- **Developer/contractor sign:** A temporary sign erected on a lot on which construction is taking place, limited to the duration of the construction, indicating the names of the architect, engineer, landscape architect, contractor, and the owner, financial supporters, sponsors, and similar firms having a role or interest in the project.
- **Directional sign:** An on-site sign which is designed and erected solely for the purpose of directing vehicular and/or pedestrian traffic within the project.
- **Directory sign:** A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.
- **Electronic message board:** A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. Does not include date time and temperature signs.
- **Fence sign:** A sign attached to or painted on a fence.
- **Freestanding sign:** Any non-movable sign that is not attached to a building.
- **Lighted signs:**
**External:** A sign illuminated by light directed toward or across it or by backlighting from a source not within the sign. Typical forms of lighting are gooseneck lamps or spotlights.

**Internal:** a sign whose light source is located in the interior of the sign so that the light goes through the face of the sign.

**Monument sign:** A freestanding sign placed upon a solid base that is at least two-thirds the width of the sign, and not supported by poles, braces or uprights.

**Off-site sign:** A sign that advertises or informs in any manner businesses, services, goods, persons, locations or events at a building site other than upon which the sign is located. Off-premise sign, billboard and outdoor advertising signs are equivalent terms.

**Political sign:** A temporary sign directly associated with national, state or local elections.

**Pole sign:** A freestanding sign that is mounted on a pole or poles, columns or braces.

**Projecting sign:** Any wall sign affixed to a building wall in such a manner that its leading edge extends more than six inches beyond the surface of such building wall.

**Real estate sign:** A temporary sign that relates to the sale, lease or rental of property or building on which the sign is located.

**Roof sign:** a sign erected, constructed or placed above the eaves of a building.

**Special event sign:** A sign including but not limited to banners, flags, pennants and balloons intended to be erected on a temporary basis, and displayed for a limited period of time, to promote a new business, the sale of new products, new management, new hours of operation, a new service or to promote a sale.

**Suspended sign:** A sign that is suspended from the underside of a canopy, portico or like structure.

**Vehicle sign:** A sign which is attached to, or painted on or carried in a vehicle, the principal purpose of which is to attract attention to a product sold, an activity or business.

**Wall sign:** A sign painted or fastened to an exterior building wall and which does not project more than six inches from the wall.

**Window sign:** Any sign painted, placed or affixed to or on a window, intended to be seen from the exterior of the building. An interior sign that faces a window exposed to public view and located within three feet of the window is considered a window sign.

**Skilled nursing/intermediate care facility:** A facility or part of a hospital which provides 24 hour inpatient care which may include skilled nursing, physician and pharmaceutical services.

**Story:** That portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling above it.

**Structure:** anything constructed or erected, the use of which requires a permanent location upon the ground or attached to something on the ground.

**Structure, accessory:** A structure that is detached, but located on the same lot as the primary structure, and that is secondary and incidental to the primary structure.

**Structure, primary:** A structure that accommodates the primary use of the building site.
**Structural alteration**: Any change of the supporting members of a building or structure, such as the foundation, bearing walls, columns, beams or girders, floor joists or roof rafters.

**Tandem parking**: The placement of parking spaces one behind the other, so that the space nearest the driveway or street access serves as the only means of access to the other space.

**Transitional housing**: Housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons.

**Use**: The purpose for which a building, structure or lot are designed, arranged or intended, or for which they may be occupied or maintained; or for any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or lot.

**Use, accessory**: A use that is conducted on the same lot as the primary use and that is incidental and subordinate to the primary use.

**Use, primary**: The main purpose for which the building site is developed and occupied.

**Yard**: An area which is unoccupied and unobstructed by any structure from the ground upward except for encroachments permitted by the provisions of this Title. Types of yards include the following:

- **Front yard**: A yard extending along the full length of a front lot line measured from either the existing or future street right-of-way line to a depth required by the zone district in which the lot is located.
- **Interior side yard**: A yard extending along an interior side lot line from the front lot line to the rear lot line and to a depth required by the zone district in which the lot is located.
- **Rear yard**: A yard extending along the full length of the rear lot line to a depth required by the zone district in which the lot is located.
- **Street side yard**: A yard extending along a street side lot line from the front lot line to the rear lot line measured from the existing or future street right-of-way line to a depth required by the zone district in which the lot is located.

**Zoning Regulations**: The City of Live Oak Zoning Regulations.

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**Chapter 17.51 - SECOND UNITS**

Sections:

- **17.51.010** Purpose.
- **17.51.020** Use permit.
- **17.51.030** Second unit defined.
- **17.51.040** Appearance.
- **17.51.050** Parking.
- **17.51.060** Occupancy.
- **17.51.070** Construction.
- **17.51.080** Nonconforming use.
17.51.010  Purpose
The purpose of this chapter is to provide housing for low and moderate income households without public subsidy, to provide for unmet housing needs, to reduce the cost of construction, to enable purchasers to meet loan payments and to provide security for homeowners who are alone. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.51, 1981)

17.51.020  Use Permit
Upon application to the city planning commission in any residential district, the planning commission may issue a conditional use permit in accordance with Chapter 17.52 for the construction of a second unit on a parcel of land where a single-family residence exists. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.52, 1981)

17.51.030  Second Unit Defined
A ‘second unit” means a detached dwelling unit which provides complete, independent living facilities for not more than two persons and it includes permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel of land as the primary unit is situated. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.53, 1981)

17.51.040  Appearance
If a second unit is constructed on a parcel, the principal dwelling building entry and its design shall be such that to a degree reasonably possible, the principal building and the second unit will appear as a one-family residence from the street side of the buildings. There shall be no external entrance in addition to that of the principal dwelling that faces the same street. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.54, 1981)

17.51.050  Parking
In addition to the requirements for off-street parking set forth in this chapter, for the principal building occupying the parcel, one additional off-street parking space shall be furnished for each bedroom constructed in the second unit. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.55, 1981)

17.51.060  Occupancy
Either the second unit or the principal residence shall be occupied by the owner of the parcel on which the second unit is located. The parcel upon which a second unit is located or added, shall be or have been owner-occupied by the current owner/occupant for the last twelve calendar months preceding the date of application for a use permit. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.56, 1981)

17.51.070  Construction
A. Construction shall conform to height, setback, lot coverage, site plan review, fees, parking charges and other ordinances, and zoning requirements applicable to residential construction shall apply to second units. All of the requirements of Section 17.22.100, entitled “minimum distances between main buildings on same lot,” shall apply to second units.
B. “Living area” means the interior inhabitable area of a dwelling unit including basements and walls and shall not include a garage or other accessory structure. The living area of a second unit shall be not less than four hundred square feet and not more than six hundred forty square feet. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.57, 1981)

17.51.080  Nonconforming Use

Any existing second unit at the time of adoption of the ordinance codified in this chapter which does not conform to the provisions of this title shall be a nonconforming second unit. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.58, 1981)

17.51.090  Application Procedure

An application for a conditional use permit for a second unit shall include the following items:

A. A notarized letter from the owner stating that one of the dwelling units on the premises will be occupied by the owner.

B. A combination floor plan and plot plan of scale one-quarter inch to the foot shall be submitted to the planning commission accompanying the application for a second unit.

C. Purchasers of homes that have conditional use permits for second units who want to continue renting second units shall reapply for a conditional use permit and shall demonstrate that the provisions of this chapter have been met. (Ord. 281 § 2 (part), 1983: Ord. 265 § 24.59, 1981)

Chapter 17.52 - USE PERMITS

Sections:

17.52.010  Purpose

17.52.020  Application and fee

17.52.030  Action by the planning commission

17.52.040  Revocation

17.52.050  Appeal

17.52.010  Purpose

Use permits, which may be revocable, conditional or valid for a term period, may be issued by the planning commission for any of the uses or purposes for which such permits are required or permitted by the terms of this title. Guarantees to insure compliance with terms and conditions may be required by the commission. (Ord. 265 § 25.01, 1981)

17.52.020  Application And Fee

A. Application for a use permit shall be made to the planning commission by filing an application form available from the commission secretary together with information necessary to adequately describe the proposal being made including:
1. A detailed description of the proposal requiring the use permit:
2. Twenty copies of a plot plan of the property involved, drawn accurately at a scale of one inch equals twenty, thirty, forty, fifty, sixty, or one hundred feet, on a reproducible page of standard size, and showing all pertinent information with complete locational and size dimensions including:
   a. Property lines,
   b. Existing and proposed buildings,
   c. Location, widths and names of adjacent streets, including widening required,
   d. Parking spaces and aisles to standards of the zoning regulations,
   e. Existing easements affecting the property,
   f. Existing and proposed landscaped areas, including the name, canopy area and condition of any trees on the site having a diameter of three inches or more measured one foot from ground level and similar information on proposed landscaping, and
   g. Walls, fences, driveways, sidewalks, signs, trash enclosures and other minor improvements existing or proposed on the site;
3. Mailing labels addressed to each property owner within three hundred feet of the site;
4. Authorization for application by the owner(s) having an interest in the property. (This may be included in the application form as noted in subsection A of this section;)
5. A fee as established by the city council to cover the costs of processing the application.

B. A finding of incomplete application shall invalidate the application and the applicant will be notified of such finding to allow necessary revisions.

C. An environmental assessment will be made and must be complete prior to acceptance of the application for filing.

D. Upon acceptance of an application for filing, the city clerk shall schedule the application for public hearing by the planning commission on the next regularly scheduled meeting for which adequate legal notice may be published according to law.

E. The planning commission shall conduct a public hearing on the application in accord with its standards and procedures. (Ord. 383 § 5, 1992; Ord. 265 § 25.02, 1981)

17.52.030 Action By The Planning Commission

The findings of the planning commission shall be that the establishment, maintenance or operation of the use or building applied for will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or to be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city. (Ord. 265 § 25.03, 1981)

17.52.040 Revocation

A. In any case where the conditions of the granting of a use permit have not been, or are not, complied with, the planning commission shall give notice to the permittee of
intention to revoke such permit at least ten days prior to a hearing thereon. Following such hearing the planning commission may revoke such permit.

B. In any case where a permit has not been used within one year after the date of granting thereof, then without further action by the planning commission, the use permit granted shall be null and void. (Ord. 265 § 25M4, 1981)

17.52.050 Appeal

Appeal from any finding of the planning commission may be made in writing to the city council within ten days from the date of the commission’s action. (Ord. 265 § 25.05, 1981)

Chapter 17.53 - ADMINISTRATIVE REVIEW

Sections:

17.53.010 Purpose

Administrative review is intended to streamline the process of permitting uses in certain zone districts which might be objectionable if not carefully reviewed for compliance with criteria established by this title. Approvals, which may be revocable, conditional or valid for a term period, may be issued by the planning director for any of the uses or purposes for which such administrative review is required or permitted by the terms of this title. (Ord. 404 § 2, 1993)

17.53.020 Application and Fee

A. Application for administrative review shall be made upon an application form supplied by the city and shall include pertinent information to insure that full disclosure of the proposed use is provided. The application form shall provide blanks to be filled in by the applicant to include data specifically relevant to the use proposed and certification by the applicant that the limiting criteria are understood and the information supplied is true and correct.

B. Application for administrative review shall include a fee as established by the city council to cover the costs of processing the application. (Ord. 404 § 2, 1993)

17.53.030 Action By The City Staff

Upon receipt of the application and fee, the planning director or authorized agent shall review the application to insure conformance to the criteria for the use as established by the terms of this title. The planning director or authorized agent shall, within seven
working days, approve, conditionally approve, or deny the application based upon
agreement between the certified information on the application and the criteria for the use
as established by the terms of this title. The approval, conditional approval or denial and
any supporting statements therefore shall be written upon the application form a copy of
which will be provided to the applicant. (Ord. 404 § 2, 1993)

17.53.040  Revocation

In any case where the data supplied and certified by the applicant as true and correct is
found to be incorrect or where the conditions of approval have not been met the planning
director or authorized agent shall give notice to the applicant of intention to revoke the
administrative review approval and a time, date and place for an administrative hearing
on the proposed revocation. The applicant should appear at the administrative hearing to
show cause why the approval should not be revoked, (Ord. 404 § 2, 1993)

17.53.050  Appeal

Appeal from any finding of the planning director or authorized agent relative to
administrative review may be made in writing to the city council within ten days from the
date of notice of the administrative review action. (Ord. 404 § 2, 1993)

Chapter 17.54 - VARIANCES

Sections:

17.54.010  Purpose

Where practical difficulties, unnecessary hardships or results inconsistent with the
purposes and intent of this title may result from the strict application of certain area,
height, yard and space requirements thereof, variances in such requirements may be
granted as provided in this chapter. A variance shall not be granted for a parcel of
property which authorizes a use or activity which is not expressly authorized by the zone
or regulations governing the parcel. (Ord. 265 § 26.01, 1981)

17.54.020  Application and Fee

A. Application for a variance shall be made to the planning commission by filing an
application form available from the commission secretary together with information
necessary to adequately describe the proposal being made including:
1. A detailed description of the proposal requiring the variance, together with statements showing how the project will meet the requirements for variance summarized below:
   a. That there is something unusual about the project site preventing development in accordance with the zoning regulations to the same standards found on other properties in the neighborhood and in the same zoning classification,
   b. That the variance would not be a grant of special privilege,
   c. That the variance will not be detrimental in any way to neighboring properties or to the city as a whole;
2. Twenty copies of a plot plan of the property involved, drawn accurately at a scale of one inch equals twenty, thirty, forty, fifty, sixty, or one hundred feet, on a reproducible page of standard size, and showing all pertinent information with complete locational and size dimensions including:
   a. Property lines,
   b. Existing and proposed buildings,
   c. Location, widths and names of adjacent streets, including widening required,
   d. Parking spaces and aisles to standards of the zoning regulations,
   e. Existing easements affecting the property,
   f. Existing and proposed landscaped areas, including the name, canopy area and condition of any trees on the site having a diameter of three inches or more measured one foot from ground level and similar information on proposed landscaping, and
   g. Walls, fences, driveways, sidewalks, signs, trash enclosures and other minor improvements existing or proposed on the site;
3. Mailing labels addressed to each property owner within three hundred feet of the site;
4. Authorization for application by the owner(s) having an interest in the property. (This may be included in the application form as noted in subsection A of this section);
5. A fee as established by the city council to cover the costs of processing the application.

**B. A finding of incomplete application shall invalidate the application and the applicant will be notified of such finding to allow necessary revisions.**

C. An environmental assessment will be made and must be complete prior to acceptance of the application for filing.

D. Upon acceptance of an application for filing, the city clerk shall schedule the application for public hearing by the planning commission on the next regularly scheduled meeting for which adequate legal notice may be published according to law.

E. The planning commission shall conduct a public hearing on the application in accord with its standards and procedures. (Ord. 383 § 6, 1992: Ord. 265 § 26.02, 1981)

**17.54.030 Public Hearing**

A public hearing shall be held within sixty days after a filing of application, notice of which shall be given by at least one publication in a newspaper of general circulation in
the city and/or by posting notice on the property involved or adjacent thereto at least ten
days prior to such hearing. (Ord. 265 § 26.03, 1981)

17.54.040 Action By Planning Commission

Within thirty days after the public hearing, the planning commission shall make a finding
of facts showing whether the qualifications under Section 17.56.020 apply to the land,
building, or use for which variance is sought and whether such variance shall be in
harmony with the general purposes of this title. Such written finding of facts shall be the
basis for the granting, conditional granting or denial of the variance. (Ord. 265 § 26.04,
1981)

17.54.050 Appeal

Appeal from any finding of the planning commission may be made in writing to the city
council within ten days from the date of the commission’s action, (Ord. 265 § 26.05,
1981)

17.54.060 Revocation

A. In any case where the conditions of granting of a variance have not or are not,
complied with, the planning commission shall give notice to the permittee of intention to
revoke such variance at least ten days prior to hearing thereon. After conclusion of the
hearing, the commission may revoke such variance.

B. In any case where a variance has not been used within one year after the date of
granting thereof, then without further notice by the planning commission, the variance
granted shall be null and void. (Ord. 265 § 26.06, 1981)

Chapter 17.56 - NONCONFORMING BUILDINGS AND USES

Sections:

17.56.010 Purpose.
17.56.020 Nonconforming buildings.
17.56.030 Nonconforming use of buildings.
17.56.040 Nonconforming use of land.
17.56.050 Occupancy permit.
17.56.060 Use permits.

17.56.010 Purpose

The provisions set out in this chapter shall govern the continuance of nonconforming
buildings and uses existing prior to the effective date of the use regulations in the district
in which they are located. (Ord. 265 § 27.01, 1981)

17.56.020 Nonconforming Buildings
Except as otherwise herein provided, such buildings may be maintained under the following provisions:

A. Authorized Maintenance. Maintenance requiring a permit shall be permitted in accordance with the building code of the city.

B. Additions—Enlargements—Moving.
1. A building nonconforming as to use regulations shall not be added to or enlarged, unless such building, including such additions, is made to conform to all the regulations of the district in which it is located, except as permitted by a use permit.
2. A building nonconforming as to height or area regulations shall not be added to or enlarged, unless such additions conform to all the regulations of the district in which it is located.
3. No nonconforming building shall be moved in whole or in part to any other location on the lot, unless every portion is made to conform to all the regulations of the district in which it is located.

C. Restoration of Damaged Buildings. A nonconforming building which is damaged or partially destroyed by fire, calamity or act of God to the extent of not more than fifty percent of its replacement value at that time may be restored, provided the total cost of such restoration does not exceed fifty percent of the value of the building at the time of such damage. In the event such damage exceeds fifty percent of the value of the building, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all the regulations of the district in which it is located, except that nonconforming owner-occupied buildings, at the time of the fire, calamity or act of God, may be restored by obtaining a use permit. (Ord. 265 § 27.02, 1981)

17.56.030 Nonconforming use of buildings.

A. Continuation and Change of Use. Except as otherwise herein provided:
1. The nonconforming use of a building which existed at the time this title became effective may be continued.
2. If no structural alterations are made, the use of a nonconforming building may be changed to a use of the same or more restrictive classification as determined and approved by the planning commission.
3. A vacant nonconforming building may be occupied by a use for which the building was designed if so occupied within a period of six months after the effective date of this title, or after the date when the building became vacant.

B. Expansion Prohibited. A nonconforming use of a portion of a building otherwise conforming to the use regulation shall not be expanded or extended into any other portion of such building. If such a nonconforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building or portion thereof shall conform to all the regulations of the district in which it is located.

C. Construction Begun. Nothing in this chapter shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the effective date of this chapter; actual construction being
defined as placing of construction materials in a permanent manner, excavation for construction purposes, or demolition of existing structures preparatory to rebuilding; provided, that in all cases construction work shall be diligently carried on to completion.

D. Declaration of Conformity. Any use of a building for which a use permit is required or for which a use permit may be granted, as provided in this title, which use is existing at the time of adoption of this title, in any district, in which such use is permitted subject to securing a use permit, shall without further action be deemed to be a conforming use in such district. (Ord. 265 § 27.03, 1981)

17.56.040 Nonconforming Use Of Land

The nonconforming use of land, except as otherwise herein provided, which existed at the time this chapter became effective, may be continued provided as follows:

A. That no such nonconforming use of land, except land for additions to nonconforming buildings which have been permitted by use permits, shall in any way be expanded or extended either on the same or on adjoining property;

B. That if such nonconforming use of land or any portion thereof is discontinued for six months or changed, any future use of such land shall be in conformity with the provisions of this chapter. (Ord. 265 § 27.04, 1981)

17.56.050 Occupancy Permit

The owner or occupant of any land or building classified as a nonconforming use under provisions of this title shall, upon notification by the planning commission, make application for a certificate of use and occupancy and shall annually thereafter apply for renewal of the certificate. (Ord. 265 § 27.05, 1981)

17.56.060 Use Permits

Use permits shall be as provided in Chapter 17.52. (Ord. 265 § 27.6, 1981)

Chapter 17.58 - AMENDMENTS, ALTERATIONS AND CHANGES IN DISTRICTS

Sections:

17.58.010 Procedure

17.58.020 Application and Fee

17.58.010 Procedure

This title may be amended by changing the boundaries of districts or by changing any other provisions thereof whenever the public necessity and convenience and the general welfare require such amendment by procedure prescribed by law. (Ord. 265 § 28, 1981)

17.58.020 Application and Fee

Application for an amendment to Title 17, the zoning regulations of the city, whether to the text herein or to change zoning applied to individual properties, shall be made to the
planning commission by filing an application form available from the commission secretary together with a fee adopted by the city council to cover the costs of the application and information necessary to adequately describe the proposal being made:

A. Text changes shall include the following information:
1. The section number(s) affected by the proposed change;
2. The wording of the proposed change to the text;
3. A description of how the change will implement the general plan, citing specific sections of the plan affected, and how the change will be in the best interests of the city;
4. Arguments in favor of the text change.

B. Changes to specific zoning applications shall include the following information:
1. The purpose of the zoning change;
2. A legal description of the property included in the application;
3. The assessor’s parcel number(s) applied to the subject property by the Sutter County assessor;
4. A description of how the change will implement the general plan, citing specific sections of the plan affected, and how the change will be in the best interests of the city;
5. Arguments in favor of the zone change.

C. A finding of incomplete application shall invalidate the application and the applicant will be notified of such finding to allow necessary revisions.

D. An environmental assessment will be made and must be complete prior to acceptance of the application for filing.

E. Upon acceptance of an application for filing, the city clerk shall schedule the application for public hearing by the planning commission on the next regularly scheduled meeting for which adequate legal notice may be published according to law.

F. The planning commission shall conduct a public hearing on the application in accord with its standards and procedures.

G. The planning commission shall report its findings and recommendations on the application to the city council within thirty days of the completion of the commission hearing.

H. Upon receipt of the planning commission report on the application, the city council shall schedule the application for public hearing on the next regularly scheduled meeting for which adequate legal notice may be published according to law.

I. The city council shall hold a public hearing on the application in accord with its standards and procedures.

J. Upon completion of its public hearing process, the city council may adopt findings and conclude to:
1. Reject the application; or
2. Approve the application in whole or in part, introduce and adopt an ordinance affecting the change and cause such approved change to be published as required by law; or

3. Refer the matter back to the planning commission for report within forty-five days to reopen the council hearing upon receipt of the commission report and conclude as in paragraphs (1) or (2) of this subsection. (Ord. 383 § 7, 1992)

Chapter 17.60 - ENFORCEMENT, LEGAL PROCEDURE AND PENALTIES

Sections:

17.60.010 Application
All departments, officials and public employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no such permit or license for uses, buildings, purposes where the same would be in conflict with the provisions of this title. (Ord. 265 § 29.01, 1981)

17.60.020 Enforcement
It shall be the duty of the building inspector and of the officers of the city herein and/or otherwise charged by law with the enforcement of ordinances of the city, to enforce this title and all the provisions of the same. (Ord. 265 § 29.02, 1981)

17.60.030 Violation a Misdemeanor
Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating any of the provisions of this title shall be guilty of a misdemeanor and punishable as such, and shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by such person, firm or corporation. (Ord. 265 § 29.03, 1981)

17.60.040 Abatement
Any building set up, erected, built, moved or maintained and/or any use of property contrary to the provisions of this title shall be and the same is declared to be unlawful and a public nuisance and the city attorney shall, within thirty days from the date of notice, commence proceedings for the abatement, removal and enjoinder thereof in the manner provided by law and shall take other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building, or use and restrain and enjoinder any persons, firm, or corporation from setting up, erecting, building, moving or maintaining any such building or using any property contrary to the provisions of this title. (Ord. 265 § 29.04, 1981)
17.60.050 Remedies Cumulative

All remedies provided for herein shall be cumulative and not exclusive. (Ord. 265 § 29.05, 1981)
INDEX
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ABANDONED VEHICLE
Abandonment prohibited, exception 10.42.110
Abatement, notice of intent 10.72.080
Applicability of provisions 10.72.030
Costs
administrative, assessment 10.72.070
nonpayment, assessment against property 10.72.130
Declared nuisance 10.72.020
Definition generally 10.72.010
Enforcement authority designated 10.72.050
Hearing
notice to highway patrol 10.72.090
procedure 10.72.100
Public property defined 10.72.010
Regulations not exclusive 10.72.040
Removal
authorized 10.72.060
department of motor vehicles notification 10.72.120
refusal prohibited 10.72.140
to scrap yard, when 10.72.110
Vehicle defined 10.72.010

ACCESSORY USES
See ZONING

ADMINISTRATIVE FEES AND CHARGES
Administrative fee for dishonored checks 1.16.010

ADVERTISING
Business license
See also BUSINESS LICENSE
fee 5.32.050
Outdoor
See ZONING

AMBULANCE SERVICE
Business license
See also BUSINESS LICENSE
fee 5.32.050

AMUSEMENT DEVICE
Business license
See also BUSINESS LICENSE
fee 5.32.050

ANIMAL AND DOG REGULATIONS
See also ZONING
Animal control services
director, deputies
appointment 6.04.020
authority as peace officer 6.04.280
badge identification 6.04.290
duties 6.04.050, 6.04.180
enforcement of provisions 6.04.710
right of entry onto premises 6.04.100, 6.04.560
care of animals 6.04.260
license funds to be deposited 6.04.340, 6.04.410
records to be kept 6.04.270
return of dogs 6.04.210
public not to hinder, resist 6.04.310
sale, gift, destruction of impounded dogs 6.04.200
shelter, established 6.04.210
Dangerous
definitions, defined 6.16.010
keeping
appeal, review fee 6.16.100
permit required See special permit
violation, penalty 6.16.010
sheriff defined 6.16.010
special permit
application, contents 6.16.030
exemptions 6.16.090
fee 6.16.080
inspection conditions 6.16.060
insurance, deposit required 6.16.050
issuance conditions 6.16.040
number of animals 6.16.070
required 6.16.020
violation, penalty 6.16.110
Destruction of diseased animals 6.04.180
Dog
See also Pets and other animals
Cleanliness of premises 6.04.110
Dangerous, vicious 6.04.230
Diseased, destruction 6.04.180
Disturbing the peace 6.04.090
Impoundment 6.04.050, 6.04.240
Kennel defined 6.04.370
Leashes required 6.04.040
License
deposit of license fees, reports 6.04.410
duplicate license tags 6.04.390
exceptions to licensing requirements 6.04.400
fee, required 6.04.320
neutered, spayed dogs 6.04.320
removal of license tags 6.04.380
tags, certificates 6.04.330
veterinarians authorized to license dogs 6.04.330
Muzzling 6.04.120
Nuisances 6.04.080
Quarantine 6.04.240
Rabies 6.04.250
Redemption of impounded dog
   See also Lost, strayed animals generally 6.04.160, 6.04.190
   unvaccinated dog 6.04.170
Running at large in livestock areas 6.04.220
Sale, gift of impounded dogs 6.04.200
Severability of provisions 6.04.720
Stray 6.04.030
Trespassing 6.04.060, 6.04.070
Vaccination
   required 6.04.350
   specifications, certificates 6.04.360
Vicious, dangerous 6.04.230
Kennel defined 6.04.370
Killing prohibited when 6.12.010
License
   see Dog
Lost, strayed animals
   Redemption
      dogs 6.04.160
      expenses borne by owners 6.04.150
      generally 6.04.140
      unvaccinated dog 6.04.170
   Report to animal control services 6.04.130
Pets and other animals
   Cleanliness of premises 6.04.570
   Control of animal 6.04.520
   Defined generally, applicability of provisions 6.04.510
   Disturbing the peace 6.04.550
   Impoundment, costs 6.04.580
   Nuisances prohibited 6.04.540
   Redemption 6.04.590
   Trespassing prohibited 6.04.530
Rabies 6.04.250
Rats
   Extermination 6.04.610
   Rat proofing of premises 6.04.620
Shelter established 6.04.0 10
Vaccination
   Required 6.04.350
   Specifications, certificates 6.04.360

APPEALS BOARD
   Building code interpretation 15.01.120
ATTORNEY, CITY
   Community antenna TV system franchise acceptance approval 5.56.240
AUCTIONEER
   Business license
      See also BUSINESS LICENSE fee 5.32.050
AUTO CAMP
   See TRAILER CAMP
AUTOMOBILE
   See ZONING

—B—

BAKERY
   See ZONING
BEES
   Definitions, defined 6.18.010
   Keeping
      defined 6.18.010
      restrictions 6.18.020
   Violation, penalty 6.18.030
BICYCLE
   Altering frame, license numbers prohibited 10.64.070
   License
      application, issuance 10.64.020
      fees, disposition 10.64.040
      plate, registration card issuance, records 10.64.030
      required 10.64.010
   Registration transfer 10.64.060
   Secondhand dealer, weekly report to police 10.64.050
   Violation, penalty, impoundment 10.64.080
BILLBOARD
   Business license
      See also BUSINESS LICENSE fee 5.32.050
BINGO
   Appeal procedure 5.48.110
   Authorized 5.48.020
   Definitions, defined 5.48.010
   Inspection 5.48.090
   License
      application contents 5.48.040
      investigation 5.48.060
      denial, revocation, suspension when 5.48.100
      non transferability 5.48.070
required 5.48.030
  term, fees 5.48.050
Limitations 5.48.080
Minor defined 5.48.010
Nonprofit, charitable organization defined 5.48.010
Receiving profit, wage prohibited 5.48.120

BOARDINGHOUSE
  See ZONING

BOAT
  See ZONING

BOND
  Cardroom licensee 5.52.060
  Community antenna television system grantee 556.110
  Director of finance 3.02.050
  Subdivision 16.20.300
  Well digging, repair 13.12.060

BONFIRE
  See FIRE PREVENTION CODE

BOTTLING WORKS
  See also ZONING
  Business license
  See also BUSINESS LICENSE fee 5.32.050

BOWLING ALLEY
  See ZONING

BUILDING
  See also ZONING
  Code
    See BUILDING CODES
  Dangerous building code
    See BUILDING CODES
  Development design review
    appeal 15.08.050
    decision 15.08.070
    standards 15.08.060
    approval, termination 15.08.100
    board created 15.08.030
    meetings, duties 15.08.040
  Development impact fee adjustment
    See waiver, adjustment
defined, scope 15.50.020
  purpose of provisions 15.50.010
  replacement construction 15.50.050
  use 15.50.030
  waiver, adjustment 15.50.040

Electrical Code
  See BUILDING CODES
  Exemptions 15.04.040
  Housing code
    See BUILDING CODES

Inspector
  See BUILDING INSPECTOR

Mechanical code
  See BUILDING CODES

Permit
  application 15.04.085
  fee exemptions 15.04.250

Plumbing code
  See BUILDING CODES

Purpose of provisions 15.04.020
Solar energy code
  See SOLAR ENERGY CODE

Swimming pool code
  See BUILDING CODES

Temporary power connection time limit
  15.04.220
Title of provisions 15.04.010
Utility connection inspection required
  15.04.210
Vacant, dilapidated
  See NUISANCE

BUILDING CODES
Applicability of provisions 5.01.040
Authority of provisions, statutory 15.01.030

Building code
  adopted 15.01.110
  modifications 15.01.120

Dangerous buildings code, adopted 15.01.510
Definitions 15.01.060

Electrical code
  administrative code provisions
    adopted 15.01.170
    modifications 15.01.720
    adopted 15.01.610
    modified 15.01.620

Exceptions 15.01.050

Fire Code
  adopted 15.01.910
  amendments 15.01.980
  appeals 15.01.100
  definitions 15.01.920
  explosive and blasting agents, storage
    restricted 15.01.940
  flammable or combustible liquids, storage
    restricted 15.01.960
  hazardous, abatement 15.01.970
  liquefied petroleum gas, storage restricted
    15.01.950
  new materials, processes, occupancies
Due date for renewal 5.16.060
Duplicate issued when 5.28.020
Effect of provisions
on other ordinances 5.08.020
on past actions 5.36.060
Enforcement, authority designated 5.36.010
Evidence of conduct of business 5.08.060
Exemptions
designated 5.12.040
generally 5.12.010
revocation 5.12.030
statement filing, license issuance 5.12.020
General contractors 5.08.070
Gross receipts defined 5.04.040
Identifying sticker, tag, affixing required 5.28.040
Information confidential, disclosure permitted when 5.20.010
Issuance
compliance with building, zoning regulations required 5.16.040
gross receipts estimate, tax determination 5.16.050
requirements generally 5.16.010
Licenses required, additional 5.08.040
Motel, hotel businesses 5.08.070
New businesses, identification and statements of activities 5.08.070
Non transferability, location, ownership change 5.28.010
Payment required 5.08.030
Person defined 5.04.050
Posting, keeping required 5.28.030
Prohibited activities 5.08.040
Purpose of provisions 5.08.010
Remedies cumulative 5.36.050
Renewal
failure to submit renewal statement 5.16.090
statement submission and filing 5.16.070
Review by other agencies 5.08.080
Revocation, suspension 5.36.030
Rules, regulations, authority designated 5.08.110
Sale defined 5.04.060
Severability of provisions 5.08.100
Statement, recordkeeping requirements 5.16.080
Sworn statement defined 5.04.070
Suspension, revocation 5.36.070
Tax
application to delinquent taxes 5.32.040
collector See Collector
constitutional apportionment, undue
burden on interstate commerce,
adjustment procedure 5.08.060
deemed debt to city 5.36.040
delinquent, penalty, installment payments 5.32.030
due, payable when 5.32.010
notification of tax due 5.32.020
rates and schedules 5.32.060
refunds 5.32.050
Term 5.16.060
Violation, penalty 5.36.070

-C-

CABLE TELEVISION
See COMMUNITY ANTENNA TELEVISION SYSTEM

CAFÉ
See ZONING

CANNERY
Business license
See also BUSINESS LICENSE fee 5.32.050

CANVASSER
See SOLICITOR

CARDROOM
Accessibility to police 5.52.100
Defined, location restrictions 5.52.020
Exemption, fraternal, social, religious groups 5.52.170
Games prohibited by state law not permitted 5.52.160
License
application contents 5.52.030
investigation, determination, appeal 5.52.040
fees, bond posting 5.52.060
issuance limitations 5.52.050
non transferability, revocation 5.52.070
required 5.52.010
revocation, suspension appeal 5.52.150
when 5.52.140
Operation regulations 5.52.120
Permit
employee, required, fee appeal 5.52.080
revocation, suspension when 5.52.130
Persons under twenty-one years prohibited 5.52.110
Sign limitations 5.52.090

CARNIVAL
See also ZONING
Business license
See also BUSINESS LICENSE fee 5.32.050

CATV
See COMMUNITY ANTENNA TELEVISION SYSTEM

CHURCH
See ZONING

CIRCUS
See also ZONING
Business license
See also BUSINESS LICENSE fee 5.32.050

CITY MANAGER
Absence
appointment of acting city manager 2.36.080
authority of city manager to conduct business 2.36.090
Appointment 2.36.010
Bond required 2.36.030
compensation 2.36.040
Council member, eligibility 2.36.020
Duties, powers 2.36.050
Expenses to be reimbursed 2.36.040
Ordinances in conflict rescinded 2.36.090
Office created 2.36.010
Performance of duties of other city officials 2.36.090
Powers, duties 2.36.050
Relationship with council 2.36.060
Removal from office 2.36.070

CLEANER
Business license
See also BUSINESS LICENSE fee 5.32.050
fee 5.32.050

CLERK, CITY
Bingo
appeal hearing notice 5.48.110
license issuance 5.48.060
Business license appeal notice 5.24.010
Cardroom, applicant list maintenance 5.52.050
Community antenna television systems
complaint receipt 5.56.170
Dangerous animal special permit
See ZONING
COMMERCIAL DISTRICTS
See ZONING
COMMUNITY ANTENNA TELEVISION SYSTEM (CATV)
  Bond requirements 5.56.110
  CATV defined 5.56.010
  Changes required by public improvements 5.56.210
  Definitions, defined 5.56.010
  Failure to perform street work 5.56.220
  Franchise acceptance, effective date 5.56.240
  application conditions for approval 5.56.060
  requirement 5.56.050
  condition for operation 5.56.070
  defined 5.56.010
  duration 5.56.080
  limitations 5.56.140
  payments 5.56.
  renewal 5.56.090
  required, granting authority designated 5.56.030
  regulations generally 5.56.170
  Grantee defined 5.56.010
  Gross annual subscriber revenue defined 5.56.010
  Gross revenue defined 5.56.010
  Indemnification of city 5.56.120
  Inspection of property, records 5.56.150
  Joint use of utility poles, facilities 5.56.230
  Operational standards 5.56.160
  Permit, license, installation, service 5.56.180
  Permitted uses by grantee 5.56.040
  Property of grantee defined 5.56.010
  location, facilities construction 5.56.190
  removal, abandonment 5.56.200
    Rate 5.56.165
    Rights reserved to city 5.56.130
    Service 5.56.045
    Street defined 5.56.010
    Subscriber defined 5.56.010
    Telephone facilities, use 5.56.020
    Violations 5.56.250
COMMUTING
See TRIP REDUCTION REGULATIONS
CONDITIONAL USES
See ZONING
CONDOMINIUM
See ZONING

CONFLICT OF INTEREST CODE
City manager 2.40.030
  Consultants
disclosure requirements 2.40.040
exceptions 2.40.040
Disclosure required 2.40.020
  Disqualified persons 2.40.050
  Positions covered 2.40.010
CONTRACTOR
Business license
  See also BUSINESS LICENSE fee 5.32.050
COUNCIL, CITY
See also ZONING
Abandoned vehicle
  administrative cost assessment 10.72.070
  hearing, determination 10.72.100
Bingo appeal hearing, determination 5.48.110
Business license.
  appeal hearing, determination 5.24.010
  tax assessment hearing 5.16.070
Compensation
  city population 2.08.020
  purpose, determination 2.08.010
  reimbursement 2.08.050
  salary designated 2.08.030
Encroachment hearing determination 12.16.050
Environmental protection
  environmental impact statement
    action 2.16.110
    hearing, testimony consideration 2.16.150
    review request duties 2.16.100
Fire hazard season determination 8.08.060
Flood damage prevention variance issuance 15.21.091
Meetings 2.04.010
  See also COUNCIL MEETINGS, RULES AND REGULATIONS
Nuisance abatement
  costs
    protest review 8.24.330
    report hearing 8.24.310
    hearing duties 8.24.070
Planning director administrative review
  appeal hearing 17.53.050
Property development design review appeal
  hearing 15.08.090
Subdivision
  final map, five or more parcels
consideration 16.20.250
improvement agreement 16.20.280
tentative map hearing, findings 16.16.150
Temporary trailer camp permit issuance 8.16.030
Underground utility district designation 12.12.030

COUNCIL MEETINGS, RULES AND
REGULATIONS
Adjournment 2.04.010
Agenda
   action on matters not on agenda 2.04.030
   posting, distribution 2.04.030
Authority of chair 2.04.040
Cancellation of meeting 2.04.010
Chair 2.04.010
Closed sessions 2.04.010
Emergency meetings 2.04.010
Mayor 2.04.010
Meetings 2.04.010
Motions 2.04.040
Order of business 2.04.020
Ordinances, preparation 2.04.060
Place of meetings designated 2.04.0.10
Posting of notice 2.04.030
Public attendance 2.04.010
Public hearings 2.04.040
Rules
   conduct 2.04.040
   decorum 2.04.050
   procedural 2.04.040
Seating, order 2.04.010
Speaking, recognition by chair 2.04.040
Special meetings 2.04.010
Time of meetings 2.04.010
Voting 2.04.040

CROSS-CONNECTIONS
See FIRE PROTECTION SERVICE
WATER

CURFEW
Designated 9.04.010
Violation, parental responsibility 9.04.020

DANCE
Business license
See also BUSINESS LICENSE fee 5.32.050

DANCEHALL
See ZONING

DANGEROUS ANIMAL
See also ANIMAL AND DOG

REGULATIONS
Dangerous animal special permit
   application 6.16.030
   fees charged 6.16.080
   generally 6.16.020
   issuance 6.16.040
   refusal, revocation 6.16.060

DANGEROUS BUILDINGS CODE
See BUILDING CODES

DEVELOPMENT IMPACT FEE
See BUILDING

DEVELOPMENT STANDARDS
See also ZONING
Bond 3.02.050
Duties, responsibilities
   See FINANCE DEPARTMENT
   Powers, duties 3.02.030, 3.02.040

DISASTER COUNCIL
See EMERGENCY ORGANIZATION

DISTRICTS
See ZONING

DOG
See ANIMAL AND DOG REGULATIONS
Kennel
   See also ZONING
   defined 6.04.370

DRAINAGE IMPROVEMENT FACILITIES
Area applicable 13.36.020
Assessment district
   credit for previous payments 13.36.160
   reimbursement for oversizing 13.36.150
Credits
   apportionment 13.36.200
   assessment district financing, requirements
   13.36.210
   construction oversizing 13.36.220
   oversizing, conditions required 13.36.190
Definitions 13.36.030
Existing approval exempt 13.36.240
Fees
   additions 13.36.090
   agricultural 13.36.080
   auto wrecking yards 13.36.060
   change in use 13.36.100
   commercial 13.36.070
   due date 13.36.110
   established 13.36.040
   parks 13.36.060
   records 13.36.120
   replacement buildings 13.36.180
   residential 13.36.050
rounding off 13.36.130
special districts 13.36.170
Findings 13.36.010
Full payment determination 13.36.230
Net area defined 13.36.030
Oversizing defined 13.36.030
Reimbursement agreement 13.36.140
Stormwater collectors, collectors defined 13.36.030
Trunk drainage lines, facilities defined 13.36.030
Waiver, disaster replacement 13.36.180

DRIVE-IN
See ZONING

DUPLEX
See ZONING

DWELLING
See BUILDING ZONING

---E---

ELECTION DATE
Continuation of existing officers 2.32.020
Fixed 2.32.010
Notice 2.32.030

ELECTRICAL CODE
See BUILDING CODES

EMERGENCY ORGANIZATION
Designated 2.24.070
Disaster council
created, composition 2.24.030
powers, duties 2.24.040
Emergency
offices created 2.24.050
powers, duties 2.24.060
Expenditures 2.24.090
Purpose 2.24.010
Violation, penalty 2.24.100

ENCROACHMENT
Appeal, procedure 12.16.050
Dedication to city 12.16.060
Permit
application, contents, approval authority
designated 12.16.020
fee 12.16.025
required 12.16.010
restrictions 12.16.030
Unauthorized, failure to remove, remedy 12.16.040

ENGINEER, CITY
Floodplain administration 15.21.070
Subdivision
final map, five or more parcels, review
16.20.230
improvement
acceptance 16.48.050
inspection 16.48.020
parcel map, less than five parcels, review
16.28.230
Well plans, specifications, preparation,
approval 13.12.030

ENVIRONMENTAL PROTECTION
Guidelines adopted 2.16.020
Purpose 2.16.010

ENVIRONMENTAL PROTECTION COMMITTEE
Compensation permitted when 2.16.070
Composition 2.16.040
Environmental impact statement
drafting responsibility 2.16.120
filing 2.16.130
hearing
notice 2.16.140
testimony 2.16.150
recommendations, action 2.16.110
Established 2.16.030
Evaluation
duties generally 2.16.050
report completion, approval, project
procedure 2.16.160
Negative declaration
hearing, notice 2.16.090
preparation, submittal, filing 2.16.080
Public meetings required when 2.16.060
Request for review 2.16.100

EXHIBITION, PERFORMANCE
Business license
See also BUSINESS LICENSE fee
5.32.050

EXPLOSIVES
See BUILDING CODES

---F---

FINANCE DEPARTMENT
Director
See DIRECTOR OF FINANCE
Duties, responsibilities 3.02.030
Established 3.02.010

FINANCE DIRECTOR
See DIRECTOR OF FINANCE

FIREARM
See WEAPON

FIRE CHIEF
Fire prevention code duties generally 8.08.040
Nuisance abatement authority in emergency 8.24.270
code enforcement authority 8.24.040
right of entry 8.24.050

FIRE CODE
See BUILDING CODES

FIRE HAZARDS
See FIRE CODE
FIRE PREVENTION CODE

FIRE HYDRANT
See FIRE PROTECTION SERVICE
SUBDIVISION

FIRE PREVENTION BUREAU
Chief
See FIRE CHIEF

FIRE PREVENTION CODE
Administration 8.08.040
Adopted 8.08.010
Amendment, Section 28.1 8.08.060
Appeals 8.08.080
Bonfire regulations 8.08.060
Conflict of provisions 8.08.050
Copies on file 8.08.090
Definitions 8.08.020
Deletions 8.08.030
Dry, combustible materials storage restriction 8.08.070

FIRE PROTECTION AND LIGHTING
MAINTENANCE TAX
Collection, use of funds 3.24.030
Rate 3.24.020
Tax imposed 3.24.010

FIRE PROTECTION SERVICE
See also WATER

FIRE PROTECTION AND LIGHTING
MAINTENANCE TAX
Cross-connections prohibited 13.16.040
Hydrants
relocation procedure 13.16.020
use regulations 13.16.010
Installation costs responsibility 13.16.030
Metering, charges 13.16.060
Rates 13.16.070
Use restrictions 13.16.050

FLAMMABLE LIQUIDS
See BUILDING CODES

FLOOD DAMAGE PREVENTION
Administration, permit requirements 15.21.070
Authority 15.21.010
Construction standards 15.21.081
Definitions 15.21.050
Findings of fact 15.21.020
Floodway development restrictions 15.21.085
Hazard reduction standards generally 15.21.080
Manufactured home elevation, anchoring 15.21.084
Methods generally 15.21.040
Purpose of provisions 15.21.030
Regulations generally 15.21.060
Subdivision standards 15.21.083
Utility design, installation standards 15.21.082
Variances
conditions 15.21.092
generally 15.21.090
procedure 15.21.091

FOOD STORE
See ZONING

G—

GARAGE
See ZONING

GARAGE SALE
Defined 5.60.010
License required 5.60.020
Penalty for failure to obtain license 5.60.030

GARBAGE
See REFUSE

GASOLINE DELIVERY
Business license
See also BUSINESS LICENSE fee 5.32.050

GENERAL PLAN
See ZONING

GLASS CONTAINERS
Applicability of provisions 9.24.040
Definitions 9.24.030
Enforcement 9.24.050
Permit required, application 9.24.060
Purpose of provisions 9.24.020
Title of provisions 9.24.010
Violation, penalty 9.24.070
HANDBILL, SAMPLE DISTRIBUTION
Business license
See also BUSINESS LICENSE fee
5.32.050

HEALTH OFFICER
See BUILDING OFFICIAL

HISTORIC PRESERVATION
Alteration, permit required 15.43.070
Appeal 15.43.150
Commission
See Design review committee
Considerations, special, others 15.43.120
Criteria for designation as cultural resource
15.43.050
Design review committee
formation 15.43.030
powers, duties 15.43.040
Designation as cultural resource
criteria 15.43.050
procedure 15.43.060
Demolition, permit required 15.43.070
Enforcement, authority 15.43.160
Exceptions to regulations 15.43.140
Exterior features
See Permit
Penalty, violation 15.43.170
Permit
application 15.43.080
considerations, special 15.43.120
evaluation criteria 15.43.100
exterior features restriction 15.43.110
limitation, refiling 15.43.130
procedure upon application 15.43.090
required 15.43.070
Purpose 15.43.020
Special considerations 15.43.120
Title 15.43.010
Violation, penalty 15.43.170

HOME OCCUPATION
See ZONING

HOSPITAL
See ZONING

HOTEL, MOTEL
See ZONING

HOUSING AUTHORITY
See TRESPASSING

HOUSING CODE
See BUILDING CODES

INDECENT EXPOSURE
Exemptions 9.12.040
Exposing private parts prohibited where 9.12.020
Females exposing breasts prohibited where 9.12.010
Permitting person to violate provisions prohibited 9.12.030

INDUSTRIAL DISTRICTS
See ZONING

INTOXICATING LIQUOR
See GLASS CONTAINERS

—J—

JUNKYARD
See NUISANCE ZONING

—K—

KENNEL
See ZONING

—L—

LABORATORY
See ZONING

LANDSCAPING
See ZONING

LIBRARY
See ZONING

LICENSE
Bicycle 10.64.010
Bingo 5.48.030
Business See BUSINESS LICENSE
Cardroom 5.52.010
Community antenna television system 5.56.180
Dog See ANIMAL AND DOG REGULATIONS
Garage sale 5.60.020

LIGHTING, STREET LIGHTS
See FIRE PROTECTION AND LIGHTING MAINTENANCE TAX

LIQUEFIED PETROLEUM GAS
See BUILDING CODES

LOADING
See ZONING

LOAN AGENCY
See SAVINGS AND LOAN LOT
See ZONING
LOUDSPEAKER
Business license
See also BUSINESS LICENSE fee 5.32.050
MANAGER, CITY
See CITY MANAGER
MAYOR, CITY
Disaster council chairman 2.24.030
MECHANICAL CODE
See BUILDING CODES
MERCHANDISE TRANSPORTATION
Business license
See also BUSINESS LICENSE fee 5.32.050
MERCHANT, ITINERANT
Business license
See also BUSINESS LICENSE fee 5.32.050
MINOR
See CURFEW
MOBILE HOME
See FLOOD DAMAGE PREVENTION ZONING
MORTUARY
See ZONING
MOTOR VEHICLE RACING
Findings of fact 8.12.020
Hours permitted 8.12.040
Nuisance when 8.12.030
Racing defined 8.12.010
—N—
NOISE
Policy generally 9.30.010
Prohibitions 9.30.020
Severability 9.30.050
Violation
penalty 9.30.030
remedies generally 9.30.040
NONCONFORMING USE, BUILDING
See ZONING
NOTICE
See POSTING PLACE, OFFICIAL
NUISANCE
See also ANIMAL AND DOG REGULATIONS
Abandoned vehicle 10.72.020
Abatement
authority 8.24.040
completion deadline extension 8.24.250
costs
accounting, report 8.24.300
lien constituted 8.24.290
report to council, hearing 8.24.310
costs assessment
collection, refunds 8.24.360
delinquency penalties, interest 8.24.340
hearing 8.24.330
notice 8.24.320
payment, deposit 8.24.350
failure to complete work, effect 8.24.240
interference with, prohibited 8.24.260
order
compliance required 8.24.220
failure to obey, effect 8.24.230
procedure generally 8.24.110
work by city
attorney approval required 8.24.280
authorized when 8.24.270
Applicability of provisions 8.24.030
Cesspool, local sewage disposal use 13.24.020
Declared, designated 8.24.100
Definitions 8.24.090
Garbage 8.05.010
Hearing
continuances authorized 8.24.150
decision
form, contents, finality 8.24.200
notice 8.24.180
posting, service 8.24.210
evidence rules 8.24.160
generally 8.24.070
notice 8.24.120
procedure generally 8.24.130
recordkeeping required 8.24.140
rights of parties 8.24.170
Inspection
regulations, response 8.24.190
right of entry 8.24.050
Junk, junkyard defined 8.24.090
Motor vehicle racing 8.12.030
Prevention, property maintenance requirements 8.24.060
Purpose of provisions 8.24.020
Refuse 8.05.010
Sewer service, habitation of premises without 13.28.080
Street trees, when 12.04.080
Title of provisions 8.24.010
Unreasonable period defined 8.24.090
Violation, penalty 8.24.080

NURSERY SCHOOL
See ZONING

—P—

PARKING
See also PROCEDURE ON PARKING VIOLATIONS

ZONING
Abandonment prohibited 10.42.110
Adjacent to school prohibited when 10.40.070
Applicability 10.40.010
Bus, coach zones, establishment authorized 10.44.150
Curb
  markings, signs
    compliance required, maintenance authority
designated 10.40.030
curb markings designated 10.44.100
parking requirements 10.42.100
Diagonal 10.44.060
Disabled commercial vehicle, warning device display required 10.40.120
Emergency, temporary sign erection, removal 10.40.110
Forty minute 10.44.020
Grades, restrictions 10.40.090
License plates to be displayed 10.42.070
Loading, unloading
  applicability of provisions 10.44.110
  in alley, restriction 10.44.140
Loading zone
  defined 10.04.080
designated 10.44.090
  passenger
    See Passenger loading zone
Meter defined 10.04.100
Narrow streets, prohibited 10.40.080
No-parking areas designated 10.40.040
No-stopping zones 10.44.080
Off-street
  See ZONING
One hour 10.44.030
Parallel, on one-way street 10.44.050
Parkway
defined 10.04.110
  stopping, standing prohibited 10.40.020
Passenger loading zone
  defined 10.04.120
  restriction 10.44.130
Peddler’s, vendor’s vehicles, permit required 10.40.100
Physically handicapped persons 10.42.050
Prohibited parking or standing 10.42.090
Private parking facilities 10.42.050
Spaces
generally
  designation by resolution 10.42.010
  vehicles to display plates, placards 10.42.010
  markings 10.44.070
  off-street restrictions 10.42.030
  on-street restrictions 10.42.020
Tabs to be displayed 10.42.080
Truck
  See TRAFFIC
Twenty-four minute 10.44.010
Two hour 10.44.040
Unlawful to park 10.42.040
Unregistered vehicles 10.42.060
Vehicle
  See also VEHICLE
display, advertising prohibited 10.40.060
  storage on street prohibited 10.40.050
Violations
  See PROCEDURE ON PARKING VIOLATIONS

PARKS AND RECREATION
Animals, harming prohibited 12.20.160
Applicability of provisions 12.20.010
Betting at games prohibited 12.20.120
Certain facilities, use without permit prohibited 12.20.250
Disrupting activity, organized group prohibited 12.20.260
Firearm, fireworks, weapon prohibited, exception 12.20.180
Fires, permission required 12.20.050
Games, contests permitted where 12.20.130
Garbage disposal, receptacle use required 12.20.190
Glass containers, intoxicating liquor
  See GLASS CONTAINERS
Golfing permitted where 12.20.140
Handbill, notice distribution prohibited when 12.20.100
Hours of operation 12.20.020
Improper behavior, language prohibited 12.20.090
Maintenance equipment, interfering with prohibited 12.20.200
Males in women’s restroom, prohibited when 12.20.230
Model airplane; flying permitted where 12.20.150
Obstructing passage of vehicles, persons prohibited 12.20.070
Parental, guardian responsibility 12.20.220
Roadway, drive, use required 12.20.060
Special events, group activity, permission required 12.20.210
Swimming permitted where 12.20.080
Unauthorized uses in park prohibited 12.20.110
Vegetation, property damaging prohibited 12.20.030
park, cutting, removal prohibited when 12.20.040
Vendor, restriction 12.20.240
Water, sewer construction, interfering with prohibited 12.20.170

PEDDLER
See SOLICITOR

PEDESTRIAN
Crosswalk established where, authority designated 10.36.010
use required 10.36.020
Defined 10.04.130

PENLTY, GENERAL
See CODE

PERMIT
Animal, dangerous 6.16.020
Bonfire, outdoor rubbish, fire 8.08.060
Cardroom employee 5.52.080
Community antenna television system 5.56.180
Encroachment 12.16.010
Flood hazard area development 15.21.070
Glass container use in park, recreational facility 9.24.060
Peddler’s, vendor’s vehicle parking 10.40.100
Street tree planting, removal 12.04.030
Trailer camp 8.16.020
Utility installation 12.08.010
Well 13.12.030

PERMITTED USES

See ZONING

PLANNING COMMISSION
See also ZONING
Created 2.12.010
Duties generally 2.12.030
Membership, term, voting power 2.12.020
Subdivision advisory agency duties 16.04.020
certificate of compliance findings required 16.11.030
lot line adjustment 16.12,030
tentative map, five or more parcels findings required 16.16.130
report 16.16.140
tentative map, less than five parcels action notice 16.24.140
consideration, action 16.24.130

PLUMBING CODE
See BUILDING CODES

POLICE CHIEF
Abandoned vehicle enforcement authority 10.72.050
Bingo application denial, license revocation, suspension notice preparation 5.48.100
license application investigation 5.48.060
Business license enforcement assistance 5.36.010
Cardroom application investigation, approval authority 5.52.040
employee permit application approval 5.52.080
license revocation, suspension 5.52.140
Foodstuff peddler’s, vendor’s vehicle, parking permit 10.40.100

POLICE DEPARTMENT
See also SUTTER COUNTY SHERIFF
Bicycle license issuance 10.64.020
plate, registration card issuance, recordkeeping duties 10.64.030
Compliance with state standards required 2.20.020
State aid declaration 2.20.010
Traffic enforcement 10.12.020
Unclaimed property, disposition procedure 2.16.030

POSTING PLACE, OFFICIAL
Designated 1.08.010

PRESERVATION
See HISTORIC PRESERVATION
PROCEDURE ON PARKING VIOLATIONS
Appeal 10.75.040
Collection on final determination 10.75.050
Fine schedule 10.75.060
Parking violation
notice 10.75.020
review 10.75.030
Penalty to be deposited 10.75.030
Processing agency, city designated 10.75.010

PROFESSIONAL OFFICE
See ZONING

PROPERTY MAINTENANCE
STANDARDS
See NUISANCE

PUBLIC WORKS DIRECTOR
CATV amplifier placement approval 5.56.190
Encroachment permit approval 12.16.020
Nuisance abatement
code enforcement authority 8.24.040
right of entry 8.24.050
Subdivision
final map, alterations review, submittal 16.20.270
tentative map examination 16.16.100
tentative parcel map examination 16.24.100

PURCHASING
Above-limit purchases and sales 3.20.090
Bid security required when 3.20.100
Bond required when 3.20.110
Compliance with other provisions 3.20.030
Contractual services defined 3.20.020
Definitions 3.20.020
Emergency purchase procedure 3.20.130
Estimate of requirements 3.20.060
Exemptions
from centralized purchasing 3.20.040
from competitive bidding 3.20.120
Inspection required 3.20.180
Invoice check 3.20.170
Open market purchases and sales
defined 3.20.020
procedure 3.20.080
Performance bonds 3.20.110
Public project defined 3.20.020
Purchase order
preparation 3.20.140
transmittal 3.20.150
Purchasing officer defined 3.20.020
powers, duties generally 3.20.050
Purpose of provisions 3.20.010
Receipt 3.20.160
Requisition procedure 3.20.070
Rule, regulation promulgation 3.20.2 10
Storeroom, warehouse control 3.20.190
Supplies, materials, and equipment defined 3.20.020
Surplus stock sale 3.20.200
Unclaimed property 3.20.200

— R—

RACETRACK
See MOTOR VEHICLE RACING

RATS
Nuisance declaration, extermination 6.04.610
Rat proofing premises 6.04.620

REAL PROPERTY TRANSFER TAX
Administration 3.12.090
Conveyances exemption
reorganization, adjustment plan 3.12.060
Securities and Exchange Commission
order 3.12.070
Exemption 3.12.040
Imposition 3.12.020
Liability 3.12.050
Payment required 3.12.030
Realty held by partnership 3.12.080
Refund claims 3.12.100
Title, adoption 3.12.010

RECREATION
See PARKS AND RECREATION

RECYCLING
See ZONING

REFUSE
Accumulation limitation 8.05.140
Administration of service 8.05.150, 8.05.180
Building scraps, debris 8.05.160
Cart defined 8.05.010
City manager 8.05.150
Collector
defined 8.05.010
fees, payments 8.05.170
Collection of refuse
city manager to administer service 8.05.150
mandatory by city, city agent 8.05.030
appeal of mandatory collection rule 8.05.040
required, by city 8.05.020
responsibility of owners 8.05.050

Container
insufficient 8.05.080
location, placement for collection 8.05.100
materials deposited
prohibited 8.05.130
restrictions 8.05.120
provision of, requirements 8.05.120
requirements, specifications 8.05.090

Cuttings, yard waste 8.05.110
Definitions, defined 8.05.010
Fees, payments for service 8.05.170
Nuisance defined 8.05.010

Owner
container requirements 8.04.070 defined 8.05.010
responsibilities 8.05.050
Prohibited acts 8.05.060
Prohibited materials 8.05.130

Recycling
See ZONING
Refuse defined 8.05.010
Refuse collection area defined 8.05.010
Service
initiated 8.05.080
administration by city manager 8.05.150
Standard container defined 8.05.010
Unlawful disposal of refuse 8.05.030

RESIDENTIAL DISTRICTS
See ZONING

RESTAURANT
See ZONING

RUBBISH
See ZONING

RULES AND REGULATIONS
See COUNCIL MEETINGS, RULES AND REGULATIONS

SALES AND USE TAX
Amendments 3.16.140
Application of provisions of sections 3.16.110, 3.16.120, 3.16.130
Enjoining collection prohibited 3.16.150
Exclusions, exemptions designated 3.16.110, 3.16.120
Permit not required when 3.16.100
Place of sale 3.16.040

Purpose 3.16.020
Rate 3.16.060
Sales tax required 3.16.030
State contract 3.16.070
State law provisions adoption generally 3.16.080
limitations 3.16.090
Title 3.16.010
Use tax required 3.16.050

SAVINGS AND LOAN
Business license
See also BUSINESS LICENSE fee 5.32.050

SCHOOL
See ZONING

SERVICE, NONRESIDENT
Business license
See also BUSINESS LICENSE fee 5.32.050

SERVICE STATION
See ZONING

SEWER
See also SEWER USE SUBDIVISION
WATER, SEWER
Connection required when 13.24.020
Discharging surface runoff, drainage prohibited 13.24.030
Person defined 13.24.010
Pipes
failure to maintain, action by city 13.24.050
maintenance responsibility designated 13.24.040
Service rates, charges
accounting, collection 13.24.100
billing, delinquency penalty 13.24.080
collection when not water user,
disconnection when, reconnection 13.24.070
collection when water user, disconnection when 13.24.060
credit, establishment and maintenance 13.28.031
deposit, guarantee
amount 13.28.032
deductions 13.28.033
return 13.28.034
legal action by city 13.24.120
schedule 13.28.030
unjust, relief 13.24.090
waiver when 13.28.050
Single-family residence, unoccupied, service charge waiver
See Service rates, charges
User contractual obligation 13.24.130

SEWER USE
See also SEWER SUBDIVISION
Administrative authority designated 13.32.030
Appeal procedure 13.32.070
Applicant defined 13.32.020
BOD defined 13.32.020

Building
backflow prevention device 13.32.165
connection
required 13.32.145
requirements 13.32.120
cost assessment 13.32.125
construction requirements 13.32.115
defined 13.32.020
drain
defined 13.32.020
location 13.32.135
eexisting, restrictions 13.32.160
lateral
See also repair, replacement
separation requirements 13.32.150
lifting requirements 13.32.155
maintenance 13.32.170
material specifications 13.32.180
official defined 13.32.020
permit required 13.32.110
protection requirements 13.32.175
repair, replacement
lateral, refusal, work by city 13.32.550
requirements generally 13.32.157
size requirements 13.32.130
surface runoff prohibited 13.32.140
City council defined 13.32.020
City defined 13.32.020
City engineer defined 13.32.020
Code defined 13.32.020
Combined sewer defined 13.32.020
Connection
See also Building
required 13.32.060
Construction
as-built drawings required 13.32.265
authorization 13.32.255
cleanout 13.32.310
completion required 13.32.235
compliance with provisions 13.32.260
connection required 13.32.210
design calculations
  generally 13.32.270
  pipeline 13.32.275
  pumping station 13.32.280
details adopted 13.32.325
easement
designated 13.32.250
required 13.32.215
excavation project 13.32.225
flusher branch 13.32.305
force main 13.32.315
grade stakes 13.32.220
guarantee 13.32.360
inspection 13.32.355
installation 13.32.340
lifting requirements 13.32.205
manhole
detailing 13.32.350
  generally 13.32.300
marking 13.32.330
materials 13.32.335
permit
  encroachment 13.32.190
  required 13.32.240
  specifications required 13.32.195
pumping station
design See design calculations
  generally 13.32.320
requirements generally 13.32.290
separate sewer required when 13.32.200
standards 13.32.230
steep slope 13.32.295
subdivision 13.32.245
testing 13.32.345
unit design factors 13.32.285
Contractor defined 13.32.020
County defined 13.32.020
Definitions 13.32.020
Deposits prohibited 13.32.040
Director defined 13.32.020
Discharge
  limitation 13.32.375
  prohibited
    designated 13.32.365
    generally 13.32.045
    inflow prohibitions 13.32.367
Disconnect when 13.32.540
Drainage system defined 13.32.020
Easement defined 13.32.020
Enforcement determination 13.32.550
Exception granting 13.32.165
Fee
  adjustment 13.32.5 11
  annexation 13.32.505
  generally 13.32.510
Fixture units defined 13.32.020
Floatable oil defined 13.32.020
Garbage
  defined 13.32.020
  properly shredded, defined 13.32.020
Industrial user defined 13.32.020
Industrial wastes defined 13.32.020
Industrial wastewater
city facility provisions 13.32.445
cost 13.32.475
drainage liability 13.32.455
discharge permit
  application 13.32.430
  required 13.32.425
  revocation 13.32.440
  suspension 13.32.435
discrepancy determination 13.32.465
extisting, provisions 13.32.420
industrial user defined 13.32.415
pretreatment required 13.32.470
sampling 13.32.460
separation required 13.32.450
special dumping permit 13.32.480
Information required 13.32.400
Inspector powers, duties generally 13.32.035
Interceptor requirements 13.32.385
Lateral
  See Building
  Lateral sewer defined 13.32.020
  Liability generally 13.32.525
  Main sewer defined 13.32.020
  May defined 13.32.020
  Measuring required 13.32.395
  Natural outlet defined 13.32.020
Notice
  required 13.32.565
  time limit 13.32.570
Nuisance
  abatement 13.32.545
  declaration 13.32.535
Outside
  defined 13.32.020
  prohibited generally 13.32.5 15
  special agreement 13.32.520
Permit
application 13.32.495
  compliance with provisions 13.32.500
  defined 13.32.020
  not required when 13.32.490
  required 13.32.485
Person defined 13.32.020
pH defined 13.32.020
Plumbing
  code adopted 13.32.025
  system defined 13.32.020
Pretreatment requirements 13.32.390
Private sewer defined 13.32.020
Private system
  compliance with provisions 13.32.090
  connection required when 13.32.095
  designated 13.32.075
  operation requirements 13.32.100
  permit
    inspection 13.32.085
    required 13.32.080
  requirements generally 13.32.105
Privy prohibited 13.32.050
Public sewer defined 13.32.020
Purpose of provisions 13.32.010
Requirements generally 13.32.380
Rules, regulations designated 13.32.005
Sanitary sewer defined 13.32.020
Severability of provisions 13.32.560
Sewage defined 13.32.020
Sewage facilities defined 13.32.020
Sewer defined 13.32.020
Shall defined 13.32.020
Side sewer defined 13.32.020
Slug defined 13.32.020
Special agreement designated 13.32.410
Standard methods designated 13.32.405
Storm drain defined 13.32.020
Street defined 13.32.020
Suspended solids defined 13.32.020
Tampering prohibited 13.32.055
Title of provisions 13.32.015
Unpolluted water defined 13.32.020
Violation
  liability 13.32.555
  powers, duties generally 1332.530
Wastewater
  defined 13.32.020
  facilities defined 13.32.020
  treatment works defined 13.32.020
Watercourse defined 13.32.020
Water prohibited 13.32.370
SIDESHOW
See CIRCUS

SIGNS, SIGN REGULATIONS
See also BILLBOARD

ZONING
A-frame signs defined 17.49.030
Address sign defined 17.49.030
Applicability of provisions 17.49.020
Awning sign defined 17.49.030
Banner sign defined 17.49.030
Billboards defined 17.49.030
Building sign defined 17.49.030
Canopy sign defined 17.49.030
Changeable copy sign defined 17.49.030
Civic event sign defined 17.49.030
Contractor/developer sign defined 17.49.030
Criteria generally 17.49.050
Definitions, defined 17.49.030
Developer/contractor sign defined 17.49.030
Directional sign defined 17.49.030
Directory sign defined 17.49.030
Flags defined 17.49.030
Flashing sign defined 17.49.030
Freestanding sign defined 17.49.030
Gas station sign defined 17.49.030
Information sign, public, defined 17.49.030
Interior sign defined 17.49.030
Lighting 17.49.060
Maintenance 17.49.070
Monument sign defined 17.49.030
Off-premises sign defined 17.49.030
Off-site sign defined 17.49.030
Permit requirements generally 17.49.020
Pole sign defined 17.49.030
Political sign defined 17.49.030
Prohibited signs 17.49.040
Projecting sign defined 17.49.030
Public information sign defined 17.49.030
Purpose of provisions 17.49.020, 17.49.050
Real estate sign defined 17.49.030
Regulations 17.49.080
Roof sign defined 17.49.030
Seasonal display defined 17.49.030
Special event sign defined 17.49.030
Standards 17.49.080
Suspended sign defined 17.49.030
Vehicle sign defined 17.49.030

SKATEBOARD
Regulations generally 10.68.010

SMOKING RESTRICTIONS
Applicability of provisions 8.20.030
Areas exempted 8.20.060
Bar defined 8.20.020
Definitions 8.20.020
Employee defined 8.20.020
Employer defined 8.20.020
retaliation against employee prohibited 8.20.100
Enclosed defined 8.20.020
Enforcement 8.20.080
Findings, purpose of provisions 8.20.010
Interpretation, other laws 8.20.110
Place of employment defined 8.20.020
regulations 8.20.050
retaliation
See Employer
Prohibited areas designated 8.20.040
Sign posting requirements 8.20.070
Tavern defined 8.20.020
Violation, penalty 8.20.090

SOLICITOR
Business license
See also BUSINESS LICENSE fee 5.32.050

SPECIAL GAS TAX STREET
IMPROVEMENT FUND
Created 3.08.010
Moneys, source 3.08.030
Purpose 3.08.020

STABLE
See ZONING

STOPPING, STANDING
See PARKING

STREETS AND SIDEWALKS
See also SUBDIVISION ZONING
Encroachment
See ENCROACHMENT
Sidewalk defined 1.04.010
Street defined 1.04.010
Tree See STREET TREES STREET

SUPERINTENDENT
Street trees
planting, removal, permit issuance 12.04.030
regulations enforcement 12.04.020
removal, trimming 12.04.070

STREET TREES
See also SUBDIVISION
Abuse, mutilation prohibited 12.04.100
Appeals 12.04.090
Approved trees 12.04.050
Dangerous, declared nuisance removal
authority designated, costs 12.04.080
Enforcement authority designated 12.04.020
Plan, conformance required 12.04.040
Planting, removal, permit required 12.04.030
Prohibited trees 12.04.060
Title 12.04.010
Tree, vegetation removal, authority
designated 12.04.070

SUBDIVISION
Alleys 16.32.260
Applicability 16.04.030
Bikeways
See also Improvements
design requirements 16.32.320
Block
dimensions 16.32.160
large lot design 16.32.150
Certificate of compliance
application, fee 16.11.020
approval, procedure 16.11.030
purpose, request 16.11.010
City council defined 16.08.030
City defined 16.08.020
City engineer defined 16.08.040
Common green subdivision defined
16.08.050
Community apartment project
See also Condominium
defined 16.08.060
tentative map
See Tentative map, less than five parcels
Condominium
defined 16.08.070
design standards 16.40.030
maps 16.40.020
purpose of provisions 16.40.010
tentative map
See also Tentative map, less than five parcels
requirements 16.40.040
Consulting engineer defined 16.08.080
Curbs, gutters 16.32.290
Dedications
See also Park, recreational facilities
authority for provisions 16.36.010
other requirements 16.36.110
Defined 16.08
Definitions
generally 16.08.010
terms not specifically defined 16.08.210
Design standards, conformance required
16.32.010
Director of public works defined 16.08.090
Effect on prior actions 16.04.060
Exception
application, findings required 16.44.010
objectives secured 16.44.030
review 16.44.020
Final map
defined 1608.100
five or more parcels
See Final map, five or more parcels
Final map, five or more parcels
See also Final map
border survey, indication 16.20.050
building setback lines 16.20.090
certificates 16.20.170
city boundaries 16.20.120
city engineer review 16.20.230
contents 16.20.180
council consideration 16.20.250
disapproval, refilling 16.20.270
easements 16.20.100
failure to record 16.20.210
fees 16.20.200
high water line 16.20.110
improvement agreement 16.20.280
lot area 16.20.130
lots, blocks design 16.20.070
mathematical contents 1620.060
monuments 16.20.140
other data required 16.20.160
partial approval 16.20.260
preparation standards 16.20.020
recording 16.20.320
security
bonds 16.20.300
conditions, insurance 16.20.310
types allowed 16.20.290
soils report 16.20.150
streets 16.20.080
submittal for checking 16.20.190
survey required 16.20.010
tax certificate 16.20.240
tied to coordinate system 16.20.040
time extension 16.20.220
title 16.20.030
Fire hydrants 16.32.650
Flood drainage prevention
See FLOOD DAMAGE PREVENTION
Improvements
See also Specific Subject
acceptance 16.48.050
as-built plans 16.48.040
extension, connection fees 16.48.060
inspection 16.48.020
minimum requirements 16.48.010
plans, specifications required 16.32.020
time of completion 16.48.030
Lighting 16.32.690
Lot
boundary, division by prohibited 16.32.100
buildable required 16.32.070
defined 16.08.110
dimensions 16.32.080
double frontage 16.32.120
flag 16.32.110
numbers 16.32.130
remnants prohibited 16.32.140
side lines 16.32.090
Lot line adjustment
application fee 16.12.020
approval 16.12.030
designated 16.12.010
Map
See Specific Map
Map Act defined 16.08.120
Monuments
See Improvements
Owner defined 16.08.130
Parcel map
defined 16.08.140
less than five parcels
See Parcel map, less than five parcels
Parcel Map, less than five parcels
See also Parcel map
accompanying data 16.28.180
boundary survey, indication 16.28.050
certificates 16.28.170
city boundaries 16.28.120
easements 16.28.100
engineer review 16.28.230
failure to record 16.28.210
fees 16.28.200
high waterline 16.28.110
improvement agreement 16.28.250
lots 16.28.070
mathematical contents 16.28.060
monuments 16.28.140
other data required 16.28.160
parcel area 16.28.130
preparation standards 16.28.020
recording 16.28.290
right-of-way dedication 16.28.240
security
bonds 16.28.270
conditions, insurance 16.28.280
types allowed 16.28.260
setback lines 16.28.090
soils report 16.28.150
streets 16.28.080
submittal 16.28.190
survey required 16.28.010
tied with coordinate system 16.28.040
time extension 16.28.220
title 16.28.030
Park, recreational facilities
See also Dedications amount calculation
formula 16.36.080
amount determination 16.36.030
conditions determination 16.36.060
dedication required 16.36.020
density computation 16.36.050
development time specification 16.36.090
exemptions 16.36.100
fair market value calculation 16.36.070
land area required 16.36.040
Pedestrian ways
See also Improvements
requirements 16.32.300
Planning commission advisory agency duties 16.04.020
Public improvements
See Improvements
Purpose of provisions 16.04.010
Reference applies to amendments 16.04.040
Sewers
See also Improvements
**SEWER**
alignment 16.32.490
bedding, backfilling 16.32.5 10
cleanouts 16.32.550
conformance required 16.32.440
connection to existing system 16.32.450
depth 16.32.500
design computations 16.32.480
extension 16.32.530
line size 16.32.470
manholes 16.32.540
pipe capacity 16.32.460
pipe materials 16.32.520
storm
See Storm drainage
Sidewalks
  See also Improvements
  requirements 16.32.310
Soils testing
  additional reports required when 16.32.040
  building permit issuance conditions 16.32.050
  indication on final map 16.32.060
  preliminary report 16.32.030
Stock cooperative
  See also Condominium
  defined 16.08.150
  tentative map
  See Tentative map, less than five parcels
Storm drainage
  See also Improvements
  alignment 16.32.380
  computation 16.32.370
  conduits 16.32.390
  drop, gutter inlets 16.32.240
  grading lots 16.32.360
  junction boxes 16.32.410
  manholes 16.32.400
  natural feature dedication 16.32.350
  valley gutters 16.32.430
Street
  See also Improvements
  access 16.32.200
  dead-end 16.32.210
  design adjacent to arterial 16.32.230
  design conformance 16.32.170
  grade, curves, sight distance 16.32.270
  names 16.32.250
  pattern 16.32.190
  pavement 16.32.280
  relation to adjacent system 16.32.220
  service roads 16.32.240
  signs, posts 16.32.700
  survey monuments 16.32.670
  trees 16.32.680
  width 16.32.180
Subdivider defined 16.08.160
Subdivision Map Act defined 16.08.180
Tentative map
  See also Tentative map, five or more parcels
  Tentative map, less than five parcels
  Tentative parcel map
  defined 16.08.190
  Tentative map, five or more parcels
action time limits 16.16.160
appeal 16.16.150
checking fee 16.16.110
contents 16.16.050
design, improvement features 16.16.070
distribution 16.16.120
existing features 16.16.060
form 16.16.020
key, location map 16.16.040
planning commission
  consideration 16.16.130
  report required 16.16.140
  preliminary conference 16.16.090
  required, exceptions 16.16.010
  submittal 16.16.100
  title 16.16.030
  written statements 16.16.080
Tentative map, less than five parcels
  See also Tentative map
  appeals 16.24.150
  checking fee 16.24.110
  contents 16.24.050
design, improvements 16.24.070
  distribution 16.24.120
  existing features 16.24.060
  form 16.24.020
  key, location map 16.24.040
  planning commission
    consideration 16.24.130
    report required 16.24.140
    preliminary conference 16.24.090
    required when 16.24.010
    submittal 16.24.100
    title 16.24.030
    written statements 16.24.080
Tentative parcel map
  See also Tentative map
  defined 16.08.200
Utilities
  See also Improvements
easements, state highway, railroad crossing 16.32.330
  undergrounding 16.32.340
Variance
  See Exception
Violation
  penalty 16.52.010
  permit revocation 16.04.050
Water
  See also Improvements

WATER
alignment 16.32.600
bedding, backfilling 16.32.620
conformance with statutes 16.32.560
connection to existing system 16.32.570 c
construction materials 16.32.640
depth 16.32.610
design computations 16.32.590
main size 16.32.580
pipe material 16.32.630
valves 16.32.660
SUTTER COUNTY SHERIFF
Authority 2.28.010
SWIMMING POOL CODE
See BUILDING CODES

—T—

TAX
See also Specific Tax
Property assessment, tax collection authorized 3.04.010

TAXICAB
Business license
See also BUSINESS LICENSE
Fee 5.32.050

TOPLESS ACT
See INDECENT EXPOSURE

TRAFFIC
See also MOTOR VEHICLE RACING
PARKING VEHICLE
Authorized officer
obedience to, required 10.12.030
obstructing, prohibited 10.12.050
Banner, sign, erection approval, obedience required 10.32.060
Bicycle
See BICYCLE
Central traffic district
advertising vehicles, loud-speaking device prohibited when 10.48.020
animal-drawn vehicles prohibited when 10.48.030
certain vehicles prohibited when 10.48.010
City traffic district defined 10.04.030
Clinging to moving vehicle prohibited 10.32.020
Coach defined 10.04.040
Commercial vehicle
operating on private driveway prohibited when 10.32.030

Committee
See TRAFFIC COMMITTEE
Control device
See also Sign
hours of operation 10.16.080
installation authority designated 10.16.010
obedience required, exception 10.16.030
removal, relocation, discontinuance when 10.16.070
signal installation 10.16.040
Curb
defined 10.04.050
unauthorized painting prohibited, exception 10.16.090
Definitions generally 10.04.020
Direction by unauthorized persons prohibited 10.12.020
Division
accident reporting 10.08.040
studies responsibility 10.08.030
annual report required, contents 10.08.050
duties generally 10.08.020
established, police administration 10.08.010
Divisional island defined 10.04.060
Enforcement authorities designated 10.12.010
Exempt vehicles 10.12.070
Freeway use restrictions 10.32.090
Funeral procession, driving through prohibited 10.32.010
Holidays defined 10.04.070
In intersection, obstructing movement prohibited 10.32.070
Lane marking 10.16.050
Limited access roadway, regulation 10.32.080
New pavement, markings, driving, riding over prohibited 10.32.050
Official time standard 10.04.090
Pedestrian
See PEDESTRIAN
Police officer defined 10.04.140
Property damage, report 10.12.080
Public employees to obey regulations 10.12.060
Riding bicycle, animal, subject to provisions 10.12.040
Roadway marking, required when 10.16.060
Sidewalk, driving, riding on, prohibited when
10.32.040
Sign
   See also Control device
   one-way street, alley 10.24.010
   required for enforcement 10.16.020
Skateboard
   See SKATEBOARD
Speed regulation
   limit designated 10.56.020
   signal 10.56.010
Stop defined 10.04.150
Stopping
   See also PARKING
   application of regulations 10.28.020
   emerging from alley, driveway, building 10.28.030
Stop sign
   erected where 10.28.010
   intersections designated 10.60.030
Through streets designated 10.60.020
Train
   See TRAIN
Truck routes
   designated 10.48.060
   established, use required when 10.48.020
   streets designated, parking restrictions 10.60.010
   violation, penalty 10.48.070
Turning
   intersections, multiple lanes, marker placement 10.20.010
   restrictions, sign placement 10.20.020
   right, against stop signal, prohibited when 10.20.030
TRAFFIC COMMITTEE
Commercial vehicle, street use restrictions determination 10.48.050
Control device
   hours of operation determination 10.16.080
   installation 10.16.010
   removal, relocation, discontinuance 10.16.070
Crosswalk establishment, maintenance 10.36.010
Curb markings, sign maintenance 10.40.030
Lane marking 10.16050
Parking
   bus, coach zone establishment 10.44.150
   curb markings placement 10.44.100
   emergency, sign erection, removal 10.40.110
loading zone determination, marking 10.44.090
narrow streets, sign erection 10.40.080
no-stopping zone designated 10.44.080
one-way street, restriction determination 10.44.050
restrictions near school, sign erection 10.40.070
space marking installation, maintenance 10.44.070
Right turn against stop, sign placement 10.26.030
Roadway marking 10.16.060
Signal installation, maintenance 10.16.040
Stop sign erection, maintenance 10.28.010
Traffic signal regulation 10.56.010
Transport vehicle parking permit issuance 10.40.100
Truck route establishment 10.48.040
Turn
   marker placement 10.20.010
   sign placement 10.20.020
TRAILER CAMP
See also ZONING
   Auto and trailer camp defined 8.16.010
   Definitions generally 8.16.010
   Keeping trailers in, required, temporary permit issuance 8.16.030
   Permit required, application requirements 8.16.020
   Trailer coach defined 8.16.010
TRAIN
   Blocking traffic
      one street, time limit 10.52.020
      two streets, time limit 10.52.030
   Railway gate, driving through prohibited when 10.52.010
TREASURER, CITY
Compensation 2.08.060
Nuisance abatement costs assessment
   billing 8.24.330
   payment deposit 8.24.350
   recording 8.24.340
Warrants
   See WARRANT, TREASURY
TREE
See STREET TREES
TRESPASSING
Housing authority property
   prohibited acts designated 9.20.010
   signs, regulation filing required 9.20.020
Vehicle Code provisions applicable 9.20.030 violation, penalty 9.20.040
Posted property defined 9.16.010 entering prohibited when 9.16.010 signs required, contents 9.16.020 violation, penalty 9.16.030

TRIP REDUCTION REGULATIONS
Alternative commute mode defined 10.81.040 Annual transportation mode survey, status report 10.81.090 Appeal 10.81.130 Applicability 10.81.030 Average vehicle ridership (AVR) defined 10.81.040 Bicycle parking facilities 10.81.070 Bus/bus pool shuttle program 10.8 1.070 Carpool defined 10.81.040 matching service, in-house 10.81.070 Clean air fuel vehicles 10.8 1.070 Commuter defined 10.81.040 Commuter matching service defined 10.81.040 Compliance, implementation 10.81.100 Definitions 10.81.040 Education program 10.8 1.070 Employee defined 10.8 1.040 Employee transportation coordinator (ETC) defined 10.81.040 Flexible work hours 10.81.070 Flexible work location/telecommuting 10.81.070 Guaranteed ride home program 10.8 1.070 Implementation schedule 10.81.100 Intent 10.8 1.030 Lockers, showers 10.8 1.070 Monitoring 10.8 1.1 10 New employer defined 10.81.040 employee transportation coordinator responsibilities 10.81.050 requirements 10.81.050 Objective 10.81.020 Parking carpool/vanpool, additional, preferential 10.81.070 fee 10.81070 Peak period commuter defined 10.81.040 Penalties. violations 10.81.120

Purpose 10.81.010 Reporting requirements, annual 10.81.090 Ride home program, guaranteed 10.81.070 Rideshare program defined 10.81.040 Ridesherer defined 10.81.040 Services, on-site 10.81.070 Shelter, transit 10.81.070 Shift of employment defined 10.81.040 Showers, lockers 10.81.070 Single occupant vehicle defined 10.81.040 Status report, annual 10.81.090 Subsidy/grant, transit system 10.81.070 Telecommuting 10.81.070 Transit pass subsidy program 10.81.070 system subsidy/grant 10.81.070 Transportation control measure (TCM) coordinator defined 10.81.040 Transportation control measure requirements menu 10.81.070 Transportation control measures (TCMs) defined 10.81.040 optional 10.81.070 requirements 10.81.070 Transportation management association (TMA) defined 10.81.040 membership 10.81.070 Transportation plan defined 10.81.040 required, requirements 10.81.060 review 10.81.080 Trip reduction credit defined 10.8 1.040 points allocated 10.81.070 Vanpool defined 10.81.040 program 10.81.070 Violations, penalties 10.81.120 Work hours, flexible 10.8 1.070 Work week, compressed 10.8 1.070

—U—

UNDERGROUND UTILITY SERVICES
See UTILITY, PUBLIC
UTILITY, PUBLIC
See also Specific Utility

ZONING
Business license See also BUSINESS LICENSE fee
5.32.050
Floodplain regulations
  See FLOOD DAMAGE PREVENTION
Installation
  permit required 12.08.010
  plat, map requirements 12.08.020
Underground
  city responsibility designated 12.12.100
  commission defined 12.12.010
  definitions generally 12.12.010
district
  defined 12.12.010
  designation authority, resolution 12.12.030
exceptions 12.12.060
overhead facilities
  permitted when, emergency services excepted 12.12.050
  prohibited when 12.12.040
person defined 12.12.010
pole, overhead wires and associated overhead structures defined 12.12.010
property owner responsibility designated 12.12.090
public hearing, council authority 12.12.020
resolution adoption, notice to property owners, utility companies 12.12.070
time extension permitted when 12.12.110
utility company responsibility designated 12.12.080
utility defined 12.12.010

—V—

VARIANCE
  See FLOOD DAMAGE PREVENTION
SUBDIVISION
ZONING

VEHICLE
  See also MOTOR VEHICLE RACING
PARKING
TRAFFIC
Abandoned
  See ABANDONED VEHICLE
  Abandonment prohibited 10.42.110
Code
  defined 10.04.160
  definitions to be used 10.04.010
Construction, repair, greasing on public street prohibited, exception 10.40.130
Removal from street when 10.12.100
  Washing, polishing on public street prohibited 10.40.140
VETERINARY HOSPITAL
  See ZONING
WAREHOUSE
  See also ZONING
  Business license
    See also BUSINESS LICENSE fee 5.32.050
WARRANT, TREASURY
  Signatures required, designated 122.010
WATER
  See also SUBDIVISION
WATER, SEWER
ZONING
  Billing clerk
  See WATER DEPARTMENT
  Cross-connection
    backflow prevention device
      approval required 13.04.182
      requirements, specifications 13.04.181
    control required 13.04.180
    defined 13.04.030
    inspection
      required 13.04.183
      right of entry 13.04.184
    violation, service discontinuance
      See Service
Definitions 13.04.030
Department
  See WATER DEPARTMENT
  Distribution mains defined 13.04.030
Fire protection service
  See also FIRE PROTECTION SERVICE
  Service
    private, defined 13.04.030
    public
      charge 13.04.370
      defined 13.04.030
      rates, charges, owner responsibility 13.04.550
      user designated 13.04.390
Irrigation, unrestricted prohibited 13.04.140
Meter
  excess charges, refund 13.04.270
  installation 13.04.220
  location
    change 13.04.240
    where 13.04.230
  non registering 13.04.280
reading 13.04250
required 13.04.210
testing when, deposit required when 13.04.260
Owner defined 13.04.030
Person defined 13.04.030
Premises defined 13.04.030
Service
application
no existing connection 13.08.020
previous service payment required 13.04.040
required, service connection charges when 13.08.010
statement of compliance required 13.08.030
bills
billing period designated 13.04.330
opening, closing 13.04.340
separate meters not combined, exception 13.04.360
change in equipment, use, customer to notify city 13.08.060
charge, collection with fire protection service charge 13.04.380
connection
declared 13.04.030
unauthorized, prohibited 13.20.020
control valve, customer to provide 13.04.170
credit establishment, maintenance 13.04.290
defined 13.04.030
discontinuance
fire protection charges to continue 13.04.450
fraud, abuse 13.04.490
noncompliance with regulations 13.04.500
nonpayment 13.04.440
notice to department 13.04.510
reconnection charge 13.04.460
unlawful cross connections 13.04.480
unsafe apparatus use 13.04.470
facilities on customer premises
damage, liability 13.04.160
responsibility designated 13.04.150
guarantee deposit
amount designated 13.04.300
deductions 13.04.310
return 13.04.320
ingress, egress to premises required 13.04.200
installation location, applicant to determine 13.08.050
interruptions 13.04.190
meter
See Meter
number per premises 13.04.110
rates, charges
collection by suit 13.04.530
cost of suit 13.04.540
penalty for nonpayment 13.04.520
rate schedule 13.28.020
single monthly rate for water, fire protection service 13.28.010
regular, defined 13.04.030
separate for each connection 13.04.120
temporary
defined 13.04.030
deposit required 13.04.400
installation operation 13.04.410
payment in advance, credit required 13.04.430
rates 13.04.420
turning on, off, unauthorized, prohibited 13.20.010
Superintendent
See WATER DEPARTMENT
System furnished by city 13.04.020
Title 13.04.010
Wasting, prohibited 13.04.130
Wells
See WELLS
WATER DEPARTMENT
Billing clerk, billing, bookkeeping duties 13.04.080
Compensation 13.04.100
Created, appointment 13.04.040
Defined 13.04.030
Ingress, egress to premises 13.04.200
Meter installation 13.04.210
Performance of duties 13.04.090
Sewer accounting, collection duties 13.24.100
Superintendent
inspection duty 13.04.050
repair duty 13.04.060
sewer disconnection, reconnection charge
estimate, refund 13.28.080
supervision duty 13.04.070
Temporary service installation, operation 13.04.410
Water discontinuance when 13.24.110

**WATER ENGINEER**
Well plans, specifications preparation, approval 13.12.030

**WATER, SEWER**
See also **SEWER**  
**WATER**
Advance payment discount 13.28.040  
Connection charges 13.08.090  
Installation  
charges designated, ownership of pipes, fixtures 13.08.070  
extension charges 13.08.080  
Payment for service inseparable 13.24.110

**WEAPON**
Concealed, carrying prohibited when 9.08.010  
Firearms discharge prohibited within city limits 9.08.020

**WELLS**
Abandoned, destruction 13.12.170  
Appeals 13.12.150  
Board defined 13.12.020  
Completion report 13.12.140  
Definitions, defined, interpretation 13.12.020  
Enforcement agency defined 13.12.020  
Groundwater protection 13.12.120  
Inspections  
authorized 13.12.160  
requirements, procedures 13.12.130  
Permit  
application 13.12.040  
conditions 13.12.060  
denial 13.12.070  
extpiration, extension 13.12.080  
fees 13.12.050  
requirements 13.12.030  
suspension, revocation 13.12.090  
Person defined 13.12.020  
Purpose of provisions 13.12.010  
Report to state 13.12.190  
Severability 13.12.200  
Standards 13.12.100  
Variances 13.12.110  
Violation, penalty, enforcement actions 13.12.180

**YARD**
See **ZONING**

**YARD SALE**
See **GARAGE SALE**

---

**ZONING**
Accessory building defined 17.10.020  
Accessory residential dwelling, commercial districts 17.24.030  
Accessory residential structure, commercial districts 17.24.030  
Accessory residential use, commercial districts 17.24.030  
Accessory store, industrial districts 17.32.030  
Accessory structure, residential districts 17.14.030  
Accessory use  
defined 17.10.030  
regulations 17.50.050  
residential districts 17.14.030  
Accounting office, residential district 17.14.030  
Acetylene gas manufacturing, industrial districts 17.32.030  
Acid manufacturing, industrial districts 17.32.030  
Addressing service, commercial districts 17.24.030

A district  
conflicting regulations 17.40.060  
designated 17.12.020  
distance from dwellings 17.40.050  
permitted uses 17.40.020  
purpose 17.40.010  
uses requiring use permit 17.40.030  
yards 17.40.040

Administrative review  
appeal 17.53.050  
application  
action 17.53.030  
false information, revocation 17.53.040  
fee 17.53.020  
purpose of provisions 17.53.010  
Adobe manufacturing, industrial districts 17.32.030  
Agency defined 17.10.040  
Agricultural product sales, A district 17.40.020  
Agriculture  
incidental  
commercial districts 17.24.030  
residential districts 17.14.030
residential districts 17.14.030
Airport industrial districts 17.32.030
Alcohol manufacturing, industrial districts 17.32.030
Alley defined 17.10.050
Ambulance service, commercial districts 17.24.030
Amendment
application 17.58.020
authority 17.58.010
Ammonia manufacturing, industrial districts 17.32.030
Animal husbandry, A district 17.40.020
Animal keeping
commercial districts 17.24.030
residential districts 17.14.030
Answering service
See Telephone answering service
Antique store, commercial districts 17.24.030
Apartment
commercial districts 17.24.030
community
See Community apartment
house defined 17.10.060
parking 17.48.010
residential districts 17.14.030
Apparel store
commercial districts 17.24.030
industrial districts 17.32.030
Appliance sales, service
commercial districts 17.24.030
industrial districts 17.32.030
Applicability 17.50.010
Arcade, commercial districts 17.24.030
Arena, parking 17.48.010
Armored car service, commercial districts 17.24.030
Art gallery, commercial districts 17.24.030
Asphalt manufacturing, refining, industrial districts 17.32.030
Assembly hall parking 17.48.010
Athletic equipment store, commercial districts 17.24.030
Auditorium, parking 17.48.010
Authority 17.02.050
Automobile
major repair, overhaul, commercial districts 17.24.030
minor adjustment, equipment installation, commercial districts 17.24.030
painting, industrial district 17.32.030
parts, accessory store, commercial districts 17.24.030
reconditioning, industrial districts 17.32.030
repair garage, commercial districts 17.24.030
sales, rental
commercial districts 17.24.030
industrial districts 17.32.030
service station
See Service station
tire shop
See also Tire
commercial districts 17.24.030
industrial districts 17.32.030
upholstery overhauling, industrial districts 17.32.030
wash, commercial districts 17.24.030
Automobile parking
See Parking
Bakery
commercial districts 17.24.030
wholesale
commercial districts 17.24.030
industrial districts 17.32.030
Bakery goods manufacturing, industrial districts 17.32.030
Ballroom, commercial districts 17.24.030
Bank
commercial district 17.24.030
industrial districts 17.32.030
parking 17.48.010
Bar
commercial district 17.24.030
industrial districts 17.32.030
Barbershop, commercial districts 17.24.030
Basement defined 17.10.070
Batching plant
See Concrete batching plant
Bathhouse, commercial districts 17.24.030
Beauty shop, commercial districts 17.24.030
Beverage bottling plant See Bottling plant
Bicycle sales, rental, service, commercial districts 17.24.030
Billiard hall, commercial districts 17.24.030
Bleaching powder manufacturing, industrial districts 17.32.030
Blueprinting, commercial districts 17.24.030
Boardinghouse
Mix of extracted text
See also Commercial districts
building height 17.28.060
conditional uses 17.28.030
designated 17.12.010
landscaping requirements 17.28.090
loading area 17.28.080
lot area, width, coverage, front, side yards 17.28.040
parking 17.28.070
permitted uses 17.28.020
purpose 17.28.010
yard, rear 17.28.050
C-3 district
See also Commercial districts
building height 17.30.060
conditional uses 17.30.030
designated 17.12.010
landscaping requirements 17.30.090
loading area 17.30.080
lot area, width, coverage, front, side yard 17.30.040
parking 17.30.070
permitted uses 17.30.020
purpose 17.30.010
yard, rear 17.30.050
Cabinet shop
commercial districts 17.24.030
industrial districts 17.32.030
Café
commercial districts 17.24.030
drive-in
See Drive-in
industrial districts 17.32.030
Camera store, commercial districts 17.24.030
Camper body
manufacturing, industrial districts 17.32.030
sales, rental, service
commercial districts 17.24.030
industrial districts 17.32.030
Candy manufacturing, industrial districts 17.32.030
Candy store, commercial districts 17.24.030
Canvas manufacturing, industrial districts 17.32.030
Cardroom, commercial districts 17.24.030
Card shop, commercial districts 17.24.030
Caretaker residence, industrial districts 17.32.030
Carnival
commercial districts 17.24.030
industrial districts 17.32.030
Carpet cleaning plant, industrial districts 17.32.030
Car wash
See Automobile
Casting foundry, industrial districts 17.32.030
Cat kennel
See Kennel
Cement manufacturing, industrial districts 17.32.030
Cement products manufacturing, industrial districts 17.32.030
Cemetery
commercial districts 17.24.030
residential districts 17.14.030
Central business district
See C-2 District
Charm school, commercial districts 17.24.030
Chemical manufacture, storage, industrial districts 17.32.030
Child care center, commercial districts 17.24.030
Child-family guidance clinic, commercial districts 17.24.030
Chiropractic office, residential districts 17.14.030
Chlorine manufacturing, industrial districts 17.32.030
Church
commercial districts 17.24.030
industrial districts 17.32.030
parking 17.48.010
residential districts 17.14.030
Circus
commercial districts 17.24.030
industrial districts 17.32.030
Citizen improvement club, commercial districts 17.24.030
Cleaning
agency, commercial districts 17.24.030
pick-up station, commercial districts 17.24.030
plant, industrial districts 17.32.030
Clothing store, commercial districts 17.24.030
Cloth manufacturing, industrial districts 17.32.030
Club, parking 17.48.010
Cocktail lounge, parking 17.48.010
Coffee shop, commercial districts 17.24.030
Coin store, commercial districts 17.24.030
Cold storage  
commercial districts 17.24.030  
industrial districts 17.32.030
Cold storage plant, commercial districts  
17.24.030
Collection facilities  
See Recycling facilities
College  
commercial districts 17.24.030  
residential districts 17.14.030
Commercial districts  
See also Specific Commercial Districts permitted uses 17.24.030 purpose 17.24.010 use symbols designated 17.24.020
Commercial service establishment, parking  
17.48.010
Community apartment, residential districts  
17.14.030
Community center, commercial districts  
17.24.030
Computer operations, industrial districts  
17.32.030
Concrete batching plant, industrial districts  
17.32.030
Concrete product manufacturing, industrial districts 17.32.030
Conditional use permit  
See Use permit
Conditional uses  
C-1 district 17.26.030  
C-2 district 17.28.030  
C-3 district 17.30.030  
Commercial districts 17.24.030  
M-1 district 17.34.030  
M-2 district 17.36.030  
MH district 17.46.060  
R-1 district 17.16.030  
R-2 district 17.18.030  
R-3 district 17.20.030  
R-4 district 17.22.030
Condominium  
commercial districts 17.24.030  
residential districts 17.14.030
Conflicting provisions 17.50.040
Conformance by city officials 17.60.010
Consistency with statutes 17.02.060
Contractor  
See Building contractor office, storage yard
Convalescent hospital  
commercial districts 17.24.030  
residential districts 17.14.030
Cooperative apartment  
See Stock cooperative apartment
Cosmetics manufacturing, industrial districts  
17.32.030
Costume shop, commercial districts  
17.24.030
Council, city  
enactment authority 17.02.050  
planning agency establishment 17.02.040  
subdivision regulation 17.02.070
Country club  
commercial districts 17.24.030  
residential districts 17.14.030
Coverage  
MH district 17.46.090  
R-1 district 17.16.060  
R-2 district 17.18.060  
R-3 district 17.20.060  
R-4 district 17.22.060
Craft school, commercial districts 17.24.030
Creamery, industrial districts 17.32.030
Credit agency  
commercial districts 17.24.030  
industrial districts 17.32.030
Culture school, commercial districts  
17.24.030
Curio shop, commercial districts 17.24.030
Dairy, drive-in  
See Drive-in
Dairy products manufacturing, industrial districts 17.32.030
Dairy slaughtering, processing, A district  
17.40.030
Dancehall  
commercial districts 17.24.030  
parking 17.48.010
Dance studio, commercial districts 17.24.030
Data processing, industrial districts 17.32.030
Definitions generally 17.10.010
Delicatessen, commercial districts 17.24.030
Density  
See also Development standards purpose 17.06.030
Dental office  
parking 17.48.010  
residential districts 17.14.030
Development purpose 17.04.010
Development standards  
MP district 17.44.030
Disinfecting service
commercial districts 17.24.030
industrial districts 17.32.030

Distance between buildings
See Building

Districts
See also Specific District
boundary
determination 17.50.020
interpretation 17.12.030
map adopted 17.12.040
designated 17.12.010

Dog kennel
See Kennel

Drafting service, commercial districts
17.24.030

Drapery store, commercial districts 17.24.030

Draying, industrial districts 17.32.030

Dressmaker, commercial districts 17.24.030

Drive-in
café, commercial districts 17.24.030
dairy, commercial districts 17.24.030
food market, commercial districts
17.24.030
stand, commercial districts 17.24.030

Driving school, commercial districts
17.24.030

Drug manufacturing, industrial districts
17.32.030

Drugstore, commercial districts 17.24.030

Duplex
commercial districts 17.24.030
parking 17.48.010
residential districts 17.14.030

Dwelling
See also Specific Dwelling
defined 17.10.130
group, defined 17.10.140
multiple- family
See also Multiple-family dwelling
defined 17.10.150
one-family
See also One-family dwelling
defined 17.10.160
two- family
See also Two-family dwelling
defined 17.10.170
unit defined 17.10.180

Dyeing plant
industrial districts 17.32.030

Egg processing facility, industrial districts
17.32.030

Electronic equipment store, commercial
districts 17.24.030

Electronic products assembly, industrial
districts 17.32.030

Electronic sign manufacturing, industrial
districts 17.32.030

Employee dwelling
See also Servants quarters
commercial districts 17.24.030
residential districts 17.14.030

Enforcement 17.60.020

Environmental impact review 17.02.080

Equipment rental agency
commercial districts 17.24.030
industrial districts 17.32.030

Excavation, industrial districts 17.32.030

Eyeglass sales, service, commercial districts
17.24.030

Family defined 17.10.190

Fat rendering, industrial districts 17.32.030

F district
conflicting regulations 17.42.050
designated 17.12.020
landscaping 17.42.030
purpose 17.42.010
signs 17.42.040
yards 17.42.020

Feather processing, industrial districts
17.32.030

Feed yard, industrial districts 17.32.030

Fences 17.50.070

Fertilizer manufacturing, industrial districts
17.32.030

Fiber processing, industrial districts
17.32.030

Finance agency
commercial districts 17.24.030
industrial districts 17.32.030

Fish products manufacturing, industrial
districts 17.32.030

Flag lot defined 17.10.200

Floor covering store, commercial districts
17.24.030

Florist, commercial districts 17.24.030

Food market, drive-in
See Drive-in

Food products
manufacturing, industrial districts
17.32.030
Food store
  commercial districts 17.24.030
  parking 17.48.010
Foundry
  See Casting foundry
Four-plex
  parking 17.48.010
  residential districts 17.14.030
Framing shop
  See Picture framing shop
Fraternal hall
  commercial districts 17.24.030
  residential districts 17.14.030
Fraternity, residential districts 17.14.030
Freight yard, industrial districts 17.32.030
Front yard
  See Yard
Frozen food locker
  commercial districts 17.24.030
  industrial districts 17.32.030
Fruit packing, industrial districts 17.32.030
Fuel yard, industrial districts 17.32.030
Fumigating service
  commercial districts 17.24.030
  industrial districts 17.32.030
Fun center, commercial districts 17.24.030
Funeral establishment
  commercial districts 17.24.030
  industrial districts 17.32.030
  parking 17.48.010
Furniture store
  commercial districts 17.24.030
  industrial districts 17.32.030
  garage, workshop. industrial districts 17.32.030
Garage
  auto repair
    See Automobile
    commercial, defined 17.10.210
    equipment, tool sales, commercial districts 17.24.030
    parking
      commercial districts 17.24.030
      defined 17.10.220
      industrial districts 17.32.030
    private, defined 17.10.230
Gardening
  commercial districts 17.24.030
  residential districts 17.14.030
  service, commercial districts 17.24.030
  yard, workshop. industrial districts 17.32.030
  Garden supplies, retail
    industrial districts 17.32.030
Garment manufacturing, industrial districts 17.32.030
Gas
  bottled
    See Bottled gas sale, storage
    manufacturing, industrial districts 17.32.030
General apartment district
  See R district
General commercial district
  See C-3 district
General industrial district
  See M district
General plan
  conflicts with zoning 17.08.030
  consistency with zoning 17.08.020
  contents 17.02.030
  implementation 17.04.070
  zoning relationship 17.08.010
Gift shop, commercial districts 17.24.030
Glue manufacturing, industrial districts 17.32.030
Golf course
  commercial districts 17.24.030
  residential districts 17.14.030
Government building, residential districts 17.14.030
Grain store
  commercial districts 17.24.030
  industrial districts 17.32.030
Grinding service, commercial districts 17.24.030
Group care facility
  commercial districts 17.24.030
  residential districts 17.32.030
Group dwelling defined 17.10.140
Guest dwelling
  commercial districts 17.24.030
  residential districts 17.14.030
Gun shop, commercial districts 17.24.030
Gunsmith, commercial districts 17.24.030
Gypsum manufacturing, industrial districts 17.32.030
Hair processing, industrial districts 17.32.030
Hardware store, commercial districts 17.24.030
Hay store
  commercial districts 17.24.030
industrial districts 17.32.030
Hearing aid sales, service, commercial districts 17.24.030
Height
  See Building
Helicopter port, defined 17.10.240
Hobby school, commercial districts 17.24.030
Home furnishing store, industrial districts 17.32.030
Home occupation
  commercial districts 17.24.030
  defined 17.10.250
  limited, defined 17.10.251
  residential districts 17.14.030
Horticulture
  commercial districts 17.24.030
  residential districts 17.14.030
Hospital
  commercial districts 17.24.030
  convalescent
    See Convalescent hospital
  parking 17.48.010
  residential districts 17.14.030
  veterinary
    See Veterinary hospital
Hotel
  commercial districts 17.24.030
  defined 17.10.260
  equipment sales, commercial districts 17.24.030
  parking 17.48.010
Household moving, storage, commercial districts 17.24.030
Housing bonus incentive 17.50.090
Ice cream parlor, commercial districts 17.24.030
Ice manufacturing plant, industrial districts 17.32.030
Improvements required 17.50.091
Industrial districts
  See also Specific District
  permitted uses 17.32.030
  purpose 17.32.010
  use symbols designated 17.32.020
Institutional group care facility, commercial districts 17.24.030
Instrument repair
  See Musical instrument repair
Insurance office, residential districts 17.14.030
Interior decorator
  office, commercial districts 17.24.030
  service, workshop, commercial districts 17.24.030
Janitor service, commercial districts 17.24.030
Jewelry store, commercial districts 17.24.030
Judo school, commercial districts 17.24.030
Junkyard
  defined 17.10.270
  industrial districts 17.32.030
Kennel
  A district 17.40.030
  boarding, commercial districts 17.24.030
  industrial districts 17.32.030
  training, commercial districts 17.24.030
Key, lock shop, commercial districts 17.24.030
Laboratory
  dental, commercial districts 17.24.030
  industrial districts 17.32.030
  medical, commercial districts 17.24.030
  optical, commercial districts
Labor union hall, commercial districts 17.24.030
Lacquer manufacturing, industrial districts 17.32.030
Landscaping requirements
  C-1 district 17.26.120
  C-2 district 17.28.090
  C-3 district 17.30.090
  F district 17.42.030
  M-1 district 17.34.090
  M-2 district 17.36.080
  R-1 district 17.16.130
  R-2 district 17.18.120
  R-3 district 17.20.120
  R-4 district 17.22.140
  service, commercial districts 17.24.030
  standards 17.50.100
  yard, workshop, industrial districts 17.32.030
Land value stability 17.04.050
Lapidary shop, commercial districts 17.24.030
Laundromat, self-service, commercial districts 17.24.030
Laundry
  agency, commercial districts 17.24.030
  industrial districts 17.32.030
  pick-up station, commercial districts 17.24.030
Leather processing, industrial districts 17.32.030
Legal office, residential districts 17.14.030
Library, commercial districts 17.24.030
Light industrial district
See M-1 district
Lime manufacturing, industrial districts 17.32.030
Linseed oil manufacturing, industrial districts 17.32.030
Liquor store, commercial districts 17.24.030
Lithography, industrial districts 17.32.030
Livestock farming, A district 17.32.020
Loading
See also Parking, loading
C-1 district 17.26.090
C-2 district 17.28.080
C-3 district 17.30.080
M-1 district 17.34.070
R-4 district 17.22.120
Locksmith, commercial districts 17.24.030
Lodge
commercial districts 17.24.030
parking 17.48.010
residential districts 17.14.030
Lodginghouse defined 17.10.280
Lot
See also Development standards
MH district 17.46.070
R-1 district 17.16.040
R-2 district 17.18.040
R-3 district 17.20.040
R-4 district 17.22.040
corner, defined 17.10.300
defined 17.10.290
density
See Density
division, use restrictions 17.50.060
flag
See Flag lot
size
See also Development standards
determination, purpose 17.06.020
width
defined 17.10.3 10
MH district 17.46.080
purpose 17.06.070
R-1 district 17.16.050
R-2 district 17.18.050
R-3 district 17.20.050
R-4 district 17.22.050
Lot area, width, building regulations, C-i
district 17.26.040
Lot area, width, coverage, yards
C-2 district 17.28.040
C-3 district 17.30.040
M-1 district 17.34.040
M district 17.36.040
Lumber sales, retail, commercial districts 17.24.030
M-1 district
See also Industrial districts
building height 17.34.080
conditional uses 17.34.030
designated 17.12.010
landscaping requirements 17.34.090
loading area 17.34.070
lot area, width, coverage, front, side yards 17.34.040
parking 17.34.060
permitted uses 17.34.020
purpose 17.34.010
yard, rear 17.34.050
M-2 district
See also Industrial districts
building height 17.36.060
conditional uses 17.36.030
designated 17.12.010
landscaping requirements 17.36.080
lot area, width, coverage, yards 17.36.040
parking 17.36.050
permitted uses 17.36.020
purpose 17.36.010
Machine shop, industrial districts 17.32.030
Magazine
printing, commercial districts 17.24.030
stand, commercial districts 17.24.030
Mailing service, commercial districts 17.24.030
Manufacturing
See also Specific Product
loading spaces 17.48.010
parking 17.48.010
Map
See also Text, maps purpose
adopted 17.12.050
Massage establishment, service, commercial
districts 17.24.030
Maximum main building coverage
See Coverage
Meat market, commercial districts 17.24.030
Meat products manufacturing, industrial districts 17.32.030
Medical clinic, residential districts 17.14.030
Medical office
   parking 17.48.010
   residential districts 17.14.030
Messenger service, commercial districts 17.24.030
MH district
   architectural standards 17.46.040
   building
      height 17.46.150
      width 17.46.100
   conditional uses 17.46.060
   coverage 17.46.090
   designated 17.12.020
   eligibility 17.46.020
   lot
      area 17.46.070
      width 17.46.080
   mobile home defined 17.46.030
   parking 17.46.140
   permitted uses 17.46.050
   purpose 17.46.010
   yard
      front 17.46.110
      rear 17.46.130
      side 17.46.120
Military surplus store, commercial districts 17.24.030
Mining, industrial districts 17.32.030
Mission
   See Rescue mission
Mobile home defined 17.10.320
   manufacture, industrial districts 17.32.030
   sales, rental, service, storage
   commercial districts 17.24.030
   industrial districts 17.32.030
Mobile home park defined 17.10.330
   MP district 17.44.020
   parking 17.48.010
Multiple-family dwelling
   commercial districts 17.24.030
   parking 17.48.010
Motel
   commercial districts 17.24.030
   industrial districts 17.32.030
   Motorcycle sales
      commercial districts 17.24.030
      industrial districts 17.32.030
Movie theater
   See also Theater
      commercial districts 17.24.030
      industrial districts 17.32.030
Moving, storage service, industrial districts 17.32.030
MP district
   additional conditions 17.44.090
   conflicting provisions 17.44.100
   designated 17.12.020
   development standards 17.44.030
   enclosures 17.44.080
   height 17.44.070
   permitted uses 17.44.020
   purpose 17.44.010
   recreation area 17.44.050
   storage 17.44.060
   utilities, drainage 17.44.040
Nonconforming structure
   See also Nonconforming use, building defined 17.10.340
Nonconforming use
   See also Nonconforming use, building defined 17.10.350
Nonconforming use, building
   maintenance, restoration 17.56.020
   use change 17.56.030
   land use 17.56.040
   occupancy permit required 17.56.050
   purpose 17.56.010
   use permit 17.56.060
Nonprescription drugs, commercial districts
17.24.030 Novelty shop, commercial districts
Nursery
  children, commercial districts
  plant, commercial districts
Office
  See also Specific Office
  parking 17.48.010
Office equipment sales, commercial districts
17.24.030
Office machine sales, commercial districts
17.24.030
Off-street loading
  See Parking, loading
Off-street parking
  See Parking
Oil manufacturing, industrial districts
17.32.030
Oil rendering, industrial districts
17.32.030
Open space, purpose 17.04.040
Optometric office, residential districts
1714.030
Ornamental rock sales
  commercial districts
  industrial districts
Outdoor advertising
  defined 17.10.360
  sign, structure defined 17. 10.370
Outdoor recreation facility
  commercial districts
  residential districts
Owner residence, industrial districts
17.32.030
Paint manufacturing, industrial districts
17.32.030
Paint store, commercial districts
17.24.030
Paper
  manufacturing, industrial districts
  processing, industrial districts
Parking
  See also Parking, loading
  accessway width 17.48.050
  C-1 district 17.26.080
  C-2 district 17.28.070
  C-3 district 17.30.070
  construction standards 17.48.060
  drainage 17.48.070
  driveway width 17.48.040
  location, driveway length 17.48.030
  M-I district 17.34.060
  M-2 district 17.36.050
  MH district 17.46.140
  R-I district 17.16.110
  R-2 district 17.18.100
  R-3 district 17.20.100
  R-4 district 17.22.110
  second unit 17.51.050
Parking garage
  See Garage
Parking, loading
  number of spaces required 17.48.010
  space size 17.48.020
Parking lot
  commercial districts
  defined 17.10.380
  industrial districts 17.32.030
Parking space defined 17.10.390
Parks
  See Public facility planning
Pastry shop, commercial districts
17.24.030
Pawnshop, commercial districts
17.24.030
PD district
  application
  contents 17.38.050
  procedure 17.38.060
  approval 17.38.080
  city initiation 17.38.070
  designated 17.12.020
  permitted uses 17.38.020
  purpose 17.38.010
  review criteria 17.38.040
  use intensity 17.38.030
Permitted uses
  A district
  C-I district 17.26.020
  C-2 district 17.28.020
  C-3 district 17.30.020
  commercial districts
  industrial districts 17.32.030
  M-I district 17.34.020
  M district 17.36.020
  MH district 17.46.050
  MP district 17.44.020
  PD district 17.38.020
  R-I district 17.16.020
  R-2 district 17.18.020
  R district 17.20.020
  R-4 district 17.22.020
  residential districts 17.14.030
Personal services, parking 17.48.010
Pest control service
commercial districts 17.24.030
industrial districts 17.32.030
Pet grooming service, commercial districts 17.24.030
Petroleum
bulk storage, industrial districts 17.32.030
products manufacturing, industrial districts 17.32.030
Pet store, commercial districts 17.24.030
Pharmacy
See Prescription pharmacy
Photographic supply, commercial districts 17.24.030
Photography studio, commercial districts 17.24.030
Physical therapy clinic, commercial districts 17.24.030
Picture framing shop, commercial districts 17.24.030
Planning mill, industrial districts 17.32.030
Planned development combining district
See PD district
Planning agency establishment 17.02.040
Planning commission
use permit
findings required 17.52.030
issuance 17.52.010
revocation 17.52.040
variance findings 17.54.040
zoning title amendment hearing 17.58.020
Plant nursery
See Nursery
Plaster manufacturing, industrial districts 17.32.030
Plaster of Paris manufacturing, industrial districts 17.32.030
Plastic
manufacturing, industrial districts 17.32.030
product assembly, industrial districts 17.32.030
Plumbing shop, storage yard, industrial districts 17.32.030
Poodle grooming, commercial districts 17.24.030
Pool hail, commercial districts 17.24.030
Poultry slaughtering, processing, A district 17.40.030
Power tool sales, commercial districts 17.24.030
Precious stone, metal processing, industrial districts 17.32.030
Prescription pharmacy, commercial districts 17.24.030
Printing
commercial districts 17.24.030
industrial districts 17.32.030
Professional office
commercial districts 17.24.030
industrial districts 17.32.030
parking 17.48.010
residential districts 17.14.030
Proprietor residence, industrial districts 17.32.030
Psychiatric facility, commercial districts 17.24.030
Public building, industrial districts 17.32.030
Public facility
planning 17.04.060
residential districts 17.14.030
Public health, safety, welfare protection 17.04.030
Publicly owned building, commercial districts 17.24.030
Public utility facility
commercial districts 17.24.030
industrial districts 17.32.030
residential districts 17.14.030
Pulp manufacturing, industrial districts 17.32.030
Public works director
parking area surfacing approval 17.48.060
R-1 district
See also Residential districts
building
height 17.16.120
width 17.16.070
conditional uses 17.16.030
coverage 17.16.060
designated 17.12.010
landscaping requirements 17.16.130
lot
area 17.16.040
width 17.16.050
parking 17.16.110
permitted uses 17.16.020
purpose 17.16.010
yard
front 17.16.080
rear 17.16.100
side 17.16.090
R-2 district
See also Residential districts
building height 17.18.110
conditional uses 17.18.030
coverage 17.18.060
designated 17.12.010
landscaping requirements 17.18.120
lot
   area 17.18.040
   width 17.18.050
parking 17.18.100
permitted uses 17.18.020
purpose 17.18.010
yard
   front 17.18.070
   rear 17.18.090
   side 17.18.080

R-3 district
See also Residential districts
building height 17.20.110
conditional uses 17.20.030
coverage 17.20.060
designated 17.12.010
landscaping requirements 17.20.120
lot
   area 17.20.040
   width 17.20.050
parking 17.20.100
permitted uses 17.20.020
purpose 17.20.010
yard
   front 17.20.070
   rear 17.20.090
   side 17.20.080

R-4 district
See also Residential districts
building height 17.22.130
conditional uses 17.22.030
coverage 17.22.060
designated 17.12.010
distance between buildings 17.22.100
landscaping requirements 17.22.140
loading area 17.22.120
lot
   area 17.22.040
   width 17.22.050
parking 17.22.110
permitted uses 17.22.020
purpose 17.22.010
yard
   front 17.22.070
   rear 17.22.090
   side 17.22.080

Rabbit slaughtering, processing, A district 17.40.030
Radio sales, service, commercial districts 17.24.030
Radio studio, commercial districts 17.24.030
Railroad repair shop, industrial districts 17.32.030
Real estate office
   residential districts 17.14.030
   temporary tract sales, residential districts 17.14.030
Real estate tract sales sign, residential districts 17.14.030
Rear yard
   See Yard
Recording studio, commercial districts 17.24.030
Record store, commercial districts 17.24.030
Recreation facility
   indoor, commercial districts 17.24.030
   outdoor
      commercial districts 17.24.030
      industrial districts 17.32.030
Recycling facilities
   commercial districts 17.24.030
   defined, types designated 17.10.395
Reducing studio, commercial districts 17.24.030
Regulations adopted 17.02.020
Repair shop, parking 17.48.010
Requirements minimum standards 17.50.030
Rescue mission, commercial districts 17.24.030
Research institute, industrial districts 17.32.030
Residential care home
   adults
      commercial districts 17.24.030
      residential districts 17.14.030
   children
      commercial districts 17.24.030
      residential districts 17.14.030
Residential districts
   See also Specific Residential District
   permitted use 17.14.030
   purpose 17.14.010
   use designation symbols 17.14.020
Restaurant
   commercial districts 17.24.030
   drive-in
See Drive-in equipment sales, commercial districts 17.24.030 industrial districts 17.32.030 parking 17.48.010

Rest home
commercial districts 17.24.030 parking 17.48.010

Retail sales, limited permitted, industrial districts 17.32.030
Retail store
See Specific Store or Specific Retail Product loading spaces 17.48.010 parking 17.48.010
Reverse vending machine
See Recycling facilities

Review
See Administrative review

Rock
See Ornamental rock sales

Rolling mill, industrial districts 17.32.030 Rooming house, parking 17.48.010 Row house, residential districts 17.14.030 Rug cleaning plant, industrial districts 17.32.030 Saddlery shop, commercial districts 17.24.030
Sanitarium
commercial districts 17.24.030 parking 17.48.010

Sauerkraut manufacturing, industrial districts 17.32.030
Sauna, commercial districts 17.24.030 Savings and loan commercial district 17.24.030 industrial districts 17.32.030 Sawmill, industrial districts 17.32.030 School
See also Specific School Public facility planning commercial districts 17.24.030 residential districts 17.14.030

Screening
See also Landscaping requirements requirements 17.50,100
Second unit
appearance 17.51.040 application procedure 17.51.090 construction 17.51.070 defined 17.51.030
nonconforming use 17.51.080 occupancy 17.51.060 off-street parking 17.51.050 permit required 17.51.020 purpose 17.51.010

Seed store
commercial districts 17.24.030 industrial districts 17.32.030
Self-defense school, commercial districts 17.24.030
Semiprecious stone, metal processing, industrial districts 17.32.030 Servants quarters
See also Employee dwelling defined 17.10.400

Service station
See also Truck
commercial districts 17.24.030 defined 17.10.410 industrial districts 17.32.030 parking 17.48.010

Setback line
See also Development standards defined 17.10.420

Sewers
See Public facility planning

Sharpening service, commercial districts 17.24.030
Sheet metal shop, industrial districts 17.32.030 Shellac manufacturing, industrial districts 17.32.030 Shoe repair shop, commercial districts 17.24.030 Shoe shine parlor, commercial districts 17.24.030 Shoe store, commercial districts 17.24.030 Shopping center, parking 17.48.010 Side yard
See Yard

Signs, sign regulations
A-frame signs defined 17.49.030 Address sign defined 17.49.030 Applicability of provisions 17.49.020 Awning sign defined 17.49.030 Banner sign defined 17.49.030 Billboards defined 17.49.030 Building sign defined 17.49.030 Canopy sign defined 17.49.030 Changeable copy sign defined 17.49.030
Civic event sign defined 17.49.030
Contractor/developer sign defined 17.49.030
Criteria generally 17.49.050
Definitions, defined 17.49.030
Developer/contractor sign defined 17.49.030
Directional sign defined 17.49.030
Directory sign defined 17.49.030
F district 17.42.040
Flags defined 17.49.030
Flashing sign defined 17.49.030
Freestanding sign defined 17.49.030
Gas station sign defined 17.49.030
Information sign, public, defined 17.49.030
Interior sign defined 17.49.030
Lighting 17.49.060
Maintenance 17.49.070
Monument sign defined 17.49.030
Off-premises sign defined 17.49.030
Off-site sign defined 17.49.030
Permit requirements generally 17.49.020
Pole sign defined 17.49.030
Political sign defined 17.49.030
Prohibited signs 17.49.040
Projecting sign defined 17.49.030
Public information sign defined 17.49.030
Purpose of provisions 17.49.020, 17.49.050
Real estate sign defined 17.49.030
Regulations 17.49.080
Roof sign defined 17.49.030
Seasonal display defined 17.49.030
Special event sign defined 17.49.030
Standards 17.49.080
Suspended sign defined 17.49.030
Vehicle sign defined 17.49.030
Single-family residence

district
See R-1 district
parking 17.48.010
residential districts 17.14.030
Small livestock farm, A district 17.40.020
Soap manufacturing, industrial districts 17.32.030
Soda fountain, commercial districts 17.24.030
Sodium compound manufacturing, industrial districts 17.32.030
Sorority, residential districts 17.14.030
Special agricultural combining district
See A district
Special combining districts

See also Specific District
designated 17.12.020
Special highway frontage combining district
See F district
Sporting goods store, commercial districts 17.24.030
Sports cycle shop, commercial districts 17.24.030
Stable

commercial
A district 17.40.030
defined 17.10.430
private
A district 17.40.030
defined 17.10.440
Stadium, parking 17.48.010
Stamp store, commercial districts 17.24.030
Stand, drive-in
See Drive-in
Stationery store, commercial districts 17.24.030
Steam bath, commercial districts 17.24.030
Stenographic service, commercial districts 17.24.030
Stock cooperative apartment
See also Condominium
residential district 17.14.030
Storage
MP district 17.44.060
wholesale
See Wholesale storage
Story, defined 17.10.450
Street
See also Development standards
Public facility planning
dedication requirement 17.50.091
defined 17.10.460
Structural alterations defined 17.10.470
Structure
defined 17.10.480
nonconforming
See Nonconforming structure
Studio
See Specific Studio
Subdivision
See also SUBDIVISION
regulation 17.02.070
Sundries, commercial districts 17.24.030
Supermarket, commercial districts 17.24.030
Surplus store
See Military surplus store
Swimming pool supplies sales, commercial districts 17.24.030
Tailor, commercial districts 17.24.030
Tar
distillation, industrial districts 17.32.030
products manufacturing, industrial districts 17.32.030
Tasting room
See Winery
Tattoo parlor, commercial districts 17.24.030
Tavern
commercial districts 17.24.030
industrial districts 17.32.030
Taxicab service, storage facility, commercial districts 17.24.030
Taxidermist, commercial districts 17.24.030
Telegraph office
commercial districts 17.24.030
industrial districts 17.32.030
Telephone answering service, commercial districts 17.24.030
Television
sales, service, commercial districts 17.24.030
studio, commercial districts 17.24.030
Temporary
commercial uses 17.14.030
construction facilities, residential districts 17.14.030
Terra cotta manufacturing, industrial districts 17.32.030
Textile manufacturing, industrial districts 17.32.030
Text, maps purpose 17.04.020
Theater
See also Movie theater
parking 17.38.010
Ticket agency, commercial districts 17.24.030
Tile manufacturing, industrial districts 17.32.030
Tire
See also Automobile
Re-treading, recapping, rebuilding, industrial districts 17.32.030
shop
See Automobile
Title of provisions 17.02.010
Tobacco shop, commercial districts 17.24.030
Tourist court defined 17.10.490
Towing service, commercial district 17.24.030
Townhouse, residential districts 17.14.030
Toy store, commercial districts 17.24.030
Trade school, commercial districts 17.24.030
Trail bike shop, commercial districts 17.24.030
Travel agency, commercial districts 17.24.030
Travel trailer
manufacture, industrial districts 17.32.030
sales, rental, service, storage
commercial districts 17.24.030
industrial districts 17.32.030
Tree service, commercial districts 17.24.030
Triplex
parking 17.48.010
residential districts 17.14.030
Trophy, emblem store, commercial districts 17.24.030
Truck
sales, rental, storage
commercial districts 17.24.030
industrial districts 17.32.030
service station, commercial districts 17.24.030
terminal, industrial districts 17.32.030
Turkish bath, commercial districts 17.24.030
Turpentine manufacturing, industrial districts 17.32.030
Two-family residence
commercial districts 17.24.030
residential districts 17.14.030
University
commercial districts 17.24.030
residential districts 17.14.030
Upholstery shop
automobile
See Automobile
Use permit
appeal 17.52.050
application, fee 17.52.020
findings required 17.52.030
nonconforming use, building 17.56.060
purpose 17.52.010
revocation procedure 17.52.040
Uses requiring use permit, A district 17.40.030
Utility trailer rental, storage
commercial districts 17.24.030
industrial districts 17.32.030
<table>
<thead>
<tr>
<th>Topic</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Variance appeal</td>
<td>17.54.050</td>
</tr>
<tr>
<td>application, fee</td>
<td>17.54.020</td>
</tr>
<tr>
<td>findings required</td>
<td>17.54.040</td>
</tr>
<tr>
<td>hearing</td>
<td>17.54.030</td>
</tr>
<tr>
<td>purpose</td>
<td>17.54.010</td>
</tr>
<tr>
<td>revocation</td>
<td>17.54.060</td>
</tr>
<tr>
<td>Varnish manufacturing, industrial districts</td>
<td>17.32.030</td>
</tr>
<tr>
<td>Vegetable packing, industrial districts</td>
<td>17.32.030</td>
</tr>
<tr>
<td>Veterinarian, commercial districts</td>
<td>17.24.030</td>
</tr>
<tr>
<td>Veterinary hospital</td>
<td>A district 17.40.030</td>
</tr>
<tr>
<td></td>
<td>industrial districts 17.32.030</td>
</tr>
<tr>
<td>Vinegar manufacturing, industrial districts</td>
<td>17.32.030</td>
</tr>
<tr>
<td>Violation</td>
<td>17.60.040</td>
</tr>
<tr>
<td>abatement</td>
<td>17.60.030</td>
</tr>
<tr>
<td>penalty</td>
<td>17.60.030</td>
</tr>
<tr>
<td>remedies cumulative</td>
<td>17.60.050</td>
</tr>
<tr>
<td>Voice studio, commercial districts</td>
<td>17.24.030</td>
</tr>
<tr>
<td>Wallpaper store, commercial districts</td>
<td>17.24.030</td>
</tr>
<tr>
<td>Warehouse, commercial districts</td>
<td>17.24.030</td>
</tr>
<tr>
<td>Warehousing</td>
<td>17.48.010</td>
</tr>
<tr>
<td>loading spaces</td>
<td>17.48.010</td>
</tr>
<tr>
<td>parking</td>
<td>17.48.010</td>
</tr>
<tr>
<td>Water</td>
<td>See Public facility planning</td>
</tr>
<tr>
<td>Welding shop, industrial districts</td>
<td>17.32.030</td>
</tr>
<tr>
<td>Wholesale distributor</td>
<td>17.24.030</td>
</tr>
<tr>
<td>commercial districts</td>
<td>17.32.030</td>
</tr>
<tr>
<td>service facility, industrial districts</td>
<td>17.32.030</td>
</tr>
<tr>
<td>Wholesale establishment, parking</td>
<td>17.48.010</td>
</tr>
<tr>
<td>Wholesale storage</td>
<td>17.48.010</td>
</tr>
<tr>
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<td>17.48.010</td>
</tr>
<tr>
<td>parking</td>
<td>17.48.010</td>
</tr>
<tr>
<td>Wholesale store</td>
<td>17.24.030</td>
</tr>
<tr>
<td>commercial districts</td>
<td>17.32.030</td>
</tr>
<tr>
<td>industrial districts</td>
<td>17.32.030</td>
</tr>
<tr>
<td>Wig sales, service, commercial districts</td>
<td>17.24.030</td>
</tr>
<tr>
<td>Winemaking, industrial districts</td>
<td>17.23.030</td>
</tr>
<tr>
<td>Winery</td>
<td>17.24.030</td>
</tr>
<tr>
<td>sales facility, commercial districts</td>
<td>17.24.030</td>
</tr>
<tr>
<td>tasting room, commercial districts</td>
<td>17.24.030</td>
</tr>
<tr>
<td>Wood processing, industrial districts</td>
<td>17.32.030</td>
</tr>
<tr>
<td>Wool pulling, scouring, industrial districts</td>
<td>17.32.030</td>
</tr>
<tr>
<td>Wrecking yard, industrial districts</td>
<td>17.32.030</td>
</tr>
<tr>
<td>Yard</td>
<td>See also Development standards</td>
</tr>
<tr>
<td></td>
<td>A district 17.40.040</td>
</tr>
<tr>
<td></td>
<td>defined 17.10.500</td>
</tr>
<tr>
<td></td>
<td>F district 17.42.020</td>
</tr>
<tr>
<td>front</td>
<td>C-1 district 17.26.050</td>
</tr>
<tr>
<td></td>
<td>defined 17.10.510</td>
</tr>
<tr>
<td></td>
<td>MH district 17.46.110</td>
</tr>
<tr>
<td></td>
<td>purpose 17.06.040</td>
</tr>
<tr>
<td></td>
<td>R-1 district 17.16.080</td>
</tr>
<tr>
<td></td>
<td>R-2 district 17.18.070</td>
</tr>
<tr>
<td></td>
<td>R-3 district 17.20.070</td>
</tr>
<tr>
<td></td>
<td>R-4 district 17.44.070</td>
</tr>
<tr>
<td>rear</td>
<td>C-1 district 17.26.070</td>
</tr>
<tr>
<td></td>
<td>C-2 district 17.28.050</td>
</tr>
<tr>
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<td>C-3 district 17.30.050</td>
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<td></td>
<td>defined 17.10.520</td>
</tr>
<tr>
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</tr>
<tr>
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<td>MH district 17.46.130</td>
</tr>
<tr>
<td></td>
<td>purpose 17.06.060</td>
</tr>
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<td>R-4 district 17.22.090</td>
</tr>
<tr>
<td>side</td>
<td>C-1 district 17.26.060</td>
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<tr>
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<td>defined 17.10.530</td>
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<tr>
<td></td>
<td>MH district 17.46.120</td>
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<tr>
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<td>purpose 17.06.050</td>
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<tr>
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<td>R-2 district 17.18.080</td>
</tr>
<tr>
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<td>R-3 district 17.20.080</td>
</tr>
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<td>R4 district 17.22.080</td>
</tr>
<tr>
<td>use regulations</td>
<td>17.50.070</td>
</tr>
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<td>Yarn manufacturing, industrial districts</td>
<td>17.32.030</td>
</tr>
<tr>
<td>Yeast manufacturing, industrial districts</td>
<td>17.32.030</td>
</tr>
<tr>
<td>Zones</td>
<td>See Districts</td>
</tr>
</tbody>
</table>